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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ADERHOLT).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 28, 2003.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2989. An act making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2989) "An Act making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SHELBY, Mr. SPECTER, Mr. BOND, Mr. BENNETT, Mr. CAMPBELL, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. STEVENS, Mrs. MURRAY, Mr. BYRD, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mr. DURBIN, Mr. DORGAN, and Mr. INOUE to be the conferees on the part of the Senate.

The message also announced that the Senate has passed bills of the following

titles in which the concurrence of the House is requested:

S. 1146. An act to implement the recommendations of the Garrison Unit Joint Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota.

S. 1194. An act to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

S. 1768. An act to extend the national flood insurance program.

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Texas (Mr. DELAY).

ECONOMY ON THE MOVE

Mr. DELAY. Mr. Speaker, the American economy in the third quarter of this year gave more indications than ever that we have finally pulled ourselves out of the so-called "bin Laden slump."

And thanks to the hard work, resiliency, and ingenuity of the American people, the economy is growing at higher than expected rates, creating jobs, and spurring new investment.

The stock market is up. Jobless claims are down, and companies' earnings are roaring past projections, meaning that Americans saving for retirement are strengthening their retirement security.

But perhaps the leading economic indicator in the United States today is

the Democrat Party's desperate attempt to change the subject. Democrats' recent silence about the economy is understandable, for the rebound has not only taken away one of their principal political messages, it has also demonstrated the wisdom of President Bush's economic agenda, which we have passed over the last 3 years.

But just as the economy has responded positively to President Bush's proposals to lower taxes, encourage investment, and instill fiscal discipline, it would react negatively to those policies if they were reversed.

The budget-busting spending programs and crippling tax-hike proposals now in favor among the minority would spell disaster for the recovery. They would cost us jobs and stifle innovation, investment, and growth. The lost revenues would put a drain on the national treasury as we move forward to win the war on terror, maintain fiscal accountability, and meet the emerging needs of American seniors.

Only through the kind of growth that our job-creation tax relief measures have spurred will we be able to afford all these priorities.

There is much more to be done. But the most important item on the economic agenda is to check Democrat tax-and-spend plans to hamstring the recovery. Now that the economy is moving again, we have got to build on that momentum with a job-creating energy bill, fiscally responsible spending bills, and further success in the war on terror.

We have made our Nation safer and stronger since 9-11, and thanks to the leadership of President Bush, that security has brought us renewed prosperity. And one does not need to take my word for it, Mr. Speaker. Just listen to the sounds of the Democrat silence.

□ 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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IN SUPPORT OF FLOOD INSURANCE REFORM

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

Mr. BLUMENAUER. Mr. Speaker, as we have watched the terrible news coming from Southern California, our hearts go out to the thousands of families that have been displaced. Lives have been disrupted, and in some cases people have died. It is much too early to make judgments about what we could do to reduce that suffering and loss. We do not fully know really what happened there yet and why.

But it is important for us to reflect on other areas where we can act to help make our families safer. In our history the greatest loss from natural disaster has been from flooding, and here we can do something about it.

Floods are our most destructive natural hazard. Since the 1990's, flood losses have doubled to over \$6 billion a year, and hundreds of lives have been lost. This House, before we adjourn for the year, has the opportunity to reauthorize the Flood Insurance Program to help make a difference.

This program was created in 1968 to help people who are in flood-prone areas, authored by some people who knew about floods for example, the late Hale Boggs from Louisiana. Prior to that time, insurance companies generally did not offer insurance to people in these high-risk areas because of the uncertainty that has been involved. Since we authorized the National Flood Insurance Program, it has, in fact, been quite successful. By the year 2000, there have been \$10 billion paid out in claims to some almost 4½ million policy holders. Even more important, it has provided incentives to do something about the problem for people who are in harm's way. We have provided mapping, incentives, things that send the right signals to people to protect themselves in the first place.

I have seen it make a difference in my hometown of Portland, Oregon. We were encouraged, because of the Flood Insurance Program, to do some flood proofing of the community from the beginning; and, in fact, we were able, in the year 2001, to be classified at a class 6. We had the seventh highest classification rating in the country. It resulted in a 20 percent reduction in the flood insurance rate. But more important, it enabled our community to be more flood resistant, and we have survived of late some serious flooding, which in times past would have done much damage and perhaps loss of life, relatively unscathed.

Now with the reauthorization of the Flood Insurance Program, we have an opportunity to help another class of people, those who are involved with repetitive flood loss in areas where year after year after year people are flooded out. Repetitive flood loss properties are less than 1 percent of the cases nation-

ally, but account for 25 percent of the losses each year. And this repetitive flood loss costs everybody because it increases the likelihood of natural disaster, more losses, and putting more people in harm's way while boosting the flood insurance rates for everybody else.

Our bill that is coming forward would help everybody before rather than after the fact. It would, where cost-effective for the insurance program, provide funding to communities to make an offer of flood mitigation, to elevate the home, to flood-proof it. In cases where that is not feasible, to help people relocate, giving them money to move someplace else, at a very favorable match ratio, 75 percent of the money picked up by the Federal Government. In those States where there is even more flood loss, it would be an even more favorable ratio, 90 percent Federal money.

If people felt that they, for whatever reason, did not want to flood-proof their property or they did not want to relocate, they are under no obligation to do so. They would simply pay the full cost of their Flood Insurance Program.

Mr. Speaker, this is a simple, solid, common sense approach. It is a refinement in the Flood Insurance Program to help make it financially sound and eliminate up to \$700 million of cost shift or shortfall. If we can avoid just one 10 percent rate increase, it would save the average policy holder, all 4½ million of them, \$40 a year, every year, a total of \$160 million a year in perpetuity. Most important, it would be a change for people's lives, helping them move out of harm's way so we do not have these tragic reports in the news.

I strongly urge my colleagues to support the flood insurance reform as it comes forward this next month.

SPENDING IS THE REASON FOR DEFICITS

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

Mr. STEARNS. Mr. Speaker, I wanted to bring to my colleagues' attention a recent Washington Post article regarding deficits. What I found refreshing in this article is that it highlights the true reason behind deficits, that is, excessive Federal Government spending.

I realize there have been some difficult choices since September 11, 2001. As we fight the war on terrorism in Iraq, Afghanistan, and other areas that harbor terrorists, we obviously have to increase spending on defense, and I do not think many people would disagree with that, that it is necessary.

However, as any individual or business leader will tell us, when one has to increase spending in one area, they normally hold or decrease spending in another area. That, the Federal Gov-

ernment should realize, is basic Economics 101.

The biggest misconception about deficits is that by themselves they threaten the economy's long-term vitality. Not necessarily true. The real threat is rising government spending. The reason is simple. Government spending must be paid for by either taxes or borrowing, a deficit. If spending rises too high, economic growth may suffer from either steeper taxes or heftier deficits. Spending, Mr. Speaker, is the real culprit.

Robert Samuelson, in his article, notes "since 1961, the Federal Government has run deficits in all but 5 years. Over that same period, the Gross Domestic Product has expanded by almost a factor of four."

So we see that the real problem is excessive spending. The Federal Government does not have its own money to freely spend. It either taxes or borrows the money needed to fund its myriad of programs, many of which have long outlived their usefulness, if they had any to begin with.

Yet we continue to spend. In fact, over the past 5 years, the government has increased spending by \$586 billion. Spending is now just over 20 percent of the Gross Domestic Product. In fact, it is spending, combined with the 2001 recession, that reduced over three-quarters of the previous budget surplus.

Unfortunately, we are going to see additional pressure to increase spending in the future. Baby boomers will be retiring. We are adding a new prescription drug benefit to Medicare, and we will need to continue funding the war on terrorism. And that is precisely why we need to control Federal spending here in Congress.

Samuelson notes that these future spending pressures will result in three choices: raise taxes; borrow funds, deficit spending; or cut benefits to certain programs. Obviously, all of these choices are difficult.

There is another way, Mr. Speaker, and that is to hold down Federal spending and attack waste, fraud, and abuse in this spending. We must also have a Balanced Budget Amendment. It is much easier to hold spending to a minimum if the law obligates us to do so. Clearly, we as a body have not shown sufficient restraint in holding or reducing spending in meaningful ways.

The second measure is to realistically attack waste, fraud, and abuse here in government. The Heritage Foundation notes: "If congressional waste cutters had reduced mandatory spending by just 1 percent in 1980, taxpayers would have saved \$190 billion through 2003, more than \$2,000 per household."

The 2004 Budget Resolution called for a 1 percent cut in programs to be identified by targeting waste, fraud, and abuse. That is an important step both for this year and for future years. However, we should not stop just at 1 percent. The Medicare program alone could be spared up to \$150 billion over

10 years if we effectively could target waste, fraud, and abuse.

Mr. Speaker, our constituents are expecting fiscal restraint. They understand that concept much better, it seems, than even the Federal Government. They understand it from both a business and an individual family standpoint. The recession forced Americans to curb their spending at home. Businesses curbed their spending to hold down costs. They understood that ever over-spending would result in severe problems in the future.

Short-term deficits will not harm our economy. In fact, our economy is improving. However, if we continue to follow an alarming increase in Federal spending, the government will be faced with much more difficult choices in the future and with much more dire consequences.

We must, Mr. Speaker, maintain fiscal discipline and hold down this Federal spending.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 46 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 2 p.m.

PRAYER

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

Over the weekend, Jews of this country again kept holy the Sabbath, Christians celebrated their discipleship in Jesus, and Muslims began the great fast and spiritual renewal of Ramadan.

Lord God, we rejoice in oneness of Abrahamic faith as it finds living expression in our time across this country. In our pluralistic society, help us, Lord, to respect one another and come to a deeper understanding of each other.

By your living Spirit, You can awaken in all our hearts new insights born of our religious traditions that will enlighten the issues of life and justice which confound us.

Enable us to walk by faith into the future. Guide our President and the Members of Congress, that in them faith, loving compassion, and the commitment to justice will bring light and hope to an uncertain world. We rely on You, O Lord, 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. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

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

WELCOMING THE ROMANIAN PRESIDENT TO AMERICA

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

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to welcome Romanian President Ion Iliescu to Washington, and I look forward to personally meeting him tonight. He is meeting with President Bush, Secretary of State Colin Powell, and other American officials during his trip.

President Iliescu's Romania has become one of America's greatest allies on the war on terrorism, standing side by side with the United States in Afghanistan and now in Iraq. In what is a truly multinational effort, at least 600 Romanian troops are in Iraq working with American forces and military from at least 27 other nations.

The Romanian people have a clear understanding of what is at risk in the war on terrorism, as they have a fresh perspective on freedom and liberty. They also know the importance of redevelopment in Iraq, as they have rebuilt their own country over top of the rubble of the former dictator Ceausescu's regime, emerging from communist totalitarianism into new candidacy for NATO membership.

I join all my colleagues in welcoming a true friend, Romanian President Ion Iliescu, to America.

In conclusion, God bless our troops.

HOUSE LEADERSHIP BLOCKING ARMED FORCES TAX FAIRNESS ACT

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

Mr. EDWARDS. Mr. Speaker, it is shameful that the House Republican leadership has passed a \$230,000 tax break this year for people making over \$1 million in dividend income, but that same leadership has bottled up for 7 months the Armed Forces Tax Fairness Act.

The House and Senate passed this bill unanimously in March. It seems the House Republican leadership objects to the fact that the Senate paid for the bill by closing the egregious tax loophole that lets Benedict Arnolds re-

nounce their American citizenship in order to avoid paying American taxes.

It is outrageous that the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), and the majority leader, the gentleman from Texas (Mr. DELAY), seem to be more interested in protecting the Benedict Arnolds who turn their backs on America than helping patriotic Americans who are fighting for our country in time of war.

It is insulting that the House leadership says today that we have time to rename three post offices in bills today, but they do not have time to schedule a final vote on the Armed Forces Tax Fairness Act. I believe military families and veterans all across America will be deeply offended if Congress finishes its work this year without passing the Armed Forces Tax Fairness Act.

FAILURE IS NOT AN OPTION

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

Ms. HARRIS. Mr. Speaker, this House continues to conduct an essential debate over our Nation's policy in Iraq. Nevertheless, meeting the Iraqi people and hearing their story firsthand invoked an old adage with respect to those who offer armchair criticism: talk is cheap.

In the aftermath of the first Gulf War 12 years ago, we encouraged the Iraqi people to rise up against their brutal dictator. Then we left them to Saddam's murderous designs. While this decision may have made sense in terms of U.N. resolutions and international opinion, it amounted to a betrayal of the Iraqi people.

The blood, sacrifice, and heroism of our troops over the last 7 months have once again forged a bond of trust. In the faces of the Iraqis with whom I met, I witnessed a new hope that has not only demonstrated the success of our plan; it testified to the justice of our cause.

Mr. Speaker, regardless of one's opinion about the rationale for this war, one truth remains: to turn back now, to betray the Iraqi people once again will only embolden the terrorists. Let us not debate whether we will produce a free prosperous and peaceful Iraq. Failure is not an option.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

REAUTHORIZING CERTAIN SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS FOR FISCAL YEAR 2004

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3232) to reauthorize certain school lunch and child nutrition programs for fiscal year 2004, as amended.

The Clerk read as follows:

H.R. 3232

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

SECTION 1. REAUTHORIZATION.

(a) **EXCLUSION OF CERTAIN MILITARY HOUSING ALLOWANCES.**—Section 9(b)(7) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(7)) is amended by inserting “and through March 31, 2004” after “and 2003”.

(b) **CHILD AND ADULT CARE FOOD PROGRAM.**—Section 17(a)(2)(B)(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)(B)(i)) is amended by striking “September 30, 2003” and inserting “March 31, 2004”.

(c) **REIMBURSEMENT TO STATES UNDER COMMODITY DISTRIBUTION PROGRAMS.**—Section 15(e) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100-237) is amended by striking “October 1, 2003” and inserting “April 1, 2004”.

(d) **FUNDING MAINTENANCE OF COMMODITY DISTRIBUTION PROGRAMS.**—Section 14(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a(a)) is amended by striking “September 30, 2003” and inserting “March 31, 2004”.

(e) **SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.**—

(1) Section 13(q) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(q)) is amended by striking “the fiscal year beginning” and all that follows through “October 1, 2003” and inserting “the period beginning October 1, 1977, and ending March 31, 2004”.

(2) Section 18(f)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(2)) is amended by striking “of fiscal years 2001 through 2003” and inserting “beginning October 1, 2000, and ending March 31, 2004”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3232.

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

There was no objection.

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

Mr. Speaker, I rise to support bipartisan legislation that extends certain child nutrition provisions through March 31 of 2004. This extension is vital to ensure that low-income children have access to safe and nutritious food in school, after school, and during the summer months.

Members of the Committee on Education and the Workforce in the House and of the Committee on Agriculture in the Senate are busy preparing legislation to reauthorize and improve all the child nutrition programs included in the Child Nutrition and the Richard B. Russell National School Lunch acts. Included in these acts are: the National School Lunch and Breakfast Programs, WIC, and the Child and Adult Care Food, After School Snack, and Summer Food Service Programs. These programs are a critical part of our Nation's effort to ensure that needy children in America do not go hungry.

I have been pleased with the progress made in preparing a reauthorization bill for introduction. Despite our progress, however, committee members do not want to draft such important legislation in haste and so need additional time to ensure that any changes to the current law best serve the interests of the children whom these programs are intended to reach. The extensions included in this legislation can assure us that millions of needy children will not lose access to meals and snacks that are needed for their healthy growth and development and academic success in school.

Millions of children, including many whose mothers and fathers serve in America's armed services, rely on these programs each day. Without this legislation, many children who reside with their parents in privatized military housing would lose the benefit of free or reduced-price school meals. In Delaware, approximately 250 children will benefit from this extension, and up to 100,000 children nationwide. Taking these subsidies from children when many of their mothers and fathers are fighting for our Nation's security at home and abroad would have a devastating effect on these families.

This legislation also would continue the availability of healthy meals and snacks to low-income children enrolled in for-profit child care centers. Additionally, this legislation would allow schools, churches, and community organizations to operate Summer Food Service Program sites and in 14 States to continue special pilot programs that reduce paperwork and thereby increase the number of disadvantaged children who receive free meals and snacks during the summer months.

Mr. Speaker, these are just a few reasons why H.R. 3232 should be approved today with unanimous support. The child nutrition provisions that would be extended through this legislation benefit America's most vulnerable children. It is our duty as lawmakers to ensure that these at-risk children and their families can continue to receive the benefits for which they have been deemed eligible until the Congress can complete its work on legislation reauthorizing both the Child Nutrition Act and the Richard B. Russell National School Lunch Act.

I conclude by asking my fellow colleagues to please join me in support of H.R. 3232.

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

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

I am pleased to join the chairman, the gentleman from Delaware (Mr. CASTLE), in urging passage of H.R. 3232 to ensure that the authority for important child nutrition programs does not expire before the House leadership makes the time to debate these most important issues in the committee and on the floor.

I do hope, however, that when the time comes for the real reauthorization of child nutrition, we can work together in this same bipartisan way to make sure every eligible infant and child in this Nation has access to nutritious food: at home, through the WIC program; in child care, through the Child and Adult Food program; in school, through the School Breakfast and Lunch programs; during out-of-school time, through After-School and Summer programs; and in homeless and domestic violence shelters.

Even modest investments in the child nutrition programs will reduce hunger and improve children's health, their well-being, and their educational success.

Healthy children are the best investment we can make in this Nation's future. Unfortunately, too many children in America are hungry. The 2003 key national indicators of children's well-being reports that nearly 46 percent of American children who live in poverty were in food-insecure households, households that reported difficulty in obtaining enough food and increased use of emergency food sources resulting in reduced food intake and resulting in hunger.

At the same time, too many American children are at risk because they are obese. Childhood obesity rates in America have tripled over the past 20 years, resulting in children suffering from the early onset of such traditional adult diseases as hypertension, diabetes, and heart disease.

This week, the gentleman from California (Mr. GEORGE MILLER) and I, as well as other Democratic members of the Committee on Education and the Workforce, will be introducing a bill that increases access to the child nutrition programs and sets the stage for improving the nutritional quality of the foods available to children during the school day. Our bill establishes a Federal policy of “do no harm” to ensure that no eligible children are pushed off school food programs. It also eliminates the reduced-price category and increases direct certification so that more children are eligible for free school meals.

The Democratic child nutrition bill also makes it easier for new moms and their babies to participate in the WIC program.

By calling on experts from the Institute of Medicine to develop nutrition standards for the foods sold in competition with school meals, the Democratic

child nutrition meal will make it easier for schools to offer students healthy foods everywhere on school grounds.

My colleagues on the other side of the aisle have other ideas on child nutrition reauthorization as well. The money is there to fund all of these ideas if the administration and the Congress want to do it. If we can afford to reconstruct Iraq, if we can afford tax cuts for the wealthiest Americans, and tax breaks to offshore corporations, we can afford to feed hungry American children and help them eat healthy food.

□ 1415

I look forward to working with the gentleman from Delaware (Mr. CASTLE) and all of my colleagues to expand and improve the child nutrition programs.

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

Mr. CASTLE. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 3232 and in support of making nutritious food available to our Nation's poor and low-income children and not to leave any hungry child behind.

The National School Lunch Program is just one step in developing our children into the prosperous, successful individuals we want them to become. Poorly fed children have more difficulty learning, are less attentive in class and suffer more chronic problems, such as absenteeism and tardiness, than children who are properly nourished. According to the Food Research and Action Center, proper nutrition improves a child's behavior, school performance, and overall cognitive development. All in all, properly nourished children more actively participate in the education experience, which benefits them, their fellow students, and the entire school community.

Studies have shown what we already know, that healthy school meals play a critical and positive role in students' development and learning. According to the United States Department of Agriculture in 2000, 10.5 percent of all households, representing 20 million adults and 13 million children, were considered food insecure due to a lack of resources. In 2001, Illinois reported 9.2 percent of households to be food insecure, which represents 3,239,229 children under the age of 18.

By making nutritious meals available to all school children, the National School Lunch Program should ensure us that every child who needs a healthy meal can receive one. Unfortunately, the plan does not yet do that. In a State like Illinois and a city like Chicago, where there are large numbers of low-income people, poor children, we need to make sure that we revise every

plan and have every opportunity to have nutritious meals for these individuals without undue burden of paperwork that sometimes would cause them to be left out. I support this legislation and hope that we are going to make it easier to receive the benefit.

Ms. WOOLSEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Georgia (Ms. MAJETTE).

Ms. MAJETTE. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I rise today to stress the importance of child nutrition and to support the extension of these programs with the passage of H.R. 3232. These programs will be reauthorized today with little fanfare. Their significance, however, far exceeds the attention we will devote to them.

The first time Congress authorized a nutrition program for our children was during the Great Depression in 1935. At that time, millions of children came to school unable to pay for their school lunches. Malnutrition among children was a national concern. Despite our country's poor economic conditions, Congress realized that its first priority must be to feed our Nation's hungry children. Today, child nutrition programs have been expanded, and they represent the best of America because after all, a hungry child cannot learn.

I am pleased to note that these programs are very successful in feeding hungry children. In my home State of Georgia, more than 600,000 children are given financial support to purchase much-needed lunch meals. For many, it is the only meal they will have all day. There are more than 300,000 children who also participate in the subsidized School Breakfast Program in Georgia.

Since the National School Lunch Act was first enacted in 1946, attention to the nutritional value of these school lunches has steadily increased. We have learned that poor nutrition leads to impaired cognitive development and reduced school performance. That is why successful Head Start programs point to good nutrition as a necessary element to teach our neediest children. We cannot teach our children without first giving them the essential nutrition so vital to their ability to learn.

Despite the renewed focus on nutrition, we are in the midst of a public health crisis in terms of obesity. Nearly 30 percent of adults and 15 percent of children in our Nation are now categorized as obese. With obesity comes the increased risk of high blood pressure, diabetes, insomnia and other health-related difficulties; and the medical costs associated with this crisis are estimated to be as much as \$100 billion per year. So it is clear that we need to act now to curb this crisis.

Although most Americans know eating more fruits and vegetables is a necessary part of maintaining good nutrition, just last week a new study found that more than 40 percent of toddlers in the Women, Infants, and Children, or the WIC, program did not eat any fruit

at all on the day of the survey. In fact, the WIC program does not even provide access to fruits and vegetables.

But, Mr. Speaker, there is hope. Last week I visited East Lake Elementary School in Atlanta and asked the fifth grade class what they wanted to add to their school lunch menu. They requested kiwis, strawberries and plums. They did not ask for cake or cookies, so they understand the importance of eating a variety of fruits and vegetables.

As Congress reauthorizes these programs, we must not forget their importance, and we must not forget that they continue, and we continue, to feed our hungry children. At the same time, we must ensure that our child nutrition programs move forward with a new knowledge about what is best for the health of our children.

Through these programs, we will have the opportunity to teach our children the eating habits that will allow them to protect their own health throughout their lives, and we can teach them the fundamentals of good health, that an apple a day is not just for teachers any more.

Ms. WOOLSEY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

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

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

Mr. Speaker, today we are considering H.R. 3232, a bill to reauthorize certain school lunch and child nutrition programs. While I am glad to see that these programs will not expire, I am concerned about making progress toward a full 5-year reauthorization, and I know the gentleman from Delaware (Mr. CASTLE) intends to see that we have a good reauthorization, and I look forward to working with the gentleman and the rest of the committee in a bipartisan way.

I would like to take this opportunity to discuss what I see are some issues that must be addressed in any new reauthorization. Ensuring healthy children is a worthwhile investment in the future of millions of children and in the future of our country's economic well-being. And as has been discussed by the gentlewoman from Georgia (Ms. MAJETTE), the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Illinois (Mr. DAVIS), there are children in America that go hungry during the school day and others who battle illness caused by poor nutrition.

The documentary evidence is clear, and we do not need to review it here; it coincides with common sense: School child nutrition programs help children learn. Meal programs offered in schools and child care settings and after school and summer programs and through WIC offer an ideal way to address child health issues directly, and to build healthful eating habits.

When we do get a 5-year reauthorization, we should require local education

authorities to establish a school nutrition policy, I would suggest by July of 2005, that, at a minimum, gives the school food director operational responsibility for foods sold on campus. We should request that the Institute of Medicine at the National Academy of Sciences recommend to the Secretary nutritional standards for school foods. The Food and Nutrition Service should be required to place a greater emphasis on fruits and vegetables in the commodities programs and school meals.

Mr. Speaker, we need to pass a reauthorization that expands the current fruit and vegetable pilot programs so they reach more students. We must authorize grants to nonprofits and local school districts for farm-to-cafeteria projects which include nutritional education activities, which incorporate the participation of school children in farm and agricultural education projects.

In addition, we must eliminate the reduced price category of meals to allow children and families up to 185 percent of poverty to receive a free meal. The children that are designated in this reduced-price category are really between a rock and a hard place when it comes to eating at school. These are children that are both hungry and in many cases embarrassed because their parents are often not able to send the money to school to pay for their meals. It would be better if this category were removed and all children eligible would be treated the same in the nutrition programs.

Mr. Speaker, as we reauthorize the Child Nutrition Act, I hope my concerns are addressed and we can ensure healthy meals for our children in school; and with that, I do support H.R. 3232.

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

Mr. Speaker, just as a final thought, children are about 25 percent of our population. They are 100 percent of the future of this Nation, and what they eat really will equate to what our future will be. We must make sure that we do the best job we can for every child in this country.

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

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

Mr. Speaker, I have listened intently to the speakers here today. We are all concerned about getting the reauthorization of these programs done correctly, and that is going to take some final work, but all of us, I am sure, are in total agreement of the significance and importance of the programs, and, hopefully, when all is said and done, in 6 months we will be able to do that. For now, it is essential that we pass H.R. 3232.

Mr. BOEHNER. Mr. Speaker, I rise in support for H.R. 3232, which would extend the authorization for the expiring portions of child nutrition legislation for an additional six months. This bill, which was introduced by my colleague Mr. CASTLE, is also cosponsored by

the Ranking Member of the Committee, Mr. MILLER, and Ms. WOOLSEY, Ranking Member on the Education Reform Subcommittee. I thank all of them for their support.

The Child Nutrition programs include the National School Lunch and Breakfast Programs; the Special Supplemental Nutrition Program for Women, Infants, and Children (or WIC); the Child and Adult Care Food Program; the After School Snack Program; and the Summer Food Service Program.

These invaluable programs—which are responsible for providing nutritious meals to millions of children and adults every day—are due for reauthorization this year. In order to ensure that the Committee has the opportunity to consider the reauthorization process carefully, we are seeking to extend the current authorization an additional six months.

This bill contains one provision of particular importance to our nation's soldiers, sailors and airmen. If this legislation is not approved, the children of Armed Forces members who live in privatized military housing and who are eligible for free and reduced-price lunch will lose their school meal subsidies. This would be an insult to these parents who work every day to secure our nation's freedom.

In addition, this legislation contains a provision that allow for-profit child care centers to continue to participate in the Child and Adult Care Food Program, and to continue to provide meals and snacks to centers where at least 25 percent of the children enrolled meet the income eligibility requirements for free and reduced-price lunch.

Parents will always bear primary responsibility for their children's health and nutrition, but this bill provides assistance for those who are having trouble making ends meet. The overall goal of all of the child nutrition programs is to make sure that low-income children and families have access to low-cost meals and snacks that are safe and nutritious. The reauthorization process is a chance for us to look at the current system and see how well it is meeting those goals. We must take into account a number of actors, including efficiency, nutrition, cost-effectiveness, and protecting school revenue. We would like to take this additional six months to be sure that we address all of these issues to the best of our ability.

This bipartisan bill is a simple, straightforward tool to make sure that we are serving the millions of low-income children who depend upon the programs contained in the Child Nutrition and Richard B. Russell National School Lunch Acts. I hope you will join me and my colleagues in voting "yes" on H.R. 3232.

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of H.R. 3232, legislation to reauthorize certain school lunch and child nutrition programs.

The federal child nutrition programs continue to be a great success story. The National School Lunch program, enacted in 1946 as a measure of national security, currently serves more than 28 million children each day.

The need for this program has never been greater. With childhood obesity growing at an alarming rate—especially among low income and minority populations—it has never been more critical that our children have access to high quality, nutritious food choices at school.

The legislation we are considering today is only a temporary reauthorization, since this

program expires and we have not completed the heavy lifting necessary for a full five year authorization.

I urge my colleagues who are working on this issue to make a number of significant improvements to these various childhood tuition programs, including:

Increasing the income limit for those children who qualify for a free lunch from 130% of the federal poverty limit to 185% of the federal poverty limit, thereby eliminating the reduced price category of this program;

Providing the USDA commodities for the School Breakfast Program;

Lowering the area eligibility guideline to 40% for the Child Care, at-risk after school and Summer Foodservice programs; and

Increasing the USDA reimbursement rates for child nutrition, consistent with a USDA analysis of the costs to produce a lunch. In most areas of the country, the cost to produce a school lunch is now greater than the reimbursement rate for a free lunch of \$2.14.

A child who is hungry cannot be expected to learn. A few years back, this Congress enacted legislation that promised no child will be left behind. If we are to keep that promise, we must ensure that all children have a healthy and nutritious lunch.

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 3232, as amended.

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

The title of the bill was amended so as to read: "A bill to reauthorize certain school lunch and child nutrition programs through March 31, 2004."

A motion to reconsider was laid on the table.

RECOGNIZING INDEPENDENT 529 PLAN FOR LAUNCHING A PREPAID TUITION PLAN THAT WILL BENEFIT OUR NATION'S FAMILIES WHO WANT TO SEND THEIR CHILDREN TO PRIVATE COLLEGES AND UNIVERSITIES

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 378) recognizing Independent 529 Plan for launching a prepaid tuition plan that will benefit our Nation's families who want to send their children to private colleges and universities, as amended.

The Clerk read as follows:

H. RES. 378

Whereas postsecondary education is increasingly important to the economic well-being of the United States, and the demand for individuals with postsecondary education continues to grow;

Whereas according to the United States Census Bureau, in 2001 a person with a bachelor's degree earned nearly 90 percent more, on average, than a person with only a high school diploma;

Whereas tuition at independent colleges and universities continues to grow at alarming rates and families need options for financing the high cost of a child's postsecondary education;

Whereas tuition and fees for the academic year 2003–2004 at independent colleges and universities in the United States averaged over \$18,000, and therefore postsecondary education is one of the most significant investments a family will make; and

Whereas prepaid tuition plans can make attendance at independent colleges and universities more affordable for thousands of our Nation's families by allowing them to lock in current tuition rates for future use: Now, therefore, be it

Resolved, That the House of Representatives recognizes the more than 200 independent colleges and universities that together have addressed the need to help families pay for the increasing cost of attending college by creating the first nationwide prepaid tuition plan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 378.

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

There was no objection.

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

Mr. Speaker, I am pleased to rise in support of H. Res. 378 which recognizes independent colleges and universities that participate in prepaid tuition planning.

□ 1430

I want to thank the gentlewoman from Texas (Ms. GRANGER) for sponsoring this resolution that highlights the benefits of prepaid college tuition plans and the independent colleges and universities that participate in such plans.

Mr. Speaker, everyone in this Chamber clearly understands the benefits of a postsecondary education and that it expands career opportunities and increases earnings potential. As the resolution states, in 2001 a person with a bachelor's degree earned almost 90 percent more than a person with only a high school diploma. This resolution recognizes those that make completion of a postsecondary education and its benefits a bit more attainable.

This Congress, the Subcommittee on 21st Century Competitiveness, which I chair, is focused on the reauthorization of the Higher Education Act. One of my primary concerns throughout the process is to ensure that the dream of a college education is available and indeed affordable to all those who strive for it. This is why I am pleased to support H. Res. 378, a measure that recognizes those colleges and universities that participate in programs that can help put college within reach.

H. Res. 378 draws attention to prepaid tuition plans, which allow families to prepare for the cost of a postsecondary

education. These plans originated in 1996 and were expanded in 2001 to allow for independent education institutions to establish their own prepaid tuition plans. During this time, both public and private institutions have begun participating in these prepaid tuition plans. While the specifics of these plans vary, at the heart of the plans is the ability of families to pay for academic periods or course units at current prices for a child who will attend college in the future.

I hear so often from constituents that college costs are increasing tremendously and parents are concerned that they will not be able to afford a postsecondary education for their children. We must work together to prevent students and families from being priced out of the higher education market and being priced out of their dreams. I believe that prepaid tuition plans offer parents important options for dealing with the college cost crisis, and we must encourage efforts to make college affordable and attainable. I urge my colleagues to support this resolution that recognizes the schools that participate in these plans.

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

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

Mr. Speaker, I rise in support of H. Res. 378 and second many of the remarks of my colleague from California. Prepaid tuition plans that have been set up by States have not provided options for students seeking to go to private universities. These plans typically allow a contributing individual to receive a guarantee that their tuition will be paid when they attend a public university in their State. This resolution before us identifies a plan that now provides students seeking to attend a private university with a prepaid tuition option. Those involved in the development of this plan should be congratulated for pushing to make this a reality.

Unfortunately, many existing State prepaid tuition plans have not fared well in our present economy. While unemployment has risen, the Bush administration has forced the reduction of options students and families have to pay for college. Twenty States have set up prepaid tuition plans but nearly all of them are in trouble. Ohio, West Virginia, Kentucky, Texas and Colorado have all suspended their plans. States are shutting the doors on these plans because the failed Bush economy has driven up college costs and reduced their investment options to essentially nothing.

In discussing the issue of how students and families pay for college, we cannot ignore the point raised by the gentleman from California, referring to his proposal to institute Federal price controls on college tuition. It has some immediate appeal until you think about it. This proposal would bar universities who have seen their budgets cut due to the sour economy from re-

ceiving Federal aid, including work-study opportunities for needy students. In other words, we would cut funds to them until they shape up. Worse yet, Historically Black Colleges and Hispanic Serving Institutions would be barred from receiving institutional aid or other aid. This loss of aid would hamper the mission of those institutions and would remove the opportunities for postsecondary education for some of our neediest students.

This proposal would also have serious unintended consequences. Colleges that are forced to cap their tuition increases will simply decrease the amount of need-based grant aid. This will result in students experiencing perhaps lower tuition levels but higher out-of-pocket costs. In addition, as labor and health care costs increase, institutions will be forced to sacrifice quality. Clearly, that is not in the public interest. This will be done through the hiring of adjunct professors rather than maintaining, for example, seasoned tenured faculty. Is this the cost-control measure we want our universities to implement?

Rather than creating new problems to solve an existing one, Congress should be considering what is the appropriate response to rising tuition costs. We should provide incentives to colleges and universities to hold down costs. The current Federal system of higher education financing does not incentivize schools to hold down their level of tuition increases. The Higher Education Act should not punish students and institutions through heavy-handed Federal price controls. Price controls rarely work. Rather, institutions should hold down tuition costs while increasing need-based grant aid, and they should be rewarded.

In addition, States should be required to maintain their level of effort on higher education spending. In years in which Congress increases student aid, those increases should benefit students, not be gobbled up by the need to balance State budgets. The cost of higher education is a complicated one. It is an important one. It is in the national interest to make college affordable and available for all qualified students. This resolution before us today points to a good way to manage the rising costs of college tuition. However, the other proposal advanced by the gentleman from California would be the wrong way to go.

In closing, Mr. Speaker, I want to reiterate my support for the resolution we are presently considering.

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

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

We are here today to discuss H. Res. 378, but my good friend on the other side of the aisle has brought up some points of a bill that I introduced a week ago, and I would like to just correct a couple of things on the record. HBCs and HSIs are not addressed in the bill. Any funding cuts based on colleges

continuing to raise their tuition and fees at better than twice the rate of inflation would only have an effect on title IV funding. Also, he referred to cost controls. I lived through cost controls. I was a retailer in the 1970s when President Nixon imposed price controls. Let me explain the way price controls work. One day we were able to sell jeans at a certain price. When price controls took effect, we no longer could sell those jeans at any other price other than what the government set. The only way that we could ever increase our prices at a retail or wholesale level was if we went before a bureaucratic board set up by the government and explained our costs and they finally maybe granted us the ability to increase our prices.

That is not what I propose in my bill. What I propose in the bill is encouragement for the schools to keep their tuition and fees down. For the last 20 years, they have been raising them at four times the rate of people's ability to pay those college costs. We tell the schools, if they want to keep charging more, they can; but we do not have to keep giving them some of that \$65 billion of Federal aid that goes to the schools, not to the students.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. GRANGER), the author of the resolution that is before us, H. Res. 378.

Ms. GRANGER. I thank the gentleman from California for yielding me this time.

Mr. Speaker, Mark Twain once said, "Out of our schools grows the greatness of our Nation." Today I want to introduce you to the greatness of our Nation. I want you to meet Logan Granger. Yes, that is right, Granger. Logan is my grandchild. He is one of the loves of my life. I actually have two grandchildren, I have Logan and Jack, but today we are going to focus on Logan. When I look at Logan's big brown eyes, I absolutely melt and I want him to have the very best in the world. I want him to have the best education, the best job, the best family life. I want him to have everything. And I know the right place to start with making sure that Logan has it all is to make sure that Logan has the best education available.

Today, the finest education is marked by a college degree. When I taught, a high school certificate was a mark of success. Today, a college degree is a must. In the past 5 years, jobs requiring a college degree have increased almost nine times more than jobs requiring a high school diploma. The fact is that the college degree is a must-have for today's students. I believe little Logan should have the opportunity to have that college diploma. Logan should be able to attend the public or the private school of his dreams. In other words, he should have choice. But his family should also have affordability.

Unfortunately, we all know the cost of a college education can send any

parent or grandparent into financial hiding. Today at Texas Christian University in Fort Worth, a college degree will cost about \$19,000 a year and students come from all over the world to attend there. When Logan is ready to go to TCU, or whatever school he chooses, schools like TCU could cost as much as \$45,000 a year. Yes, a year. It is sticker shock for all of us, but it is something we need to face. But before we decide the situation is futile, we need to recognize that with proper planning, a college education can be affordable.

For several years now, public schools have joined together in co-ops that work together to set up one prepaid plan for parents to pay into. Then when the young one is all grown up and is ready to go to college, the family can choose from a list of schools that participate in that plan. The result is choice and affordability in public education.

Today I am here to praise the expansion of the prepaid tuition plans. I introduced legislation that was signed into law 2 years ago that would allow private schools to join together and offer similar choice and affordability in education. Today I am here to congratulate the more than 200 private colleges and universities in the recent launch of their prepaid tuition plans. Together, the plans are known collectively as the independent 529 plan and many of the schools in Texas, including Texas Christian University and Southwestern University in Georgetown, are participants in this plan. The creation of this plan means that Logan's parents can save around \$100,000 in total private education. That is right. If Logan's parents buy into the independent 529 plan today, they can save around \$100,000. We are literally talking about tomorrow's education at today's price. The 529 plans are all about choice and affordability in private schools. Choice for Logan and affordability for his parents.

Mr. Speaker, I am honored to be the sponsor of House Resolution 378, which congratulates private colleges and universities for their ongoing commitment to make a college education affordable and accessible to thousands of families. This will mean more opportunity for more young people and more universities. That is a small price to pay for Logan or Jack or any other child for something as worthy as a college education.

Mr. HOLT. Mr. Speaker, I yield myself such time as I may consume. I would just reply to my colleague from California that in describing his experience with price controls, his personal experience, I think he made a very good case against his proposal, and I think made it clear that the colleges and universities that are in the tightest financial straits, such as Historically Black Colleges and Hispanic Serving Institutions, those with a large number of work-study students, would be the ones that would be hurt most by that proposal.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Illinois (Mr. DAVIS), my colleague on the Committee on Education and the Workforce.

□ 1445

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman from New Jersey for yielding me time.

Mr. Speaker, I rise today in support of H. Res. 378, recognizing Independent 529 plans for launching a prepaid tuition plan. These plans allow families to lower the cost of a private college or university education by locking in current tuition rates for future use at any of the participating private colleges and universities.

We all believe that every young person who would like to attend college should be able to do so. The benefits of receiving a college degree are continuous, not only strengthening the self-esteem of a person, but also allowing that individual to have a better and more secure lifestyle.

According to the United States Census Bureau, a person with a Bachelor's Degree will earn nearly 90 percent more on average than a person with only a high school diploma. Not only is the pay significantly better, but it is also more likely that occupations held by a person with a Bachelor's Degree will have additional benefits, such as health care and employer pension plans.

Most funding that colleges and universities receive has been reduced due to the extreme economic state of most States in our Nation and the debt of the Federal Government. However, to remain vital in competition, colleges and universities must pay for the best professors, keep technology current and keep buildings maintained. Unfortunately, these costs are now being passed down to the students. The Independent 529 plans serve as one way to help with this rising cost.

Currently over 200 private colleges and universities throughout the country have agreed to participate in these plans. Of the six participating colleges and universities in Illinois, I am proud and pleased that the Illinois Institute of Technology, which is in my district, is one of the 529 plan participants.

I believe that although the Independent 529 plans will not help all families achieve the dream of going to college, it will help a good number of families who dream of sending their children to private colleges and universities, and, for that reason, I support this legislation and urge its passage.

Mr. MCKEON. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. GINGREY), an outstanding new member of the Committee on Education and the Workforce.

Mr. GINGREY. Mr. Speaker, I thank the chairman for yielding me time.

I rise very much in support of H. Res. 378, and I commend the author, the gentlewoman from Texas (Ms. GRANGER), for bringing this bill forward. If I

did not know anything about the bill, after seeing that beautiful grandchild, Logan, in that portrait, I think I would be supportive of this effort. It is very, very persuasive, and I commend the gentlewoman for that.

But, seriously, this bill is a great bill. I have a private college in my 11th District of Georgia, Berry College, a wonderful private college in Rome, Georgia, that is part of these 200 private colleges and universities participating in this plan. As has been pointed out by the previous speakers, the cost of college has been rising so much, since 2001 something like \$16,000 a year on average to go to a private college or university.

This opportunity for our families that want to send their children to these schools to go ahead and invest and save that money at a tax advantage and lock in that tuition so it is not rising at double the rate of inflation, I think is a very important thing to do.

I commend the gentlewoman for this bill and give it my strong support. I urge all of my colleagues to support this great resolution.

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

Mr. Speaker, perhaps I could show some pictures of my grandchildren. I commend the gentlewoman from Texas and the gentleman from California for advancing this legislation. Anything that will improve the accessibility and affordability of college for qualified American students is to be encouraged.

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

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

Mr. Speaker, according to the Advisory Committee on Student Financial Assistance, cost factors, with the rate of tuition and fee increases over the last 20 years, show that 48 percent of our lower-income young people that that graduate from high school prepared for college are not able to go to a college or university of their choice, and 22 percent of them cannot even go to a community college. I think anything we can do to make it possible for these young people to attend school is vitally important.

I have 25 grandchildren and one on the way. When I saw that picture of the grandson of the gentlewoman from Texas (Ms. GRANGER), Logan, that was a great selling tool, and I really appreciate what she is doing to help young people and help their families to put money aside to send them to school. I urge all of us to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 378—Recognizing the Independent 529 Plan for Launching a Prepaid Tuition Plan That Will Benefit Our Nation's Families Who Want to Send Their Children to Private Colleges and Universities.

Higher education today is among the most prominent barometers of success in adult life. Compared to high school diploma recipients those who earn a college degree have a much higher rate of employment and greater earning

potential. The economic implications of a student's failure to earn a college degree are astounding, especially as our economy becomes more dependent on information industries. Nearly 2 out of the 3 new jobs that will be created over the next 7 years will require some post-high school training.

Unfortunately, despite all the indicators many low income and middle-income students and their families are struggling to meet the soaring costs of attending college. These students are taking loans and working long hours to meet the increasing costs of college.

Over the past decade student loan debt has nearly doubled to \$17,000 and about one-fifth of full-time students work 35 or more hours a week.

According to the College Board's annual survey of tuition and student aid on college campuses, in 2003 tuition and fees increased at colleges and universities nationwide. Tuition increased by 14.1 percent at four-year public institutions, 13.8 percent at two-year public institutions, and 6.0 percent at four-year private institutions.

While 70 percent of all students pay \$8,000 or less in tuition each year, low-income students continue to fall far behind in accessing a college education. The ratio of a low-income family's earnings used to pay for tuition increased to 71 percent, while this ratio held steady for middle-income families at 17 percent and 6 percent for those with the highest incomes.

I support the Independent 529 plan because I know that the future of this nation depends on the academic preparation of our children. The Independent 529 Plan is a prepaid tuition plan that enables families to lock in the future tuition costs at less than today's prices. Through the Plan, certificates are purchased that can be used to pay future tuition costs. When the student is later accepted at a member college, the certificate can be used to pay the percentage of tuition pre-purchased.

Independent 529 Plan is the first 529 plan sponsored by private ("independent") colleges, and Program certificates can be redeemed for tuition at a broad array of independent colleges nationwide. Many of these colleges are in the state of Texas: Abilene Christian University, Austin College, Baylor University, Dallas Baptist University, Hardin-Simmons University, Lubbock Christian University, Rice University, St. Edward's University, St. Mary's University, Southern Methodist University, Southwestern University, Texas Christian University, Trinity University, University of Dallas, and University of Mary Hardin-Baylor.

I am confident that the list of member colleges will grow to include Historically Black Colleges across the country.

Sadly, low income and working class families are struggling to get their students a quality education while Republicans have forgotten them and instead focused on budget cuts and tax breaks for the wealthy. The weakened economy, tax and budget cuts and other federal policies that increase national and state debt have led states to increase tuition and place the burden of increased costs for college on families who cannot afford it.

As I stand here, the doors to higher education institutions and to greater opportunity for our young people are closing at an alarming rate. When major federal higher education grant programs are eliminated and federal aid

to colleges are cut, minority students and disadvantaged students are shut out of a college education—a vehicle that is critical to a better future. The Independent 529 plan will help alleviate the burden of cost placed on families who desperately want to secure a quality college education for their children.

Mr. BOEHNER. Mr. Speaker, I am pleased to offer my support for H. Res. 378. This resolution recognizes independent colleges and universities that participate in prepaid tuition plans that give families options when paying for the cost of postsecondary education. I thank Representative GRANGER for sponsoring this resolution that calls our attention to the need to give families and students these payment options and to the independent colleges and universities that participate in these prepaid tuition plans.

Our economy is changing. The manufacturing economy of the 20th century is being replaced with a knowledge- and information-based economy in the 21st century, and our workforce must adapt accordingly. The demand for individuals with at least some postsecondary education has been growing, and is expected to continue growing more rapidly than the demand for individuals with only a high school diploma.

When coupled with our current college cost crisis, it is clear that in order to meet this demand we must make a postsecondary education more affordable for more individuals. Our economy is increasingly dependent on the availability of skilled, well-educated workers, and the need to increase access to higher education is a critical part of that equation. This resolution recognizes those that make postsecondary education more attainable.

H. Res. 378 draws attention to prepaid tuition plans. These plans allow families to prepare for the cost of a postsecondary education by planning ahead, saving wisely, and reducing the tax burden on such academic savings that will be used to send students to college in the future.

The Committee on Education and the Workforce, and specifically Representatives McKEON's subcommittee, is in the midst of the reauthorization of the Higher Education Act. Members are carefully examining a range of issues, including dramatic tuition increases, the need to expand access—particularly for non-traditional college students—and what appears to be a troubling lack of transparency in higher education.

Often, I expect, we hear from concerned parents that college costs are out of hand and that they will not be able to afford a postsecondary education for their children. Keeping college affordable is no simple task, and finding solutions will not be easy. However, I believe that prepaid tuition plans offer parents some options for dealing with the college cost crises. I urge my colleges to support this resolution that recognizes the schools that participate in these plans.

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from California (Mr. McKEON) that the House suspend the rules and agree to the resolution, H. Res. 378, as amended.

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

The title of the resolution was amended so as to read: "A resolution recognizing the more than 200 independent colleges and universities that together have addressed the need to help families pay for the increasing cost of attending college by creating the first nationwide prepaid tuition plan."

A motion to reconsider was laid on the table.

RECOGNIZING THE IMPORTANCE OF CHEMISTRY AND SUPPORTING GOALS AND IDEALS OF NATIONAL CHEMISTRY WEEK

Mr. GINGREY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 395) recognizing the importance of chemistry to our everyday lives and supporting the goals and ideals of National Chemistry Week.

The Clerk read as follows:

H. RES. 395

Whereas chemistry is at the core of every technology we enjoy today;

Whereas the power of the chemical sciences is what they create as a whole: an enabling infrastructure that delivers the foods, fuels, medicines, and materials that are the hallmarks of modern life;

Whereas the contributions of chemical scientists and engineers are central to technological progress and the health of many industries, including the chemical, pharmaceutical, electronics, agriculture, automobile, and aerospace sectors, and these contributions create new jobs, boost economic growth, and improve our health and standard of living;

Whereas the American Chemical Society, the world's largest scientific society, founded National Chemistry Week in 1987 to educate the public about the role of chemistry in society and to enhance students' appreciation of the chemical sciences;

Whereas National Chemistry Week is a community-based public awareness campaign conducted by more than 10,000 volunteers in all 50 States, the District of Columbia, and Puerto Rico;

Whereas National Chemistry Week volunteers from United States industry, government, secondary schools, and institutions of higher education reach and educate millions of children through hands-on science activities in local schools, libraries, and museums;

Whereas the theme of National Chemistry Week in 2003, "Earth's Atmosphere and Beyond!", was chosen to honor the 100th anniversary of Orville and Wilbur Wright's flight from Kitty Hawk, North Carolina; and

Whereas, in recognition of National Chemistry Week, volunteers all across the United States will teach children about air, the atmosphere, our solar system, and the uniqueness of planet Earth during the week beginning October 19, 2003: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that the important contributions of chemical scientists and engineers to technological progress and the health of many industries have created new jobs, boosted economic growth, and improved the Nation's health and standard of living;

(2) supports the goals and ideals of National Chemistry Week, as founded by the American Chemical Society; and

(3) encourages the people of the United States to observe National Chemistry Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the

importance of chemistry to our everyday lives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. GINGREY) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. GINGREY).

GENERAL LEAVE

Mr. GINGREY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 395.

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

There was no objection.

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

Mr. Speaker, today I am pleased that we are considering this resolution recognizing the importance of chemistry in our everyday lives. This resolution supports the goals and the ideals of National Chemistry Week, and it recognizes the important contributions of chemical scientists and engineers to technological progress and the health of many industries. In addition, it encourages the people of the United States to observe National Chemistry Week, which this year is October 19 through 25. As a graduate of the Georgia Institute of Technology with a Bachelor's Degree in chemistry, I enthusiastically support this effort.

The chemical sciences provide an enabling infrastructure that delivers the foods, fuels, medicine and materials that are part of our everyday lives. The contributions of chemical scientists and engineers are central to the technological progress of many areas that affect our everyday lives.

I commend the American Chemical Society for establishing National Chemistry Week in 1987. During National Chemistry Week, volunteers from across the United States will teach children about our air, the atmosphere and the solar system. The theme in 2003, Earth's Atmosphere and Beyond, was chosen to honor the 100 anniversary of Orville and Wilbur Wright's flight from Kitty Hawk, North Carolina.

It is important to stimulate children's interest in the chemical sciences so that they will consider careers in these fields and potentially discover the innovations for our future.

I urge all of my colleagues to support this resolution, and thus recognize and support the goals and ideals of National Chemistry Week.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 395. This bipartisan resolution was introduced by the gentleman from New Jersey (Mr. HOLT) and the gentleman from Michigan (Mr. EHLERS). They are

both Ph.D. physicists who appreciate the importance of chemistry. I want to congratulate them for bringing this resolution forward.

Chemistry and chemical engineering contributes to public health through such things as new biomaterials, drug design and drug-delivery technologies and gene therapy. These disciplines help develop new structural and electronic materials and advance technologies that improve energy utilization and transportation systems. In short, chemistry and chemical engineering contribute in critical ways to the economic strength, security and well-being of our Nation.

National Chemistry Week was started as an annual event in 1987 by the American Chemical Society. It sponsors activities to make elementary and secondary school children, and the public in general, more aware of what chemistry is and its importance to their everyday lives.

National Chemistry Week activities are carried out by the local sections of the American Chemical Society, which are found in all parts of the Nation. They work with local industries, schools and museums to design hands-on activities, provide chemical demonstrations and develop exhibits. By these means, the local organizations provide opportunities to stimulate the interests of young people in science and in pursuing scientific careers. And the activities of the National Chemistry Week help advance the important goal of increasing public understanding of science generally.

For 2003, the theme of the National Chemistry Week is Earth's Atmosphere and Beyond. This is very appropriate because it is in honor of the 100th anniversary of the Wright Brothers' first powered flight.

I congratulate the American Chemical Society for their efforts to establish and sustain National Chemistry Week. I support this resolution, and recognize the value of chemistry and the goals of National Chemistry Week. I ask for its adoption by the House.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. HOLT).

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

Mr. Speaker, I would like to thank the leadership for bringing this bill to the floor, recognizing the importance of chemistry in our everyday lives, and supporting National Chemistry Week. The gentleman from Michigan (Mr. EHLERS) has been very helpful as an original cosponsor of this bill and helped move it forward. He and I do this as the two physicists in Congress, with no suggestion of irony that we physicists would be sponsoring National Chemistry Week.

Finally, I would like to thank the gentlewoman from Illinois (Mrs.

BIGGERT) and the gentleman from Massachusetts (Mr. OLVER) for cosponsoring the bill and for their support, the gentleman from Massachusetts (Mr. OLVER) himself being a research-trained chemist.

Indeed, chemistry is not something that occurs just in the laboratory, it is everywhere, and this resolution is intended to emphasize that point, the importance of chemistry in our everyday lives.

Today's scientists are working to understand global climate change and to develop cleaner energy sources. Our cars have more computing power than the Apollo spacecraft. In many ways, science permeates our lives, and we certainly should do all we can to recognize that and see that youngsters, as well as oldsters, integrate their understanding of science in their lives.

Following the launch of Sputnik in 1957, major steps were taken in the United States to improve the resources going into science. The goal was to produce a superior technical workforce so that we would be second to none in engineering and science. There was increased funding for school laboratories, revision of math and science curricula and new university scholarships for future scientists. Indeed, this initiative produced a generation of scientists and engineers who have contributed greatly to our economic and technical accomplishments and to the quality of life of people around the world.

□ 1500

I was a product of that revolution. Today, as a policy maker, I see the shortcomings of our earlier revolution in science and mathematics education.

Too often the push for improving public competence in science and mathematics is justified on the grounds of economics, national security, and an informed citizenry. There is no question that these are vitally important reasons, but we should not forget the reason of personal well-being. Understanding sciences like chemistry brings order, harmony, and balance to our lives. They teach us that the world is intelligible and not capricious. They give us the skills for lifelong learning, for creating progress itself.

In setting up the science programs following the launch of Sputnik, we focused on developing scientists and engineers and tend to have left behind the other 80 or 90 percent of our society who should understand science, should integrate it into their lives, even if they are not to become professional scientists. That is why I am proud to see this House recognizing in this legislation the importance of chemistry and the goals and the ideals of National Chemistry Week.

I thank the Speaker for bringing this resolution to the floor. I thank my colleague, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for yielding me the time to speak.

Mr. GINGREY. Mr. Speaker, I have no other speakers, but I continue to reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

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

Mr. Speaker, I am honored to present this resolution supporting the ideals of National Chemistry Week. And I want to commend the co-authors, the gentleman from Michigan (Mr. EHLERS) and the gentleman from New Jersey (Mr. HOLT), the Ph.D. physicists, for bringing this bill forward.

So this Member who has a bachelor of science, a meager bachelor of science degree in chemistry, is humbled in their presence, but this is a wonderful bill, and I am very, very supportive of it.

Mr. Speaker, I think I have got a little bit of time left, and I see that the gentleman from Michigan (Mr. EHLERS), of whom I just spoke, the distinguished gentleman from Michigan, that Ph.D., one of those Ph.D. physicists of which I just spoke, has just arrived.

Mr. Speaker, I am very happy at this time to yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS).

(Mr. EHLERS asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. EHLERS. Mr. Speaker, I am sorry but I am a bit late and out of breath. My plane was an hour and a half late. I believe I ran all the way from the airport.

Mr. Speaker, it is a pleasure to speak on this resolution. We have often heard the phrase "better living through chemistry," and that is very true. And I find it strange that today many people regard chemistry as a danger because they worry about things such as pesticides. In fact, I recall speaking to a person once who said that she really did not dare to eat anything now unless it was natural because of the chemicals. And I said, "Well, do you like oranges?" "Oh, yes, they are wonderful." she replied. I said, "In spite of the fact that they are filled with chemicals, chemicals such as vitamin C?" And I went on to name other chemical components.

Chemicals can be either good or bad. And they are certainly a part of everyday life, but what I appreciate is the many good things that chemistry has brought us. And I also appreciate the American Chemical Society, which has established the National Chemistry Week which we are celebrating here. This year the theme is Earth's Atmosphere and Beyond, in an effort to honor the 100th anniversary of Orville and Wilbur Wright's flight at Kitty Hawk, North Carolina.

But there is so much more to chemistry activities that we do not realize. What I appreciate about the American Chemical Society, also, is their interest in education.

In my efforts to improve math and science education in this Nation, I have

worked very closely with the American Chemical Society over the past few years. And they have been outstanding in their efforts to assist in improving math and science education, and National Chemistry Week is part of that.

I just received this morning an e-mail from Michelle DeWitt from Michigan who is one of the organizers of the National Chemistry Week in Michigan. And she talked a little bit about what they did last week.

Let me read portions of her letter. "Our National Chemistry Week event at Westshore Mall was a huge success. We had our largest amount of volunteers ever, with nearly 100 people helping out, including students from Grand Valley State University, Grand Rapids Community College, Aquinas College, some local high school and younger students with parents. This was very fortunate because we had the largest turnout with about 3,000 people stopping by between 10 a.m. and 4 p.m. on Saturday, October 18th.

"We had six demonstrations by area chemists and about ten activity tables, where area chemists and college students engaged in hands-on activities with kids of all ages. There was a constant stream of rockets shooting off. Some even hit the ceiling. Making slime is always one of the kids' favorite activities."

"We gave away about 1,300 balloons to kids. I heard one boy walking into the mall with his dad saying, 'Look, Dad, a party.' and I thought it was great to have kids think of science as a party. The newspaper reporter who spent most of the day with us commented on how much fun everyone was having and said there were so many fun things going on it was like a ten-ring circus."

Then she goes on and talks about the volunteers and the great things they did. Mr. Speaker, at this point I will insert the entire text of the letter.

To: Laura G. Kolton, American Chemical Society

Our NCW event at Westshore Mall was a huge success. We had our largest amount of volunteers ever with nearly a hundred people helping out, including students from Grand Valley State University, Grand Rapids Community College, Aquinas College, some local high school and younger students with parents. This was very fortunate because, due to advertising in both the Grand Rapids Press and the Holland Sentinel, we had the largest turn out with about 3000 people stopping by between 10 am and 4 pm on Saturday October 18th.

We had 6 demos by area chemists and about 10 activity tables where area chemists and college students engaged in hands-on activities with kids of all ages. There was a constant stream of rockets (made with vinegar / baking soda / film containers) shooting off. Some even hit the ceiling. Making slime is always one of the kids favorite activities. We also had a poster drawing contest. We will be sending our winning posters in to the National ACS competition.

We gave away about 1300 balloons to kids. I heard one young boy walking into the mall with his dad say "Look Dad, a party," and I thought it was great to have kids think of science as a party. Even the Holland Sentinel reporter who spent most of the day

with us commented on how much fun everyone was having, and said there were so many fun things going on it was like a 10 ring circus.

We had two sixth grade volunteers (Debra Gorden and Shannon Vandenberg) from Blandford school (which is a Grand Rapids Public school for 6th grade students who have excelled in elementary school.) These girls worked a booth giving away tattoos, stickers, magnifying glasses and ChemMatters Magazine, with the help of two chemistry students from GRCC (Grand Rapids Community College). They loved working with the college guys and were smiling all day. The college students were very nice and inspired the young girls into an interest in college and disproved the stereotype of the geeky chemist.

Through this National Chemistry Week thousands of children will learn about the earth's atmosphere and the solar system through hands-on events and demonstrations.

I commend the American Chemical Society for stimulating our children's interest in the chemical sciences so that they will not only be interested, but will consider careers in these fields and potentially discover the innovations of the future.

Mr. Speaker, I urge my colleagues to support this resolution recognizing the goals and ideals of National Chemistry Week.

Today, I am pleased that we are considering this resolution recognizing the importance of chemistry to our everyday lives. This resolution supports the goals and ideals of National Chemistry Week. It recognizes the important contributions of chemical scientists and engineers to technological progress and the health of many industries. In addition, it encourages the people of the United States to observe National Chemistry Week, which, this year, is October 19–25.

The chemical sciences provide an enabling infrastructure that delivers the foods, fuels, medicine, and materials that are part of our everyday lives. The contributions of chemical scientists and engineers are central to the technological progress and the health of many industries.

I commend the American Chemical Society for establishing National Chemistry Week in 1987. During National Chemistry Week, volunteers from across the United States will teach children about air, the atmosphere and the solar system. The theme in 2003, "Earth's Atmosphere and Beyond," was chosen to honor the 100th anniversary of Orville and Wilbur Wright's flight from Kitty Hawk, NC. It is important to stimulate children's interest in the chemical sciences so that they will consider careers in these fields and potentially discover the innovations of the future.

I urge my colleagues to support this resolution recognizing the goals and ideals of National Chemistry Week.

Mr. GINGREY. Mr. Speaker, I have no other requests for speakers but, again, in conclusion, let me just say that I commend the gentleman from New Jersey (Mr. HOLT) and the gentleman from Michigan (Mr. EHLERS) for bringing forward this resolution. And I urge all of my colleagues to support its adoption.

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

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentleman from Georgia (Mr. GINGREY) that the House suspend the rules and agree to the resolution, H. Res. 395.

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

A motion to reconsider was laid on the table.

RECOGNIZING THE ANNIVERSARY OF THE AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE CONGRESSIONAL SCIENCE AND ENGINEERING FELLOWSHIP PROGRAM

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 279) recognizing the significance of the anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program, and reaffirming the commitment to support the use of science in governmental decision-making through such Program.

The Clerk read as follows:

H. CON. RES. 279

Whereas Congress hosted the American Association for the Advancement of Science's (AAAS) first Congressional Science and Engineering Fellows 30 years ago in 1973;

Whereas the AAAS Congressional Science and Engineering Fellowship Program was the first to provide an opportunity for Ph.D.-level scientists and engineers to learn about the policymaking process while bolstering the technical expertise available to Members of Congress and staff;

Whereas Members of Congress hold the AAAS Congressional Science and Engineering Fellowship Program in high regard for the substantial contributions that Fellows have made, serving both in personal offices and on committee staff;

Whereas the Congress is increasingly involved in public policy issues of a scientific and technical nature and recognizes the need to develop additional in-house expertise in the areas of science and engineering;

Whereas more than 800 individuals have held AAAS Congressional Science and Engineering Fellowships since 1973;

Whereas the AAAS Congressional Science and Engineering Fellows represent the full range of physical, biological, and social sciences, and all fields of engineering;

Whereas the AAAS Congressional Science and Engineering Fellows bring to the Congress new insights and ideas, extensive knowledge, and perspectives from a variety of disciplines;

Whereas the AAAS Congressional Science and Engineering Fellows learn about legislative, oversight, and investigative activities through assignments that offer a wide array of responsibilities;

Whereas AAAS Congressional Science and Engineering Fellowships provide an opportunity for scientists and engineers to transition into careers in government service; and

Whereas many former AAAS Congressional Science and Engineering Fellows return to their disciplines and share knowledge with students and peers to encourage more scientists and engineers to participate in informing government processes: Now, therefore, be it

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

(1) recognizes the significance of the anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program;

(2) acknowledges the value of 30 years of participation by the American Association for the Advancement of Science Congressional Science and Engineering Fellows; and

(3) reaffirms its commitment to support the use of science in governmental decision-making through the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

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

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Con. Res. 279, the concurrent resolution now under consideration.

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

There was no objection.

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

Today I am pleased that we are considering this resolution recognizing the 30th anniversary of the Congressional Science and Engineering Fellowship Program coordinated by the American Association for the Advancement of Science, better known as AAAS.

This resolution has bipartisan support from 26 cosponsors. It recognizes a truly valuable educational program that gives scientists a wonderful opportunity to step out of the lab and into the political process. By working as legislative assistants in congressional offices, they get a behind-the-scenes look at how our laws are made, writing speeches, developing legislation, and serving as liaisons to committees on which a Member serves. At the same time Members of Congress and other policy makers gain a valuable new resource to help them better understand the scientific and technical issues underpinning complex policy debates.

Six different fellows have served on my staff and each one has used their unique talents and understanding to help shape my legislative agenda. One in particular contributed greatly to this Nation at the time I was rewriting the Nation's science policy at the request of Speaker Gingrich and Chairman SENSENBRENNER. Sharon Hayes played a key role in the preparation of that report, which has been widely used and quoted throughout the scientific community.

After 30 years, this program is still going strong. Over 800 scientists have now served Republican, Democratic, and Independent Members of Congress

and many are currently working for Congress and the administration. These individuals have contributed not only their scientific expertise, but also a fresh perspective to policy making. I urge my colleagues to recognize the success of this program by supporting this resolution to honor the AAAS Congressional Fellowship Program.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 279. This resolution recognizes the 30th anniversary of the Congressional Fellowship Program instituted by the American Association of Advancement of Science. I congratulate the gentleman from Michigan (Mr. EHLERS) for taking the initiative to develop this resolution.

The AAAS Congressional Science and Engineering Fellowship Program has provided congressional committees and Members' offices with scientific and technical expertise that has greatly benefited governmental decision-making for three decades. The Committee on Science has made frequent use of AAAS fellows over the life of the program, and several subsequently have served on the professional staff of the committee.

I know that many of my colleagues have repeatedly sought AAAS fellows for their personal offices because of the quality of the contributions they have made. The issues confronting Congress increasingly involve scientific and technical aspects. Ph.D.-level scientists and engineers serving as congressional fellows bolster the technical expertise available to Members and staff by bringing to bear extensive knowledge and fresh insights and perspectives.

The presence of congressional fellows enhances the public policy formulation process. In addition, the program provides fellows with a window of the policy formulation process and the workings of Congress that they take back to their home institutions. It also provides a mechanism that many fellows have used to transition to careers in public service.

Mr. Speaker, the American Association for the Advancement of Science is to be congratulated for creating this successful and valuable congressional fellows program. And it is appropriate for us to recognize the contributions of more than 800 fellows who have participated in this program since 1973. I urge my colleagues to support this worthy resolution.

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

Mr. EHLERS. Mr. Speaker, I have no other speakers at this time. I will reserve the balance of my time.

MS. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I rise in strong support of H. Con. Res. 279 to recognize the importance of the American Association for the Advancement of Science Congressional Fellowship Program. For 30 years, the fellowship program has brought together Members of Congress with leading scientific practitioners and scholars in a variety of scientific fields. And this has provided a level of scientific expertise not otherwise found on most congressional staffs, and it presents the congressional fellows with an intimate role in the process of decision-making in public policy.

□ 1515

It is hard to find an issue before this body that does not have significant scientific and technological components, and yet those components often get short-shrifted. I was an AAAS Fellow 20 years ago, in fact, the only alumnus of that program yet to serve in this body, although I am sure that there are some others on the way. I was very fortunate to take part in that program, and I witnessed firsthand the important role that scientific expertise can bring to policy decisions.

Since I have been a Member of Congress for the past 5 years, I have welcomed AAAS Fellows into my staff and fully integrated them into my staff because of the wealth of knowledge they provide and their ability to pose questions. Of course, that is the essence of science, to be able to pose questions. I have benefited from their aptitude, their ability and their energy; and I will, as long as I serve in this body, continue to recruit these motivated and high-qualified experts and do everything I can to make this program a success. It has, in many ways, benefited America.

Let me mention a few of the Fellows who have served with me. Joan Rothenberg joined my staff and shared her expertise on food technology and was integral in developing legislation to provide the public with scientifically based information on biotechnology.

Katy Makeig provided my staff with technical expertise on geology and energy and research and development.

At the time our Nation was struggling with the anthrax attacks, microbiologist Jill Harper worked on my staff on critical issues of bioterrorism and health and homeland security.

Jeffrey Haeni helped to establish here the Congressional Caucus on Research and Development which I think will prove to be an important part of this body.

But it is not so much the specific expertise that these Fellows and that other science Fellows bring; it is the level of comfort with science and technology, the familiarity with science and technology that they bring.

Members of Congress, let me just say, are generally not loath to talk about subjects in which they are not well trained, except in science. My col-

leagues and I will hold forth on economics or international relations or any number of other things; but when it comes to science, they say, whoa, that is not for me. I am not a scientist. And as a result, many of the aspects of science, many of the aspects of the policy questions before us that involve science and technology do not get the attention they should. That is why this congressional Fellows program, this AAAS science program is so important. It is in many offices the only scientific expertise that is provided. This technical expertise is very valuable to Congress; and it allows not only these Fellows to bring scientific expertise here; it allows them to carry political expertise back to their professions.

So as AAAS celebrates 30 years in the Congressional Fellowship Program, I encourage all of my colleagues to join me, to join the sponsor, the gentleman from Michigan (Mr. EHLERS), in recognizing the notable contributions provided by these Fellows, the political expertise that they take back to their professions that enriches our country in so many ways, and to applaud the sponsoring societies for providing the support for these Fellows. It truly is a public service.

The AAAS seeks "to advance science and innovation throughout the world for the benefit of all people." The Congressional Fellowship Program carries that mission beyond the walls of academic institutions and research laboratories and into the legislative process.

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

Mr. Speaker, I thank the gentleman from New Jersey (Mr. HOLT) for his comments and his co-sponsorship on this resolution. I also thank him for his sponsorship on the previous resolution on National Chemistry Week. He and I, as most people know, are the only two physicists in the Congress and I am told are the only two that have ever served in this Congress. That, I think, is an indictment of the scientific community because we should have more scientists in the Congress, but most scientists tend to shy away from this particular type of activity. But the Fellows that we are honoring here have filled the gap, as the gentleman from New Jersey (Mr. HOLT) has so clearly outlined. They provide some very badly needed scientific advice.

I recognized the need for this some years ago before there was a fellowship program, and I contacted my Congressman and I worked with him over several years informally advising him on science. His name happened to be Gerald R. Ford. And I was very pleased when he became President and he continued to use some of the advice that I had given him.

The OTA came along and that relieved some of the need for scientific advice; but as we know, the OTA is no longer with us. And so the Fellows are extremely important in maintaining the scientific competence of the Congress, both House and Senate. Many of

the Fellows have returned to their laboratories where they serve as a good liaison between the scientific communities and the Congress. Many others have chosen to stay here; and I have one sitting immediately behind me, Ms. Amy Carroll, who served as science Fellow and now serves as my designee on the Committee on Science, particularly the Subcommittee on Environment, Technology and Standards.

In my office I have a scientist Ellen Burns, who is currently my employee, but previously served as a science Fellow; and you will find many former science Fellows in the halls of Congress, in the administration, playing a very vital role in keeping this Nation's governing bodies current in science. So this has been a very valuable enterprise.

I was pleased to be involved in Fellows programs from the very start. I served on one of the first interviewing boards. We have come a long way since then because at that time scientists did not even know what it meant to become involved politically. Now we have a good network, thanks to the AAAS and the sponsoring societies; and it has been very, very beneficial to our Nation.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I urge support for the resolution.

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

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

Mr. Speaker, I urge that this resolution be adopted, and I thank all of those who have supported it and cosponsored it.

Mr. MARKEY. Mr. Speaker, I rise in celebration of the 30th anniversary of the congressional fellows program of the American Association for the Advancement of Science (AAAS).

The mission of the AAAS is to "Advance science and innovation throughout the world for the benefit of all people". In pursuit of this mission, in 1973 the AAAS established a fellowship program designed to provide a unique public policy learning experience for scientist and to demonstrate the value of science-government interaction. From an initial cohort of seven Fellows, the AAAS program has grown over thirty years to include nearly one hundred Fellows each year, serving in both Houses of Congress and many agencies of the executive branch. Bringing technical backgrounds that range from astrophysics to veterinary radiology, AAAS Fellows have made important contributions to all areas of government policy. Many former Fellows have remained in Washington at the end of their twelve-month tenure, to become members of the scientific policy-making community. Others have returned to scientific careers with an enhanced appreciation of public policy, sharing this knowledge and experience with colleagues and students.

I have welcomed over twenty AAAS Fellows into my office since 1979 and have been consistently impressed by their contributions to policymaking and advising. They have made a

significant positive impact on the quality of life for the people of Massachusetts, the United States, and the world by instilling a measure of science and humanity into the decisions we are asked to make in these chambers every day. I look forward to working with AAAS Fellows for another thirty years.

The following article from the Washington Post provides a useful look back at 30 years of the outstanding achievements of the AAAS science policy program.

[From the Washington Post, Sept. 18, 2003]

BRIDGING THIS GAP ISN'T ROCKET SCIENCE

(By Rick Weiss)

In his famous 1959 treatise "The Two Cultures," British scientist and novelist C.P. Snow decried the divide between scientists and "literary intellectuals," warning that society's problems will remain largely intractable as long as scientists eschew Shakespeare and literary types remain ignorant about the second law of thermodynamics.

Washington has its own version of that cultural divide—this one involving scientists and politicians. How can the nation craft policies in such scientifically complex areas as embryonic stem cell research, global warming, agricultural biotechnology and "Star Wars" missile defense, experts in both camps moan, when so many politicians know so little about science and most scientists remain so clueless about how policy is made?

Enter the AAAS Science and Technology Fellows Program, a little-known but influential cultural exchange that serves as a wormhole between the largely alien universes of science and politics.

The program—coordinated by the American Association for the Advancement of Science, the nation's largest general science organization and publisher of the research journal *Science*—places about 60 PhD scientists in congressional and executive branch offices each fall for one-year stints. Celebrating its 30th anniversary this week, the program gives scientists a chance to explore the world of policy and politics while allowing lawmakers and administration officials to take advantage of the fellows' well-wired brains.

Scientists learn about a kind of sausage-making that never came up in their PhD food chemistry courses and bureaucrats get reminded that the universe cannot run on hot air alone.

Sometimes there is even a profound synthesis. In at least one case, involving a psychology fellow and a Treasury official, the cross-pollination between science and politics got so personal as to culminate in matrimony.

But perhaps the best measure of the program's success is the ubiquity of former fellows inside the Beltway today. Ten of about 50 staff members on the House Science Committee—including the committee's deputy chief of staff—are former fellows, as is one member of Congress: Rep. Rush D. Holt (D-N.J.). Other former fellows include the deputy director of the Department of Homeland Security's Advanced Research Projects Agency; the new chief science adviser at the State Department; and the deputy associate director of technology at the White House Office of Science and Technology Policy. Perhaps no fellow is as appreciative of the program as psychologist Karen Kovacs North, now assistant dean for the School of Public Policy and Social Research at the University of California at Los Angeles. She met her husband in 1994 while on her AAAS stint in the office of Rep. Edward J. Markey (D-Mass.).

"We met banning Chinese assault weapons," she said.

Specifically, she first got Erik North, a Treasury official, in her cross hairs when he and some colleagues went to Markey's office to work with her on the wording of the pending Clinton importation ban.

"They came over with a bunch of guns and it scared the hell out of me," Kovacs North recalled. After months of work together, with the ban written and passed, it was dinner for two, long talks into the night "and the rest," Kovacs North said, "is Hollywood history."

They married in Malibu, Calif., in 1997. C.P. Snow would have cried with happiness.

Mr. STARK. Mr. Speaker, I rise in support of H. Con. Res. 279 that recognizes the 30th anniversary of the American Association for the Advancement of Science (AAAS) Congressional Science and Engineering Fellowship Program.

Each year, this fine program brings to Capitol Hill talented individuals representing the natural, physical, and social sciences and all fields of engineering. Since its inception in 1973, over 800 AAAS Fellows have participated in this year-long experience in Congress.

This program is a remarkable partnership between Congress and the 30 or so participating professional societies that select and fund the Fellows. At no cost to Congress, these Fellows offer their substantial expertise and experience to various personal offices and committees in return for the opportunity to be immersed in the legislative process.

I have been fortunate enough to work with many AAAS fellows over my Congressional career. Without exception, they have been valuable additions to my staff. I especially appreciate the real world perspective they bring to us. While I've legislated in health care for several decades, I've never been trained in any of the health care disciplines. Having professionals on my staff who can provide that expertise has proved extremely beneficial and has probably helped keep well meant, but poorly designed legislation from becoming law on more than one occasion.

In my office, a fellow is treated exactly as other members of my staff. They have issue areas of expertise and perform all of the duties necessary to move those issues forward. Fellows have performed many tasks. One initiated innovative legislation to update Medicare's mental health coverage—which we are still attempting to enact years later. A more recent fellow developed legislation to restructure the Individuals with Disabilities Act so that we could meet our federal commitment to fully fund the education of students with disabilities. I could go on and on with examples of their contributions. The AAAS fellows in my office are always focused on health policy and are often psychologists. I know I speak for myself and many other members of my staff in saying that we have found that background useful personally as well as professionally.

The AAAS Fellowship program is a shining example of a collaborative program that benefits all whom participate. The fellows get a strong understanding of the legislative process and Congress gets the benefit of someone with real world expertise in areas in which we legislate.

I want to commend the AAAS for establishing this program and providing the infrastructure and organization that helps maintain its excellence. This program brings much needed scientific expertise to the halls of Congress and helps develop a cadre of scientific

professionals knowledgeable about public policy and the legislative process. I look forward to continuing to work with AAAS fellows. Over the years, they have become an integral part of my staff. Thanks again to AAAS for maintaining this valuable resource for Congress.

Mr. BOEHLERT. Mr. Speaker, I rise today in support of H. Con. Res. 279, recognizing the significance of the 30th anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program. I congratulate Mr. EHLERS for introducing it.

The AAAS has literally incalculable contributions to this institution and the nation. It has enabled scientists to have a better understanding of the governing process—both the fellows themselves and scientists with whom they interact—and it has improved the governing process by enabling Congressional offices to better understand scientific information and scientists.

The fellows program has also been an entry point for many of the best staff we have on Capitol Hill. We recognize the value of the AAAS program daily on the Science Committee, where ten of our staff members began their careers on the Hill as fellows. To take just three prominent examples, the minority chief of staff, Bob Palmer, and both my deputy chiefs of staffs, John Mimikakis and Peter Rooney, were AAAS fellows. Hopefully everyone will view that as an advertisement for the program.

I look forward to the speedy passage of this resolution and to the continued success of the AAAS program of the fellows themselves.

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

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 279.

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

A motion to reconsider was laid on the table.

FEDERAL EMPLOYEE STUDENT LOAN ASSISTANCE ACT

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 926) to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies

The Clerk read as follows:

S. 926

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 "Federal Employee Student Loan Assistance Act".

SEC. 2. STUDENT LOAN REPAYMENTS.

Section 5379(b)(2) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking "\$6,000" and inserting "\$10,000"; and

(2) in subparagraph (B), by striking "\$40,000" and inserting "\$60,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 926.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to speak in favor of S. 926, a bill introduced by my colleague, Senator VOINOVICH, to increase the annual and total limits of student loan repayments by executive branch agencies.

This is identical to a bill that I introduced on the House side, H.R. 3080. We are considering the Senate version of this bill, the Federal Employee Student Loan Assistance Act, which has already passed that Chamber in an effort to speed up approval of this important piece of legislation.

I want to thank the leadership for bringing this matter to the floor today. As the chairwoman of the Subcommittee on Civil Service, Census and Agency Organization of the Committee on Government Reform, I have raised the same questions at many of our hearings this year: How do we attract the most qualified people to government service and how do we keep them once they have started?

Recruiting, retraining, and rewarding talented and hardworking individuals are at the very core of making our civil service the best that it can be. Very clearly, having the ability to tell potential recruits, come work for the United States Government and we can help you repay your student loans, is an extremely valuable tool.

All of us are surely aware of how expensive a college or graduate-level education is. And it is the prospect of these daunting student loans, \$50,000, \$75,000, or even more than \$100,000, that can prevent public service-minded people from coming to work for the government. They simply cannot afford it.

Student loan repayment is at the top of the list for newly graduated students looking for jobs. To keep up with the higher salaries of the private sector and nonprofit organizations, the Federal Government must have an effective student loan repayment program. This legislation before us today raises the annual maximum amount that agencies could give towards student

loan repayment, from \$6,000 a year to \$10,000 a year. It also raises the total amount an agency can contribute toward an individual's loan, from \$40,000 to \$60,000. These changes reflect the increases in annual college tuition costs since the Federal Government's original Student Loan Repayment Bill was enacted in 1991.

All funds to pay for the repayment program come out of the agencies' own budgets, so this legislation has no negative impact on the current budget. It is the right thing to do and something that we must do in order to remain competitive in the job market. I strongly urge my colleagues to pass the Federal Employee Student Loan Assistance Act before us today.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, rising tuition rates force families to borrow thousands of dollars to fund their children's college education. The debt that these families and new graduates face after graduation is daunting. The majority of college students today will have more loans over \$20,000 by the time they graduate. Public and private employees who administer programs that could help employees reduce their college loan costs have a valuable recruitment and retention tool. The Federal Student Loan Program permits Federal agencies to repay federally insured student loans as a tool to attract or retain highly qualified employees.

Under current law, agencies may authorize a student loan repayment of up to \$6,000 for an employee in any year and up to a lifetime limit of \$40,000. An employee receiving this benefit must sign a service agreement to remain in the service of the paying agency for at least 3 years. If an employee leaves the agency before that time, he or she must reimburse the agency for the loan repayment. S. 926, the Federal Employee Student Loan Assistance Act, will increase the allowed annual loan repayment from \$6,000 to \$10,000 and the allowed life-time loan repayment allowed from \$40,000 to \$60,000. The increases reflect the rising college tuition costs since enactment of the original statute in 1991.

Several agencies have reported that the use of program has helped them achieve their recruitment and retention goals. However, the program is generally underutilized due to lack of agency funding caused by limited budgets. If government service is to become a viable and attractive option for college graduates and talented employees, the Federal Government must use all the tools and resources at its disposal to attract and retain these individuals. S. 926 is a step in the right direction; but without funding and without aggressive use of this and similar programs to promote Federal civil service,

the Federal Government will be left behind in the competition for top talents.

Mr. Speaker, I strongly support this legislation.

Mr. CUMMINGS. Mr. Speaker, I rise today in support of S. 926, the "Federal Employee Student Loan Assistance Act," which will increase the annual and aggregate limits on student loan repayments by Federal agencies.

Many federal employees have undergraduate and graduate degrees, and due to the rising cost of higher education, most of these employees have incurred student loans with hefty payments. Many talented graduates are interested in federal employment, but due to loan repayment burdens, they are unable to seriously consider federal employment. In order to remain competitive with private agencies that offer higher salaries, the federal government must continue to offer additional incentives, such as loan repayment programs.

As tuition costs continue to rise yearly, we must factor this into the existing loan repayment program for federal employees. This bill, which will cost less than \$500,000 per year, will have a significant impact on both current and potential federal employees who are burdened with outstanding student loans. Increasing the yearly and total amounts of loan repayment allotted to individual federal employees helps the federal government to attract the best and the brightest employees, those who might otherwise opt out for higher salaries in the private sector.

This is a good bill, and I urge all of my colleagues to support S. 926, the "Federal Employee Student Loan Assistance Act," which will not only help to recruit quality federal employees, but will also encourage longevity and retention of these very same employees. These programs also serve as an excellent model for all employers, both public and private.

Mr. TOM DAVIS of Virginia. Mr. Speaker, S. 926, the Federal Employee Student Loan Assistance Act, would raise the annual and aggregate amounts that federal agencies can offer a qualified employee to assist in repaying a student loan. This legislation would raise the annual repayment amount for an employee from \$6,000 to \$10,000, and the aggregate repayment amount from \$40,000 to \$60,000.

The purpose of raising the annual and aggregate repayment caps is two-fold. First, higher education tuition costs have increased dramatically in recent years and are considerably higher than they were when the original statute was passed on November 5, 1990. Second, as the federal government works to recruit and retain the best and the brightest, an attractive student loan repayment program should be an effective recruitment tool to help government agencies compete with the private sector.

I would like to commend the Senate sponsors of this legislation for introducing this important legislation, and I would also like to commend the House Civil Service Subcommittee Chairwoman for introducing companion legislation in the House.

I urge all Members to support S. 926.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1530

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the Senate bill, S. 926.

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

A motion to reconsider was laid on the table.

DAVID BYBEE POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2744) to designate the facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, as the "David Bybee Post Office Building".

The Clerk read as follows:

H.R. 2744

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

SECTION 1. DAVID BYBEE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, shall be known and designated as the "David Bybee Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the David Bybee Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my esteemed colleague, the gentleman from Illinois (Mr. EVANS), introduced H.R. 2744, a bill that honors the life of a diligent and admired member of the U.S. Postal Service family, David Bybee. Mr. Bybee served the Postal Service for 33 years as a letter carrier in Moline, Illinois. He was an active member of the National Association of Letter Carriers, representing thousands of postal employees in Illinois as the NALC's National Business Agent for the Chicago area. Away from work, Mr. Bybee

was a fire chief, school board member, Elks Club member, and he enjoyed, most of all, spending as much time as he could with his family.

Mr. Speaker, David Bybee sadly passed away on May 31, 2002. He is survived by his wife, Judy; his two sons, Michael and John; his mother, Marilla; his brother, Richard; and three grandchildren, Ryan, Brandon and Jennifer. I want to join with the gentleman from Illinois to offer the best wishes of this House to the family of David Bybee.

Mr. Speaker, I want to express gratitude to the gentleman from Illinois (Mr. EVANS) for his valuable work on H.R. 2744, and I urge all Members to support its passage.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

As a member of the Committee on Government Reform, I rise in support of H.R. 2744, legislation naming a postal facility located at 514 17th Street in Moline, Illinois, after David Bybee. H.R. 2744, introduced by the gentleman from Illinois (Mr. EVANS) on July 15, 2003, was unanimously approved by our committee on October 8, 2003. The bill has met the Committee on Government Reform policy and has the support and cosponsorship of the entire Illinois State delegation.

Mr. David Bybee began his career with the Postal Service as a letter carrier. He was later elected president of the Letter Carriers Local 318. Mr. Bybee worked as the National Association of Letter Carriers' National Business Agent in Chicago, Region 3, for the last 25 years of his service, and in September of 2000, he retired after 33 years of working at the Moline Post Office.

A family man, David Bybee was active in the union and in his community. He served as a vice president of the Illinois AFL-CIO, was a fire chief, school board member and active in the Moline Elks Club. Sadly, he passed away on May 31, 2002.

Mr. Speaker, I commend my colleague for seeking to honor the legacy of David Bybee and urge the swift adoption of this resolution.

Mr. Speaker, I yield such time as he might consume to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Speaker, I rise in support of H.R. 2744, designating the post office in Moline, Illinois, after my good friend Dave Bybee, who passed away in May of last year.

Dave served as a letter carrier and union leader for 33 years within the very building I seek to name after him. He became a letter carrier for the postal service in 1967, and after only 2 years on the job, was elected president of Letter Carriers Local 318.

Dave Bybee held various positions within the Illinois State Letter Carriers Association from 1971 to 1977. He was elected National Business Agent for the National Association for Letter

Carriers for the entire Chicago region in 1980. He held this position and also served as vice president of the AFL-CIO until his untimely death on May 31, 2002.

Dave worked hard on behalf of America's letter carriers, traveled thousands of miles to fight for them and advocate for their interests. He was well respected by retirees, who knew they had a good friend fighting for their interests and benefits.

Dave Bybee's dedication to his fellow workers did not interfere with his devotion to his wife and two sons, Michael and John. In addition to a full and rewarding family life, he also found time to serve his community as the fire chief of Carbon Cliff and as a school board member, and to remain active on the Moline Elks Club. He had a wonderful sense of humor; and no matter how tired he was from work and travel, he could always manage to make any group he was visiting or speaking to laugh and smile. When he passed away, letter carriers and postal officials from across the State and the Nation traveled to pay their respects to Dave Bybee.

Mr. Speaker, I am proud to sponsor this legislation in honor of Dave Bybee, a nationally known letter carrier, who served not only his fellow workers but also his community and friends. It is my hope his name will forever be identified within the institution to which he dedicated so much time and energy. I urge my colleagues to support H.R. 2744, to rename the U.S. post office in Moline, Illinois, after my good friend, Dave Bybee.

Mr. Speaker, today we will address legislation to name the United States Post Office at 514 17th Street in Moline, Illinois after my friend, David Bybee, who passed away in May of last year.

Dave Bybee served as a letter carrier and union leader for 33 years within the very building I seek to name after him. It is my hope that his name will forever be identified with the institution to which he dedicated so much time and effort.

Dave became a letter carrier for the Postal Service in 1967 and after only two years on the job was elected President of Letter Carriers Local 318. He then became the Regional Administrative Assistant and concurrently the Secretary to the Illinois State Association of Letter Carriers from 1971 to 1977. In 1980, Mr. Bybee was elected the National Business Agent to the National Association of Letter Carriers for the 17,000 strong Chicago Region. He held that office and concurrently served as a Vice President of the Illinois AFL-CIO until his death on May 31, 2002.

Dave worked tirelessly on behalf of Illinois' letter carriers, traveling thousands of miles in Illinois and across the nation to represent them. Dave was also well-respected by retirees, who knew they had a good friend and leader fighting for their benefits. In 1992, recognizing Dave's hard work and lifetime of dedication, the building housing Letter Carriers Local 318 was named the David M. Bybee Branch of the National Association of Letter Carriers in his honor.

David Bybee was also civically active, and had many friends within the Illinois Congres-

sional delegation and state legislature on both sides of the aisle. He served as a member of the Electoral College in two national elections.

His dedication to his fellow workers did not interfere with his devotion to his wife, Judy, and their two sons, Michael and John. In addition to a full and rewarding family life, he still found time to serve his community as the fire chief of Carbon Cliff and as a school board member, and remain active in the Moline Elks Club.

Dave had a wonderful sense of humor and no matter how tired he was from work and travel, he could always manage to make any group he was visiting or speaking to laugh and smile. When he passed away, letter carriers and postal officials from all over the state and nation traveled to Moline to pay their respects.

Mr. Speaker, I am proud to sponsor this legislation in honor of David Bybee, a national labor leader who served not only his fellow workers, but also his community and family. I urge my colleagues to support H.R. 2744, to rename the U.S. Post Office in Moline, Illinois after my friend David Bybee.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 2744.

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

A motion to reconsider was laid on the table.

RICHARD D. WATKINS POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3175) to designate the facility of the United States Postal Service located at 2650 Cleveland Avenue, NW in Canton, Ohio, as the "Richard D. Watkins Post Office Building".

The Clerk read as follows:

H.R. 3175

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

SECTION 1. RICHARD D. WATKINS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2650 Cleveland Avenue, NW in Canton, Ohio, shall be known and designated as the "Richard D. Watkins Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Richard D. Watkins Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Government Reform, I am pleased that the House is considering H.R. 3175. This legislation, sponsored by my distinguished colleague from the State of Ohio (Mr. REGULA), names this post office in Canton, Ohio, as the Richard D. Watkins Post Office Building. The entire delegation from the State of Ohio has cosponsored the bill.

Mr. Speaker, Mayor Richard Watkins is a devoted public official who is retiring next month after 12 years as the chief executive of Canton, Ohio. His contributions to the people of east central Ohio are immeasurable, and this post office would be a deserved tribute to Mayor Watkins' service.

Mr. Speaker, I commend the gentleman from Ohio for introducing this legislation, and I urge all Members to support the passage of H.R. 3175.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

As a member of the House Committee on Government Reform, I am pleased to rise in support of H.R. 3175, legislation naming a postal facility located at 2650 Cleveland Avenue, NW, in Canton, Ohio, after Richard D. Watkins.

H.R. 3175, introduced by the gentleman from Ohio (Mr. REGULA) on September 24, 2003, was unanimously approved by our committee on October 8, 2003. The measure has met the Committee on Government Reform policy and has the support and cosponsorship of the entire Ohio delegation.

Mr. Watkins, a lifelong resident of Canton, was born in 1930. He attended local schools and after college served in the United States Marine Corps. After serving his country, he returned to Canton and began an impressive career in public service. Richard Watkins was elected to the Canton City Council for six terms and served two terms as Stark County Commissioner. He was elected mayor in November of 1991 and reelected in 1995 and 1999.

In addition to public service, Richard Watkins was dedicated to a host of community service projects. He worked with the Boy Scouts, serving on their advisory board. He was a member of the National League of Cities, Urban Policy Committee, president of the Belle Stone Elementary School PTA and formed the Canton Community Clinic, a free health care facility which provides medical and dental care to thousands of people in need.

Mr. Watkins has also been very involved in local transportation and infrastructure projects and economic development.

I commend my colleagues for seeking to honor the accomplishments of Richard D. Watkins by naming a postal facility in his hometown of Canton, Ohio, and I urge swift passage of H.R. 3175.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from Ohio (Mr. REGULA), the sponsor of H.R. 3175.

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

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

Richard Watkins has left a great legacy of public service in our community, public service that had many dimensions, as was outlined by the gentleman from Illinois (Mr. DAVIS). I think that he deserves a lot of credit for the great work that he has done in our community, and this would be a fitting tribute to his career.

He is completing 12 years as mayor of what we know as the Hall of Fame city. Canton, Ohio, has the Football Hall of Fame, and in that capacity he accomplished many things that are beneficial to people.

Mr. Watkins has always been sensitive to the type of leadership that cares about people. I think perhaps the best example were his efforts to establish the Canton Community Clinic. This is a free health care facility. It has been in operation since 1994, and it has served over 35,000 people in that time. This is a beacon light of help to many people who otherwise would not have access to health services.

In addition, he developed what is known as Cornerstone Square. This is a social services campus, kind of a "one-stop" for people that need help. The Ohio Bureau of Workmens' Compensation is there, the Industrial Commission of Ohio and the Ohio Bureau of Employment Services. So those that need assistance in these areas can go there and find help, and I think his leadership in getting that accomplished was great. And it is so important because it has not only provided these services in a central place, but it also provided a facility in part of the city that needed rehabilitation.

He has worked on a number of things in the revitalization of downtown Canton. Big cities have a challenge these days, and Mayor Watkins has addressed that challenge and provided a worthwhile legacy for those that he represents. The aesthetic appeal of downtown Canton has been immeasurably enhanced by his actions as the mayor, and this would be a fitting tribute to an individual who has served the public well, who has provided a legacy for others to benefit and also has provided leadership that will inspire others to public service.

He was also, as has been mentioned before, a member of the Marine Corps, and I know for some Members that is a very substantial endorsement, and so I would urge the Members to support this legislation and give this fitting honor of naming the Cleveland Ave. Post Office, city of Canton, Ohio, for the retiring mayor of Canton, Ohio, Richard D. Watkins.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I have no other speakers, and I commend the gentleman from Ohio for working on such a meaningful piece of legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 3175.

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

A motion to reconsider was laid on the table.

BEN R. GEROW POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3234) to designate the facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, as the "Ben R. Gerow Post Office Building".

The Clerk read as follows:

H.R. 3234

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

SECTION 1. BEN R. GEROW POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, shall be known and designated as the "Ben R. Gerow Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Ben R. Gerow Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3234, introduced by the gentleman from New York (Mr. HINCHEY) designates this U.S. Postal Service facility in Liberty, New York, as the Ben R. Gerow Post Office Building.

□ 1545

All members of the New York State delegation have signed onto this legislation.

Mr. Speaker, Ben Gerow spent his entire life living, working, and serving in the town of Liberty in the Catskill Mountains of southeastern New York State. Mr. Gerow was a respected State assemblyman, sheriff, firefighter, and businessman.

Ben Gerow made a comfortable living for 30 years as owner and operator of his own automobile service station. He retired from his business at age 50 and entered the race for sheriff of Sullivan County, which he won. Three years later, he won another election, this time to a seat in the New York State Assembly. After serving a 1-year term in the legislature, President Franklin Delano Roosevelt selected him to be postmaster of the post office in Liberty, New York, where he served for 12 years.

Ben Gerow passed away in 1961 at the age of 81. Passage of this meaningful bill will fittingly rename the post office in Liberty after Ben Gerow, the very post office at which he served as postmaster. Mr. Speaker, for all these reasons, I congratulate the gentleman from New York (Mr. HINCHEY) for his efforts in shepherding H.R. 3234 to the floor, and I commend him for honoring Ben Gerow.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Government Reform, I am pleased to join the gentlewoman from Virginia in rising in support of H.R. 3234, legislation naming the postal facility located at 14 Chestnut Street in Liberty, New York, after Ben Gerow.

H.R. 3234 was introduced by the gentleman from New York (Mr. HINCHEY) on October 2, 2003. The bill has met the Committee on Government Reform's policy and has the support and cosponsorship of the entire New York delegation.

A lifelong resident of Liberty, New York, Ben Gerow was a successful businessman and politician. He owned a garage, operated a Cadillac dealership and tire business, and was a firefighter. He later served as county sheriff and in the New York State Assembly. In 1934, President Franklin D. Roosevelt appointed Mr. Gerow postmaster of the Liberty post office.

Mr. Speaker, I commend my colleague, the gentleman from New York (Mr. HINCHEY), for seeking to recognize the legacy of Postmaster Ben Gerow by naming the Liberty post office in his honor. It is interesting to note that

this measure has been endorsed by a host of Liberty community leaders and organizations, including the village mayor, local chamber of commerce, and residents. I would urge swift adoption of this resolution.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. HINCHEY), the author of this legislation.

Mr. HINCHEY. Mr. Speaker, I want to express my appreciation to the Committee on Government Reform for bringing this bill to the floor so expeditiously. I also want to express my thanks to the gentleman from Illinois (Mr. DAVIS), who is managing the Democratic time, and the gentlewoman from Virginia (Mrs. JO ANN DAVIS), who is managing the time for the majority.

I also wish to express my thanks to the elected officials, civic organizations, and individuals in Liberty and Sullivan County, New York, for recommending and endorsing this legislation; as well as the family of Ben Gerow for providing photographs, newspaper articles, and detailed biographical information; and, finally, to the current postmaster in Liberty, New York, Gene DeCarlo, for his assistance.

It is a testament to Ben Gerow's significant contribution to Liberty that there is such overwhelming support in the local community for naming this post office in his honor. There is a true groundswell of support for this legislation. It is endorsed by Liberty community leaders and organizations locally, including the town of Liberty Democratic and Republican Committees, the town of Liberty and the Village of Liberty Boards, the village mayor, the Sullivan County Historical Society, the Greater Liberty Chamber of Commerce, and many Liberty residents and others in Sullivan County who have signed petitions.

Ben Gerow was born in Liberty, New York, in 1880, and died in 1961 at the age of 81. He lived virtually his entire life in Liberty, New York, where he was a pioneer of the automobile age who became a county sheriff, member of the New York State legislature, and a postmaster.

Ben Gerow was involved in the automobile business for 30 years. He was the first man in Liberty to own a gasoline-fueled car. He owned and operated one of the best-known businesses in Sullivan County, Gerow's Garage Machine Shop and Supply Store. He was the first Cadillac dealer in Sullivan County and also sold Fords, Dodges, and owned a rubber tire business. He was a lifelong firefighter as a member and president of the Liberty Hose and Truck Company No. 20.

Legend has it that Ben Gerow was an instrumental coconspirator in the in-

troduction of the first motorized fire truck in Liberty and all of Sullivan County. With a few chosen friends, he got hold of an automobile chassis and a motor, refurbished and repainted it, and outfitted it with the hose and other firefighting equipment. Then one of his crew set fire to a bunch of orange crates, and Ben's motorized equipment whizzed by the firefighters from companies number one and three who were carrying their heavy hose carts by hand. This carefully staged incident reportedly ended the era of man-powered fire trucks in Liberty and in Sullivan County generally.

Ben Gerow was an active civic leader: a founding member of the Liberty Elks Lodge, a member of the Mongaup Lodge, and Free and Accepted Masons, and the Independent Order of Odd Fellows.

In addition to being a successful businessman, community leader, and honorable public servant, Ben Gerow was married to Angeline Wheeler for 61 years. Together, they raised 14 children in one of Liberty's largest families. It is notable that five of their sons served in World War II all at the same time. Overall, these two wonderful people had 65 descendants, including 34 grandchildren and 17 great grandchildren.

At the age of 50, Ben Gerow retired from business and entered politics, a natural transition, given that he is said to have been known by virtually every member of the population in Sullivan County. A lifelong Democrat, he was elected Sullivan County sheriff in 1930 and then elected to a 1-year term in the New York State Assembly in 1933. He was appointed postmaster to the Liberty post office by President Franklin D. Roosevelt in 1934, and he served in that position for 12 years.

Under Mr. Gerow's administration, the current Liberty post office building was sited and built as a Works Progress Administration project. Given his many accomplishments and contributions to Liberty, naming the Liberty post office in honor of Ben Gerow nearly 60 years after he retired from his long tenure as postmaster is clearly fitting, it is appropriate, and, one might say, long overdue.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 3234.

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

A motion to reconsider was laid on the table.

EXPRESSING GRATITUDE TO MEMBERS OF U.S. ARMED FORCES DEPLOYED IN OPERATION RESTORE HOPE IN SOMALIA IN 1993

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 291) expressing deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993.

The Clerk read as follows:

H. CON. RES. 291

Whereas October 3, 2003, marks the 10th anniversary of the major battle in the United States operation to capture key members of the Somali National Alliance led by the terrorist warlord, Mohammed Farah Aidid, in Mogadishu, Somalia;

Whereas Task Force Ranger, which led the assault, was composed of Army Special Forces, Navy SEALs, Army special operations helicopter forces, and Air Force Special Tactics personnel;

Whereas 16 special operations personnel assigned to Task Force Ranger were killed, and another 83 wounded, during one of the most intense and lethal firefights in modern history;

Whereas two of those killed, Master Sergeant Gary I. Gordon and Sergeant First Class Randall D. Shughart, were posthumously awarded the Medal of Honor for actions above and beyond the call of duty;

Whereas soldiers of the 2nd Battalion, 14th Infantry Regiment, 10th Mountain Division, provided a quick reaction force in support of the combat operation;

Whereas two soldiers of the 10th Mountain Division were killed, and another 28 wounded, while supporting the special operations forces of Task Force Ranger; and

Whereas the valiant efforts of the soldiers, sailors, airmen, and Marines who were deployed in Operation Restore Hope significantly contributed to the war against terrorism and oppression: Now, therefore, be it

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

(1) expresses deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993;

(2) recognizes those members, many of whom were killed or severely wounded in direct combat, who acquitted themselves with honor and courage in battle to restore freedom to an oppressed nation;

(3) honors the heroic service of the special operations forces assigned to Task Force Ranger and the soldiers of the 10th Mountain Division who supported them;

(4) extends condolences to the families and friends of those killed and wounded in Operation Restore Hope; and

(5) encourages the American people to remember the sacrifices of those who served.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks on H. Con. Res. 291, the concurrent resolution under consideration.

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

There was no objection.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume, and I do have a statement that I wish to make; but I want to begin by first yielding to the author of this resolution, a gentleman with whom I have had the honor and the opportunity and the pleasure to work both as a member of the Committee on Armed Services and also as a colleague who I know cares very deeply about the sacrifices and the commitments that our men and women in the military make as well as their families; and I want to thank him for his leadership and his observance over this very timely resolution and this very important anniversary date.

Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. HAYES).

(Mr. HAYES asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. HAYES. Mr. Speaker, I thank the chairman for yielding me this time, and I appreciate the persistence with which he pursues his duties on the Committee on Armed Services, or more particularly the Subcommittee on Total Force, or personnel, as we know it more intimately.

Mr. Speaker, just 10 years ago, on October 3, 1993, 18 U.S. servicemen were killed and another 111 wounded in Operation Restore Hope. Often known by Mark Bowden's book and screenplay "Black Hawk Down," this was the major battle of the United States operation to capture key members of the Somalia National Alliance led by terrorist warlord Mohammed Farah Aided in Mogadishu, Somalia. Task Force Ranger, which led the assault, was composed of Army Special Forces, Navy SEALs, Army Special Operations Helicopter Forces, and Air Force Special Tactics personnel. Soldiers of the 2nd Battalion, 14th Infantry Regiment of the 10th Mountain Division supported the lead units as well.

For their heroic and valiant deeds, Master Sergeant Gary Gordon and Sergeant First Class Randall Shughart were posthumously awarded the Medal of Honor. Today, it is only right and proper that we take a moment to express our deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope.

□ 1600

As we continue to fight and win the global war on terrorism and support our troops deployed abroad, we must also recognize those members of Operation Restore Hope. They served with honor, they served with courage in the battle and efforts to restore freedom to an oppressed nation. These men represent and embody the special and unique qualities that make America great.

We have the opportunity today to honor the heroic service of the Special Operations Forces assigned to Task Force Ranger and the soldiers of the 10th Mountain Division who supported the operation.

On behalf of a grateful Nation, I wish to also extend my sincere condolences to the families and friends of those killed and wounded in Operation Restore Hope. We must never forget the service and sacrifice of the members of the United States Armed Forces who were deployed in Operation Restore Hope. God bless these men and their families and loved ones, and may God bless America.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the resolution introduced by the gentleman from North Carolina (Mr. HAYES). The resolution before us expresses our Nation's gratitude to those who served in the Armed Forces and were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993. What began as a humanitarian relief operation in December 1992 to distribute food supplies and prevent the starvation of thousands in Somalia, turned into one of the most intense and bloody battles for U.S. troops since the Vietnam War.

On October 3, 1993, Task Force Ranger, comprised of Army Special Forces, Navy SEALs, Army special operations helicopter forces and Air Force Special Tactics personnel, headed out that fateful morning to search and capture the Somali warlord Mohammed Farah Aidid. As the conflict began to escalate, the soldiers from the 10th Mountain Division provided additional quick reaction combat support for the 17-hour battle of Mogadishu.

That evening, Americans would watch the news in shock and horror as the bodies of American soldiers were dragged through the streets of Mogadishu that tragic day. Over 100 of our Nation's brave combatants were wounded. Eighteen warriors made the ultimate sacrifice, and two of those who died showed uncommon valor and courage and were awarded our Nation's highest honor, the Medal of Honor, and one became a prisoner of war.

Master Sergeant Gary Gordon and Sergeant First Class Randall Shughart were both posthumously awarded the Medal of Honor for their actions above and beyond the call of duty. Master Sergeant Gordon and Sergeant First Class Shughart volunteered to secure a helicopter crash site and protect its critically wounded crew, despite the intense gunfire and growing number of enemy personnel closing in. They embodied the bold courage and self-sacrifice of America's soldiers, and, ultimately, willingly gave their lives to protect their comrades in arms.

Chief Warrant Officer Mike Durant survived the helicopter crash and was pulled from the wreckage by Master Sergeant Gordon and Sergeant First Class Shughart. Chief Warrant Officer

Durant was the only one to survive, and was captured by enemy forces. He was held nearly 2 weeks as a prisoner of war before being released.

This year marks the 10th anniversary of the battle of Mogadishu and Operation Restore Hope. I am very pleased to join with my colleagues from New York and North Carolina in recognizing the brave and courageous actions of the Special Forces and the soldiers of the 10th Mountain Division and members of the Armed Forces who were deployed in Operation Restore Hope. My thoughts and prayers go out to the families and friends of those who lost a loved one or were wounded in the battle of Mogadishu.

Mr. Speaker, I urge my colleagues to join me in expressing our appreciation to all those who volunteer to defend our Nation's freedom and to remember the sacrifices of all those who serve.

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

Mr. MCHUGH. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. KLINE), who knows what it means to wear the uniform of the United States of America, a former distinguished officer in the United States Marine Corps and a gentleman who, in a very short period of time, has distinguished himself as a very important member of the Committee on Armed Services and someone with whom I just had the opportunity, and to the extent possible, the happy occasion of traveling to Iraq with, the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Mr. Speaker, I rise today to join my colleagues in commending the valor and commitment of the brave men and women who served in Operation Restore Hope in Somalia, and I thank the gentleman from North Carolina (Mr. HAYES) for authoring this important bill.

Mr. Speaker, this resolution is a great honor to these men and women, and we have an opportunity to offer a more meaningful tribute. The best way to honor the troops of Operation Restore Hope is to support the legacy of freedom they fought to preserve.

I am grateful for the opportunity to have served alongside some of the finest troops in the world when I was a commander of Marine Aviation Forces in Operation Restore Hope. The commitment of these men and women to our Nation and to the people of Somalia was exemplary.

Unfortunately, as we learned shortly after the battle of Mogadishu, civilian leadership of Operation Restore Hope did not share the commitment of our troops when the situation became difficult. Today, a decade later, the men and women of the United States Armed Forces again face a difficult challenge, this time in Operation Iraqi Freedom. As in Somalia, American forces have entered Iraq with the best of intentions, and this time, this time we must stay the course.

We commend the troops of Operation Restore Hope for their service as we pray for the safety of those who carry forth the proud tradition of committed service in Operation Iraqi Freedom.

Mrs. DAVIS of California. Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I did want to add a few words to those spoken so eloquently by my colleagues, and let me thank the gentlewoman from California (Mrs. DAVIS) for her management of this bill and, of course, for her great work as an esteemed member of the Committee on Armed Services, and also the ranking member, the gentleman from Arkansas (Mr. SNYDER), of the Subcommittee on Total Force, who is my partner on these issues. We are all part of a team that is very honored today to have this opportunity to present this very worthy, in my estimation, resolution for consideration to the full House. Let me again thank the gentleman from North Carolina (Mr. HAYES) for his effort and leadership in bringing this measure to the floor at this time.

Certainly, there are many perspectives today with respect to Operation Restore Hope and the battle at Mogadishu, a great deal of debate as to what happened prior to, what happened during, and as the aftermath of that, from the small "p" political perspective; but I would like to believe, and in fact I do believe, very strongly that there is absolutely no debate, no controversy with respect to what happened in Somalia and what happened during the battle of Mogadishu with respect to the incredibly brave and incredibly effective service of those members of our Armed Forces who were there as part of Operation Restore Hope. They were there for one reason. They were there to try to make a country safe for international relief organizations to administer humanitarian assistance.

When those same members who were there for the most peaceful of reasons were called into combat, they fought with incredible honor and skill, and as we have heard here this afternoon, incredible courage.

I do have somewhat of a personal stake in this resolution, Madam Speaker. I was very pleased to hear all of my colleagues speak very graciously about the contributions and sacrifices of the 10th Mountain Division during that particular day, that particular battle. The 10th Mountain Division is deployed out of Fort Drum which is just outside of Watertown, New York, my hometown, and still part of my district back in the State of New York. And specifically, it was the soldiers of the 14th Infantry Regiment, the Golden Dragons, who manned the relief column that ended the Mogadishu fight. It was those same Fort Drum troops that fought through the city for some 12 hours while under continuous heavy fire to clear an evacuation route for the incredibly brave Army Rangers and Delta Force commandos who had been pinned down by forces loyal to the Somali warlord, Mohammed Farah Aidid that day.

During that battle, 18 heroes were killed in total, but two of those troops were from the 10th Mountain Division. Also, 28 were wounded. The two soldiers whose lives were lost that day were Sergeant Cornell Houston and Private First Class James Martin, and I want to add my words of condolences and greatest sympathy, but also greatest appreciation to those two soldiers' families, and to all of the families of the soldiers, not just in the 10th, but in the Armed Services committed to that battle over that period of time in Mogadishu for their incredible sacrifice and for their devotion.

Their courage was uncommon insofar as those of us lesser mortals are concerned. The courage that was shown in Mogadishu and shown in Somalia, however, I think is very symptomatic, not common, nothing that extraordinary could be called common, but that remarkable demonstration of all that makes up our great Armed Services, and things we see every day today in Iraq and Afghanistan and Bosnia and Kosovo; in theater after theater, the men and women not just of the United States Army but of all of the branches of our Armed Services display on our behalf and on behalf of others, simply trying to give people a chance to be free.

This resolution is important because it signifies an incredibly vital anniversary in the history of the United States military, an important anniversary in their incredible contributions and sacrifices on behalf of others, but it is also important for the symbolism, that symbolism that continues today on the streets of Baghdad, that symbolism that continues today on the streets of Kabul and other places, men and women in uniform from villages large and small, from cities medium and large from the United States, who go to these strange, far-away places for one reason, to try to make people's lives better. That is why when people say we are proud to be Americans, we can say it with such conviction.

Madam Speaker, I again thank the gentleman from North Carolina (Mr. HAYES), and add a final word of urging to all of the Members of the House to vote in support of this great resolution.

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

Mrs. DAVIS of California. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I am very honored to join with my colleagues today, the gentleman from North Carolina (Mr. HAYES), the gentleman from Minnesota (Mr. KLINE), and particularly the gentleman from New York (Mr. MCHUGH) for his dedication in this area. I am pleased to join with my colleagues in expressing deep gratitude for the valor and commitment of the members of the Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993. I think that we need to be reminded, all of us, of the lessons

learned from Operation Restore Hope, and keep that in our hearts and in our minds as we move forward in this Congress.

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

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 291.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MCHUGH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1615

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. OBEY. Madam Speaker, pursuant to clause 7(c) of House rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 2660 be instructed to insist on the highest funding levels possible for programs authorized by the No Child Left Behind Act.

EXTENDING AUTHORITY FOR CONSTRUCTION OF MEMORIAL TO MARTIN LUTHER KING, JR.

Mr. SAXTON. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 470) to extend the authority for the construction of a memorial to Martin Luther King, Jr.

The Clerk read as follows:

S. 470

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

SECTION. 1. MEMORIAL TO MARTIN LUTHER KING, JR.

Section 508(b) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333, as amended) is amended to read as follows:

"(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—

“(1) Except as provided in paragraph (2), the establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code.

“(2) Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by this section terminates on November 12, 2006.”.

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

S. 470, introduced by my friend, Senator PAUL SARBANES of Maryland, would extend the authority for the construction of the memorial to Dr. Martin Luther King, Jr., in the District of Columbia. S. 470 would simply extend to November 2006 the authorization given to the site's sponsor, Alpha Phi Alpha fraternity, in the Omnibus Parks and Public Land Management Act of 1996 to raise the funds to build the memorial. The bill is strongly supported by the administration and both the majority and minority of the Committee on Resources. I urge my colleagues to support S. 470.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Madam Speaker, S. 470 is the Senate companion measure to a House bill, H.R. 1209, that was passed by this body on September 23, 2003. It is a simple piece of legislation that extends for 3 years the authority for construction of a memorial to Dr. Martin Luther King, Jr., here in the District of Columbia.

In 1996, Public Law 104-333 authorized the Alpha Phi Alpha Fraternity, Inc., through the Martin Luther King Memorial Project Foundation, to establish a memorial here in our Nation's capital to America's foremost civil rights leader. Since that time, the sponsors have worked diligently to secure memorial site and design approvals. In addition, there has been a fundraising campaign under way to secure the necessary funds to build and maintain the memorial. However, not all of the necessary funds have been secured and ground cannot be broken until the

funds are in place. That is the reason for the need for the extension.

Madam Speaker, I want to take this opportunity to applaud the Alpha Phi Alpha fraternity for the work they have done so far and their commitment to this project. S. 470 is a completely noncontroversial measure. I strongly support its passage by the House today so that the measure can be sent to the President for his signature and the work to establish this national memorial to this great American, a real world leader, can continue.

Madam Speaker, I reserve the balance of my time.

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

Mrs. CHRISTENSEN. Madam Speaker, I yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Madam Speaker, I thank the gentlewoman from the Virgin Islands for yielding me this time and the chairman who is managing the bill on the other side, the gentleman from New Jersey (Mr. SAXTON), for their good and hard work on this bill and for bringing it to the floor before the deadline.

I appreciate that this bill was authorized in 1996 and that the Congress understood it to be an important matter, that Martin Luther King, who has been honored all over the world, has never been sufficiently honored until he is honored by the Congress of the United States in the Nation's capital. Site selection and other processes on the memorial, however, were not completed until the year 2000. So although authorized in 1996, the Congress is aware that the District has the most elaborate process for monuments in the country. You do not hear me complaining. I am a strong supporter of those processes. It is one Mall; it is priceless. We already are in danger of filling it up and not paying enough attention to it. I am working on a conservancy bill because it is deteriorating. We have to make sure that everything that goes on that Mall which is, after all, our real crown jewel, goes through each and every process and is exactly right.

And so it took some time to find the right space on the Mall. We do not just put things anywhere on the Mall anymore. This is a plot of land meant to last in perpetuity. It is already greatly endangered. But if you do not know precisely where the memorial is going to go until almost 4 years after Congress has authorized it, it is very difficult to do all of the fundraising because it is when the site is chosen that people recognize that the monument is going to happen and they come forward more easily to, in fact, contribute. It eases the process tremendously after that point.

I want to commend Alpha Phi Alpha for what they have done so far. It is herculean to do what they have done. It is a \$100 million memorial, no Federal funds, one lone fraternity, the fra-

ternity that Martin Luther King himself belonged to. They have the entire burden of raising the funds for this memorial. This bill will help them to continue the process; yet it is only 3 more years.

I believe every Member of this body and of the other body appreciates the singular place of Martin Luther King in our country's history. His reconciling, nonviolent approach was critical. Otherwise, we need only look around the world and we need only consider that we had legal discrimination in this country for 100 years after the Civil War to appreciate what this man did. All over the world in order to settle such disputes there are conflagrations going on. As I speak, in our country we have still not gotten over the Civil War. We are much further along the way, however, after the nonviolent revolution that began in the 1960s. The man most responsible for the character of that revolution is Martin Luther King, Jr., himself. It loses the Congress nothing and gives it much to simply extend the time for Alpha Phi Alpha to gather the funds necessary for a memorial for this great American.

Mrs. CHRISTENSEN. Madam Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentlewoman from the Virgin Islands for yielding me this time. As a member of Alpha Phi Alpha fraternity, I also want to commend my brothers for the tremendous work they have done on this project. I also want to thank the Committee on Resources for bringing this bill to the floor.

Every year, millions of Americans and visitors from across the world visit our Nation's capital. They visit the national Mall where symbols of our Nation's history and ideals stand tall and strong. In classrooms across the Nation as they study the history of the 20th century, besides our involvement in wars, the civil rights movement is the most influential stage in the development and evolution of our society. Yet besides the bust of Dr. Martin Luther King, Jr., in the Rotunda of the Capitol building, there are no tributes recognizing the significance of the movement to our Nation's history. I am in support of S. 470 because I believe that a memorial to Dr. Martin Luther King, Jr., would be fitting to not only remember this remarkable man but the civil rights movement itself, over 200 years of struggle for equality and to remind our citizens what great success can be achieved with nonviolent resistance.

Dr. King, as many of us know, was the most visible and effective advocate of nonviolence and direct action as methods of social change. In 1956, Dr. King became the president of the newly formed Montgomery Improvement Association, where he gained national attention for his and the association's role in the Montgomery bus boycott.

He encouraged black college students to continue their sit-in protests and freedom rides. In 1963, Dr. King led mass demonstrations in Birmingham, Alabama, where the demonstrators were met with violent opposition, getting the interest and attention of then-President John F. Kennedy who responded, and the Civil Rights Act of 1964 was passed. Dr. King became Time Magazine's Man of the Year in 1963 and the recipient of the Nobel Peace Prize in 1964. In 1967, he also initiated a poor people's campaign designed to confront economic problems that were not addressed under the Civil Rights Act of 1964. Dr. King's life of peace and change was suddenly ended on April 4, 1968, as he was assassinated in Memphis, Tennessee.

Mr. Speaker, our Nation's capital makes history alive. Without having a memorial to Dr. King and the civil rights movement, it sends the message that this part of history is not still alive. As Dr. King once told his children, "I'm going to work and do everything that I can do to see that you get a good education. I don't ever want you to forget that there are millions of God's children who will not and cannot get a good education, and I don't want you feeling that you are better than they are. For you will never be what you ought to be until they are what they ought to be." Our country will never be what it ought to be until we value and adequately display the contributions of African Americans who have made tremendous contributions to our history; and, of course, a tribute to Dr. King on the Mall would go a long way in that direction.

Ms. WATSON. Madam Speaker, I rise today in support of S. 470, to extend the authority for the construction of a memorial to Rev. Dr. Martin Luther King Jr. on the National Mall. The House bill, H.R. 1821, was passed on September 23, 2003 by a voice vote under unanimous consent.

The authorization set by Congress in 1996 to raise funds for the memorial will expire on November 12, 2003. Passage of the Senate bill will allow the legislation to be sent directly to the President for signing and extend the authorization through November 12, 2006.

The efforts of the King Memorial Foundation to raise \$100 million for the construction and maintenance of the project have been impressive, but more time is needed to reach its fundraising goal. I believe that it is our job as members of Congress to ensure that Dr. King will be memorialized in a distinguished manner that acknowledges his legacy. Congress therefore must authorize more time for funds to be raised to build the King Memorial.

Our National Mall is representative of the profound history and strength of our Nation. Dr. King is one of our Nation's most important leaders, and this monument should carry the same weight and significance as those erected in honor of other distinguished Americans.

Congressional leaders also support the efforts to put Dr. King's legacy at Washington's forefront. They along with several other of my colleagues sit on a honorary bipartisan congressional committee for the Martin Luther King Jr. National Memorial.

Dr. King's teachings of non-violent civil disobedience to combat segregation and racial inequality affected not only minorities, but every religious, ethnic, and social group in our Nation. In 1963, Dr. King led the March on Washington very near the site where we wish to honor him today. His leadership was critical to the passage of the landmark Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Dr. King acted on his dream for America and was successful in making the United States a better place. We must ensure that Dr. King's valiant efforts will be remembered by future generations.

Madam Speaker, I ask my colleagues to join me in keeping Dr. King's dream alive by honoring him among our Nation's finest.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 470.

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

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS REGARDING SANCTIONS ON NATIONS THAT ARE UNDERMINING EFFECTIVENESS OF CONSERVATION MEASURES FOR ATLANTIC HIGHLY MIGRATORY SPECIES

Mr. SAXTON. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 268) expressing the sense of the Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas and that are threatening the continued viability of United States commercial and recreational fisheries, as amended.

The Clerk read as follows:

H. CON. RES. 268

Whereas some fishing vessels of members and nonmembers of the International Commission for the Conservation of Atlantic Tunas (hereinafter referred to as the "Commission") that fish in the Commission regulatory area have not conformed with Commission recommendations for some stocks, including those promoting the live release of Atlantic marlin;

Whereas repeated nonconformance with Commission recommendations by fishing vessels of Commission members and nonmembers undermines the effectiveness of the Commission to establish, maintain, and enforce conservation measures, including rebuilding plans for overfished species of fish that are under the Commission's management authority;

Whereas failure of Commission members to enforce Commission conservation and man-

agement measures, including reductions in Atlantic marlin landings, threatens the continued viability of United States commercial and recreational fishing industries and undermines conservation goals;

Whereas the Commission has adopted a resolution that further defines the scope of illegal, unregulated, and unreported fishing activities by large-scale longline vessels in the Commission regulatory area; and

Whereas such resolution includes provisions directing Commission members and cooperating nonmembers to take every possible action, consistent with relevant laws, to prevent the engagement in transaction and transshipment of tunas and tuna-like species from vessels that engage in illegal, unregulated, and unreported fishing activities, including vessels that engage in any fishing that is not in compliance with relevant Commission conservation and management measures; Now, therefore, be it

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

(1) the President should, consistent with statutory authorities and international obligations—

(A) direct the United States Commissioners to the International Commission for the Conservation of Atlantic Tunas (in this resolution referred to as the "Commission") to seek the establishment of effective conservation, management, and enforcement measures for the species under consideration at the 2003 Commission meeting, including for Atlantic marlin;

(B) continue to encourage members and nonmembers that fish in the Commission regulatory area to make every effort to end illegal, unregulated, and unreported fishing, including any fishing that is not in conformance with relevant conservation recommendations adopted by the Commission, including those concerning Atlantic marlin landing reductions;

(C) make full use of all appropriate diplomatic mechanisms, relevant international laws and agreements, and other appropriate mechanisms to ensure conformance with conservation recommendations for all species under the Commission's management authority, including Atlantic marlin; and

(D) continue to encourage the Commission to adopt conservation recommendations authorizing the use of enforceable measures to prevent those who fish in the Commission regulatory area from taking actions that would undermine the effectiveness of conservation and management recommendations of the Commission;

(2) when the vessels of a country are being used in the conduct of fishing operations in the Convention area in a manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission, the President and the Secretary of Commerce, consistent with their statutory authorities and international obligations, should—

(A) exercise their authorities under the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 et seq.); and

(B) exercise their authorities under the provisions of the Commission's rules that ensure conformance with Commission recommendations by member and nonmembers; and

(3) if nationals of a Commission member or nonmember, directly or indirectly, are conducting fishing operations in a manner or under circumstances which diminish the effectiveness of the Commission's fishery conservation programs, then the Secretary of Commerce, consistent with international obligations, should certify that fact under section 8(a)(1) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978 (a)(1)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the concurrent resolution under consideration.

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

There was no objection.

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

H. Con. Res. 268 is a resolution expressing the sense of Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management members for Atlantic highly migratory species.

Madam Speaker, the annual meeting of the International Commission for the Conservation of Atlantic Tunas, known as ICCAT, will take place in a few weeks. The United States delegation must go into this meeting with a strong position that noncompliance by nations that are members of ICCAT is unacceptable. The U.S. has been a world leader in pushing for conservation measures at ICCAT. In addition, we have put restrictions on our fishermen, both recreational and commercial, to implement these international conservation measures.

□ 1630

Again and again, the U.S. has restricted our fishermen and then had to watch as foreign nations allowed their fishermen to break the internationally agreed upon rules.

Not only have our fishermen suffered as a result of noncompliance by other nations, but the fish themselves have suffered. Atlantic white marlin populations, in particular, are at approximately 12 percent of their historic levels. Blue marlin are at about 40 percent of their historic levels. This is totally unacceptable, and, I might add, unnecessary.

Despite playing by the rules and pushing for conservation, the U.S. fishermen were faced with a petition last year to list white marlin under the Endangered Species Act. Rebuilding plans for both white marlin and blue marlin have been put in place, but international fleets do not comply.

It is clear that U.S. conservation efforts are not enough. Our fishermen, both recreational and commercial, played by the rules and were still almost shut down because of international indifference.

We need to make sure that all nations that fish for Atlantic highly-migratory species play by the rules, or

face the consequences. The U.S. is one of the biggest markets for these nations, and we should send a strong signal that we will not tolerate continued noncompliance.

This resolution urges the President to continue to work with our trading partners through the international fisheries management bodies to achieve conservation goals. In addition, the resolution calls on the President, when those international efforts do not work, to use all methods available, including trade sanctions against those countries which choose not to play by the internationally agreed upon rules.

This resolution sends the message to those nations that do not consider conservation to be important that there must be consequences to their actions. In addition, it sends the message to U.S. fishermen that their conservation efforts are consequential, and not for nothing.

I urge Members to support this resolution and to send the U.S. delegation to ICCAT with the task of warning other nations that they need to take conservation seriously.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Madam Speaker, I join my colleague in support of H. Con. Res. 268.

Madam Speaker, the United States has long been a leader in promoting the sustainable harvest of our ocean resources. Unfortunately, not all other countries have been as diligent. We must continue to press for effective conservation and management of our world's fisheries, not only at the International Commission for the Conservation of Atlantic Tunas, or ICCAT, but at all international fisheries organizations.

This concurrent resolution, H. Con. Res. 268, gives much-needed support to our U.S. commissioners as they enter into yet another round of difficult international negotiations. Ending illegal, unregulated and unreported fishing, not only of white marlin but all the species managed by ICCAT, is necessary to ensure the long-term sustainability of these fisheries and the United States commercial and recreational industries that depend on them.

I commend my colleague, the gentleman from New Jersey (Mr. SAXTON), for this timely resolution, and I urge the House to adopt it.

Madam Speaker, I reserve the balance of my time.

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

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as he may consume to the ranking member of the subcommittee, the gentleman from New Jersey (Mr. PALLONE).

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

Madam Speaker, I am pleased to offer my support for H. Con. Res. 268. International fisheries agreements, including the International Commission for the Conservation of Atlantic Tunas, ICCAT, are critical for healthy oceanic food webs, as well as a healthy economy. When fish stocks remain at severely depleted levels, ecosystem structure is altered, and millions of dollars in revenue are lost every year.

We learned in multiple hearings in the Subcommittee on Fisheries Conservation, Wildlife and Oceans, over the last several years, that the Atlantic white marlin stock is in the worst shape of all the species managed by ICCAT. Illegal, unregulated and unreported fishing further aggravates this problem by undermining market prices to a point that our law-abiding commercial fishermen can no longer afford to fish and by forcing noncommercial fishermen to be stringently regulated.

After 40 years of ICCAT management, the Commission has achieved the dubious distinction of allowing two-thirds of the highly-migratory species it oversees to become overfished. The lack of compliance by ICCAT contracting members with ICCAT's own recommendations considerably limits this Commission.

If United States fishermen are expected to adhere to national and international laws while maintaining an economically viable industry, our administration must be willing to take a strong position in support of internationally enforceable recommendations. I have high hopes that this resolution will provide a thorough debate at next month's ICCAT meeting.

I just want to commend my colleague, the gentleman from New Jersey (Mr. SAXTON), for this timely resolution. I am proud to be a cosponsor. I urge that the House adopt this resolution.

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Madam Speaker, certainly I would like to express my appreciation for the outstanding leadership of our colleague, the gentleman from New Jersey (Mr. SAXTON), as the chief sponsor of this legislation, not only as the former chairman of our Subcommittee on Fisheries Conservation, Wildlife and Oceans, but always a chief spokesman for the needs of the fisheries programs of our Nation.

Madam Speaker, I rise today in strong support of House Resolution 268, a resolution expressing the sense of congress regarding the imposition of trade sanctions against countries who undermine the effectiveness of the International Convention on the Conservation of Atlantic Tunas. The International Commission was established

in 1969 and is responsible for the conservation of some 30 species of tuna, swordfish and many other times of highly-migratory fish.

Thirty-six years ago, the United States demonstrated its leadership in marine conservation by being the first to sign the international convention. Later that year, we were joined by two other countries, Japan and South Africa. Today, the number of contracting and cooperating parties has grown to 39 nations from across the world, signifying a global recognition of the importance of a large-scale collective effort to protect and carefully manage our international fisheries.

Madam Speaker, the ICCAT Commission is charged with the lofty responsibility of undertaking scientific research, compiling statistics and monitoring a large number of highly-migratory species that inhabit the vast Atlantic Ocean. The types of species under the Commission's purview of diverse, having varying biological characteristics, migration patterns and exploitation pressures from different countries, which makes effective management very complicated.

The Commission directs much effort in devising plans and providing recommendations that establish acceptable fishing levels aimed at ensuring maximum sustainable catches for all. Since their establishment some 33 years ago, the Commission has been working hard to provide accurate information and management advice to fishing countries of the world, with the number of recommendations growing exponentially each year.

Despite the Commission's considerable efforts, however, several Atlantic highly-migratory species are still in jeopardy. The Atlantic white marlin, a major sport fishery for the United States, is nearly at an endangered status, and not from U.S. sports fishermen. An estimated 95 percent of the Atlantic marlin catches come from other nations, both from targeted fishing, and, sadly, as bycatch.

I have always had very strong feelings about the issue of bycatch. It is inconceivable, Madam Speaker, to me, that some find it acceptable to simply throw out these fish, just because there is no perceived market value for them. Perhaps my point of view on this stems from my heritage as an islander, whose way of life, means of nourishment and culture centers almost exclusively on the resources from the ocean, considers the discard of any fish as a despicable waste.

Madam Speaker, illegal, unreported and unregulated, which is known as IUU, fishing, is also of great concern to me. Countries who engage in such fishing significantly compromise the ability to monitor fish stocks accurately, making it very difficult for the Commission to advise on setting catch limits. IUU fishing is a serious concern to the Atlantic species, as well as to the fisheries of the great Pacific Ocean.

The most unfortunate fact, in my opinion, Madam Speaker, is that even

some of the contracting member countries have continually violated the convention to which they themselves have signed. Brazil, China, Cote D'Ivoire and Spain continue to overfish Atlantic white marlin, and even the European Union refuses to accept the recommendations by the Commission for Atlantic blue tuna catch limits. These practices are unfair to the rest of the participating nations who fully cooperate and value the Convention and actively support international conservation efforts. They are unfair to and disrespectful to the internationally-recognized ICCAT Commission, and they are unfair to our future generations that will continue to rely on our ocean resources for food.

Madam Speaker, I fully support the imposition of trade sanctions on these countries that violate and undermine the convention. Repeatedly, we have seen laws, rules, and regulations ignored because there is no means to effectively enforce them. Perhaps sanctions are the "teeth" the U.S. can give the convention so that violating countries will begin to take marine conservation seriously.

I am a proud cosponsor of this resolution and may even propose a similar resolution for the Pacific fisheries at the appropriate time, as we have many similar issues there as well.

I thank my good friends and colleagues on the Committee on Resources, the gentleman from New Jersey (Mr. SAXTON), the gentleman from New Jersey (Mr. PALLONE), and the chairman of our subcommittee, the gentleman from Maryland (Mr. GILCHREST) for their leadership on this issue, and I urge Members to support this resolution.

I even suggested, Madam Speaker, that we ought to extend our EE zone from 200 to 1,000 miles, to make a point of the fact that our country is the only country that is sincerely making every effort to see that when we say conservation, we mean it sincerely, and not just a lot of rhetoric.

Madam Speaker, I do want to thank my staff, Dr. Malia Rivera, a Sea Grant fellow in my office, for the outstanding job she has done in advising me on issues pertaining to fisheries, and again I thank my good friend from New Jersey, and I urge my colleagues to support this resolution.

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

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

Madam Speaker, I would just conclude by saying this, that in our country, many years ago when our country was young, our forefathers enjoyed a huge herd of buffalo in the Midwest States, and because we did not understand that they would not always just be there, we carried out practices that simply eliminated them.

Unfortunately, because of the international pressure that is being placed

on these species by the international pelagic longline fleet and the lack of enforcement of agreed upon ICCAT regulations, the same process is currently under way with white marlin, blue marlin, swordfish, Atlantic tuna and other species.

This is a crime which, in my view, must stop, and I do not use the term "crime" unadvisedly.

Mr. FALEOMAVAEGA. Madam Speaker, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Madam Speaker, again, to make the point in the course of our hearings, with due respect to the members of the administration that testified before our hearing that was held, they are making every sincere effort to get other countries and members of the convention to comply, but how long have we been doing this? This is for the past 10 years, from previous administrations. We are still making every sincere effort, but it seems with no real substantive results.

I ask my good friend, the gentleman from New Jersey, what else can we do? As I suggested earlier, we need to put teeth on the substance of this convention, or else we are just going to be spinning our wheels for another 10-year period, and still with no results.

Here is the problem: We now have fishing vessels from the Atlantic fishing in the Pacific. Why? Because some of these fish have been overfished. There are moratoriums placed on them.

We have serious problems, even in the Pacific. Fifty-four percent of the tuna now caught in the world is from the Pacific Ocean, and this is just tuna. The fact is that if we are not taking seriously the substantial of the problems of conservation of various species of fish, we definitely are going to have some very serious problems.

I thank the gentleman for his expressing the concerns about the fishing, but I ask my good friend, we have been spinning our wheels for the last 10 years, are we going to be doing the same thing for the next 10 years?

Mr. SAXTON. Madam Speaker, reclaiming my time, I thank the gentleman for making the eloquent point that he has.

□ 1645

The question is a very good one. That is what this piece of legislation, this resolution is about. It says that, in effect, if the parties who go to ICCAT and make an agreement on the amount, the number, or the amount of tonnage of fish to be taken do not comply with those agreements, then the President is urged to use trade sanctions with regard to fish or other commodities to enforce those agreements, or to provide a penalty against those who do not comply with the agreements that their countries make. It is a huge problem and one that I hope that this resolution will give the administration the necessary muscle that it needs to solve this problem.

Mr. FALEOMAVAEGA. Madam Speaker, if the gentleman would again yield, and I thank him for yielding, and I sincerely hope that perhaps, even after expressing the sense of the Congress in our resolution, that maybe the next phase is to put in teeth by saying by statute that we do this. Because again, despite all of the good efforts that perhaps the administration may be making on this issue, it is not just from this administration, but even from previous administrations, I think we are tired of the rhetoric. It is time to now put teeth in this issue and make sure that if we are going to be the only Nation complying with the substance of the convention while the others can still do what they want, I think there is a tremendous inequity in this effort.

Again, I thank the gentleman for bringing this point to the attention of our colleagues.

Mr. SAXTON. Madam Speaker, I thank the gentleman from American Samoa for making the point so clearly.

Madam Speaker, I have no further speakers at this time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 268, as amended.

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

A motion to reconsider was laid on the table.

EXTENDING THE TERM OF THE FOREST COUNTIES PAYMENTS COMMITTEE

Mr. SAXTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3249) to extend the term of the Forest Counties Payments Committee.

The Clerk read as follows:

H.R. 3249

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

SECTION 1. EXTENSION OF TERM OF FOREST COUNTIES PAYMENTS COMMITTEE.

Effective as of October 11, 2003, section 320(e) of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106-291; 114 Stat. 994; 16 U.S.C. 500 note), is amended by striking "three years after the date of the enactment of this Act" and inserting "on September 30, 2007".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Madam Speaker, this bill, H.R. 3249, simply changes the termination date of the Forest Counties Payments Committee that was created by Congress in the Interior Appropriations Act of 2001 to coincide with the expiration date in 2006 of the Secure Rural Schools and Communities Self-Determination Act of 2000.

The purpose of this committee is to develop recommendations for Congress concerning the Federal program of payments to States and counties and to evaluate the effectiveness of the Secure Rural Schools and Community Self-Determination Act that regulates those payments. While some of the work of the committee has been completed, the important job of evaluating the effectiveness of Public Law 106-393 is ongoing and will need to be continued in order to assist Congress as it reviews options for either reauthorization or the development of new legislation. These efforts are crucial if we hope to further our understanding and support for healthy communities and healthy forests.

Madam Speaker, I would like to thank the gentleman from Oregon (Mr. WALDEN) for his thoughtful leadership on this issue and on this bill. I urge adoption of the bill.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Madam Speaker, H.R. 3249 extends the term of the Forest Counties Payments Committee until September 30, 2007. This date coincides with the expiration date of the Secure Rural Schools and Community Self-Determination Act of 2000. The committee, whose term expired on October 11, 2003, is to provide recommendations concerning Federal payments to States and counties in which public lands are situated. The bill is noncontroversial, and we do not object to it.

I want to take this opportunity to thank the two gentlemen from Oregon, the sponsor of the bill, (Mr. WALDEN), and our Democratic colleague (Mr. DEFAZIO) for bringing this legislation to the floor.

Mr. WALDEN of Oregon. Madam Speaker, I rise in support of H.R. 3249—a bill I introduced with my colleague from Oregon, Mr. DEFAZIO, which would extend the term of the Forest Counties Payments Committee. I want to commend the chairman of the Resources

Committee, Mr. POMBO, and the Chairman of the Agriculture Committee, Mr. GOODLATTE, for expediting the consideration of this legislation in their respective committees.

Madam Speaker, H.R. 3249 would extend the term of the Forest Counties Payments Committee to coincide with the sunset of the Secure Rural Schools and Community Self-Determination Act of 2000, which expires on September 30, 2007. The committee was created in the FY 2001 Interior Appropriations bill and is comprised of local government county and school officials. Its purpose was to develop long-term solutions to ensure the proper management of our national forests, emphasizing forest health and economic activity, and evaluate the effectiveness of the County Schools legislation.

Congress charged the committee with evaluating several key areas in making its recommendations. They include the methods by which payments are made to eligible states and counties; the impact of revenues from historical multiple use of federal lands on states and counties; the economic environmental, and social benefits of federal lands to counties and reviewing the costs to counties resulting from the presence of federal lands. The committee held at least six listening sessions throughout the country to understand better the impact that the presence of these federal lands has on counties where they are located. The input gathered from these listening sessions was ultimately used to write the committee's report, which was published in February 2003.

What did the committee's report find? It found what many communities in my district have known for at least the last decade: that the decline in timber receipts from federal lands has had a devastating economic impact on these rural communities. While communities acknowledge the benefits associated with the presence of public lands within their counties, including improved quality of life, recreational opportunities, and the revenue coming into their communities through travel and tourism, the committee validated the claims that these benefits are outweighed by the degradation of county roads and schools that has resulted from the decline in timber receipts. This not only creates access issues for individuals wishing to recreate on public lands, but also creates safety concerns for transporting children to schools, responding to emergencies and day-to-day travel.

This unfortunate reality especially holds true in the counties I represent in eastern Oregon. Between 1990–1999 the counties in this region saw Forest Service payments from timber receipts and other generated revenues drop by 87 percent.

In light of the rapid decline of timber receipts reaching these communities, Congress passed the Secure Rural Schools and Community Self-Determination Act of 2000. This act stabilized timber revenue dependent counties by providing a temporary "safety-net" payment to forest counties and schools at 85 percent of the average of their three highest receipt years from 1986–1999. The legislation also provided an additional 15 percent to support community-based projects, like hazardous fuels treatments taking place on federal lands.

Madam Speaker, the authorization for the Forest Counties Payments Committee expired several weeks ago, on October 11, before it was able to examine fully the impact of the

County Schools legislation. More importantly, if the committee's term is not extended, it will not have the opportunity to examine the potential effect that the implementation of the National Fire Plan or the Healthy Forests Initiative will have on America's forested counties. The Chairman of this committee, Mark Evans, stated in a letter to Chairman POMBO, "... the Committee did not have adequate time to consider ways to integrate the Healthy Forests Initiative and National Fire Plan with future payment options. The timing of development of these two programs along with a 18-month timeframe imposed on the Committee to produce a final report precluded full consideration of possible options."

Madam Speaker, I agree wholeheartedly with the remarks of Chairman EVANS. We need to pass this legislation to allow the Payments Committee to continue its good work. It goes without saying that its future findings will lay the foundation as we move towards the reauthorization of the Secure Rural Schools and Community Self-Determination Act.

I'd like to once again thank the efforts of Chairman POMBO and Chairman GOODLATTE in getting this legislation to the floor in an expeditious fashion. I urge the House to adopt this extension and yield back the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 3249.

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

A motion to reconsider was laid on the table.

MARTIN LUTHER KING, JUNIOR, NATIONAL HISTORIC SITE LAND EXCHANGE ACT

Mr. SAXTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1616) to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes.

The Clerk read as follows:

H.R. 1616

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 "Martin Luther King, Junior, National Historic Site Land Exchange Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Public Law 96-438 established the Martin Luther King, Junior, National Historic Site, and allows acquisition, by donation only, of lands owned by the State.

(2) The National Park Service owns a vacant lot that has no historic significance. The City of Atlanta has expressed interest in acquiring this property to encourage commercial development along Edgewood Avenue.

(3) The National Historic Site Visitor Center and Museum is land-locked and has no emergency ingress or egress, making it virtually impossible for firefighting equipment to reach.

(4) The acquisition of city-owned property would enable the National Park Service to establish easy street access to the National Historic Site Visitor Center and Museum, and would benefit the City by exchanging a piece of property that the City could develop.

(b) PURPOSE.—The purpose of this Act is to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia.

SEC. 3. LAND EXCHANGE.

Section 2(b)(1) of the Act of October 10, 1980 (Public Law 96-428; 94 Stat. 1839; 16 U.S.C. 461 note) is amended by striking the period and inserting "or exchange."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, H.R. 1616, introduced by my great friend, the gentleman from Georgia (Mr. LEWIS), would authorize the Secretary of the Interior to exchange certain disposable lands within the boundaries of the Martin Luther King, Jr., National Historic Site in the City of Atlanta, Georgia for land owned by the City of Atlanta.

The acquisition of the city-owned property would accomplish two things: first, to enable the National Park Service to establish easy street access to the Historic Site Visitor Center; and, second, to provide emergency equipment and personnel easy access to the visitor center.

Madam Speaker, H.R. 1616 is supported by the administration and the majority and minority of the committee. I urge adoption of this bill and add my congratulations to the gentleman from Georgia (Mr. LEWIS) for bringing this legislation forward.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1616, introduced by my friend and colleague, the gentleman from Georgia (Mr. LEWIS), authorizes the exchange of land between the National Park Service and the City of Atlanta at the Martin Luther King, Jr., National Historic Site.

The national historic site was established in 1980 to preserve and interpret the birthplace, church, and grave of Dr. Martin Luther King, Jr. Part of the site also includes a vacant lot that is not historically significant to the site, but which the City of Atlanta would like to acquire as part of its redevelopment of the area surrounding the National Historic Site.

The National Park Service has established a visitor center and museum at the historic site that could be enhanced by acquisition of an adjacent parcel owned by the city. While there have been discussions of an exchange of the two properties under the site's Enabling Act, city-owned property can only be acquired by donation.

Madam Speaker, both the National Park Service and the City of Atlanta support this exchange. It is an action that would benefit both the national historic site and the city. This looks to be a win-win situation and, as such, we support the legislation.

Madam Speaker, it is an honor to serve with the gentleman from Georgia (Mr. LEWIS) who, of course, was a trusted and invaluable worker and leader along with Dr. Martin Luther King and who continues to be a drum major for justice today.

Madam Speaker, I yield such time as he might consume to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Madam Speaker, I would like to thank the gentlewoman from the Virgin Islands for those kind remarks and also for yielding to me time to speak about H.R. 1616, the Martin Luther King, Junior, National Historic Site Land Exchange Act. I also want to thank my good friend and colleague, the gentleman from New Jersey (Mr. SAXTON), for bringing this legislation before us.

Madam Speaker, H.R. 1616 is a good bill. It authorizes the exchange of land owned by the National Park Service for land of equal or greater value from the City of Atlanta. The National Park Service and the City of Atlanta have already agreed to the land swapping. However, this cannot be done without authorization from Congress, and H.R. 1616 completes the deal.

This legislation is so important because the Martin Luther King, Jr., National Historic Site Visitor Center and Museum is landlocked and has no emergency access, making it virtually impossible for firefighting equipment to reach the facility. In fact, if there were a fire at the visitor center, the Atlanta Fire Department would have to walk at least 150 to 200 yards in order to reach the center.

Luckily, we have not been faced with such an outcome. However, we must be prepared. Furthermore, Madam Speaker, with heightened security concerns at our Nation's monuments and parks, emergency access is critical.

Passage of H.R. 1616 will allow the Martin Luther King, Jr., National Historic Site to create an emergency access road to and from the site.

As the gentlewoman from the Virgin Islands already stated, this bill is a win-win for all parties. The acquisition of city-owned property would enable the National Park Service to establish easy street access to the Martin Luther King, Jr., National Historic Site Visitor Center and Museum and would benefit the City of Atlanta by exchanging a piece of property that the city could develop into a viable commercial center.

Madam Speaker, Atlanta is the heart of the South and home to progressive residential and business communities. The Martin Luther King, Jr., National Historic Site is adjacent to one of Atlanta's most preserved districts. It is a gathering place where people from all over the world travel to and from to learn our Nation's history. Furthermore the Martin Luther King, Jr., National Historic Site is central to the growth and prosperity of the surrounding community.

Madam Speaker, we must do all that we can to preserve this important tale of history. H.R. 1616 plays a small, but important, role in achieving this responsibility.

Again, I would like to thank the Committee on Resources for supporting this bill, and I urge its immediate passage.

Mr. DAVIS of Illinois. Madam Speaker, I rise today in support of H.R. 1616. The Martin Luther King, Jr. National Historic Site, located in Atlanta, Georgia, commemorates the community where the Civil Rights leader was raised. This community was rich with black commercial and residential areas with strong, prominent black religious institutions. It was these components that were said to have a lasting impact on King and other black community leaders. It is also known for greatly influencing the life path chosen by King, to challenge racism, poverty, and the denial of black civil rights.

There are several events and programs that take place at the Museum free of charge to the public. For instance, currently, there is a program called Confederate Currency: The Color of Money, which tells the story of the contribution of enslaved Africans to the American economy and expands the discussion with exhibits on reparations and racial healing. There are also events which are based around significant moments in Dr. King's life such as the King Holiday, Black History Month, an Assassination Remembrance and the 'I Have a Dream' speech.

Unfortunately, this area rich with history and memories of Dr. King's childhood and a strong black neighborhood is land-locked and parts could easily be destroyed considering it has no emergency ingress, making it impossible for firefighting equipment to reach the Visitor Center and Museum. There is a lot owned by the National Park Service which could not only solve the problem by allowing street access to the Visitor Center, it will also serve as a great piece of property for the City to develop.

Madam Speaker, I thank my colleague and friend Congressman LEWIS for introducing this resolution and I urge all of my colleagues to support it as well.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 1616.

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

A motion to reconsider was laid on the table.

COMPACT OF FREE ASSOCIATION AMENDMENTS ACT OF 2003

Mr. LEACH. Madam Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 63) to approve the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia", and the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands", and otherwise to amend Public Law 99-239, and to appropriate for the purposes of amended Public Law 99-239 for fiscal years ending on or before September 30, 2023, and for other purposes, as amended.

The Clerk read as follows:

H.J. RES. 63

Whereas the United States, in accordance with section 231 of the Compact of Free Association set forth in Title II of Public Law 99-239, January 14, 1986, 99 Stat. 1770, entered into negotiations with the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands; and

Whereas these negotiations, in accordance with section 431 of the Compact, resulted in the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia", and the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands", which, together with their related agreements, were signed by the Government of the United States and the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands on May 14, and April 30, 2003, respectively; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This joint resolution, together with the Table of Contents in subsection (b) of this section, may be cited as the "Compact of Free Association Amendments Act of 2003".

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

TITLE I—APPROVAL OF U.S.-FSM COMPACT AND U.S.-RMI COMPACT; INTERPRETATION OF, AND UNITED STATES POLICIES REGARDING, U.S.-FSM COMPACT AND U.S.-RMI COMPACT; SUPPLEMENTAL PROVISIONS

Sec. 101. Approval of U.S.-FSM Compact of Free Association and U.S.-RMI Compact of Free Association.

(a) Federated States of Micronesia.

(b) Republic of the Marshall Islands.

(c) References to the Compact, the U.S.-FSM Compact and the U.S.-RMI Compact; References to Subsidiary Agreements or Separate Agreements.

(d) Amendment, Change, or Termination in the U.S.-FSM Compact and the U.S.-RMI Compact and Certain Agreements.

(e) Subsidiary Agreement Deemed Bilateral.

(f) Entry Into Force of Future Amendments to Subsidiary Agreements.

Sec. 102. Agreements With Federated States of Micronesia.

(a) Law Enforcement Assistance.

(b) Agreement on Audits.

Sec. 103. Agreements With and Other Provisions Related to the Republic of the Marshall Islands.

(a) Law Enforcement Assistance.

(b) Ejit.

(c) Kwajalein.

(d) Section 177 Agreement.

(e) Nuclear Test Effects.

(f) Espousal Provisions.

(g) DOE Radiological Health Care Program; USDA Agricultural and Food Programs.

(h) Rongelap.

(i) Four Atoll Health Care Program.

(j) Enjebi Community Trust Fund.

(k) Bikini Atoll Cleanup.

(l) Agreement on Audits.

Sec. 104. Interpretation of and United States Policy Regarding U.S.-FSM Compact and U.S.-RMI Compact.

(a) Human Rights.

(b) Immigration and Passport Security.

(c) Nonalienation of Lands.

(d) Nuclear Waste Disposal.

(e) Impact of Compacts on Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa; Related Authorization and Continuing Appropriation.

(f) Sense of Congress Concerning Funding of Public Infrastructure.

(g) Foreign Loans.

(h) Reports and Reviews.

(i) Construction of Section 141(F).

Sec. 105. Supplemental Provisions.

(a) Domestic Program Requirements.

(b) Relations With the Federated States of Micronesia and the Republic of the Marshall Islands.

(c) Judicial Training.

(d) Continuing Trust Territory Authorization.

(e) Survivability; Actions Incompatible with United States Authority.

(f) Noncompliance Sanctions.

(g) Continuing Programs and Laws.

(h) College of Micronesia.

(i) Trust Territory Debts to U.S. Federal Agencies.

(j) Technical Assistance.

(k) Prior Service Benefits Program.

(l) Indefinite Land Use Payments.

(m) Communicable Disease Control Program.

(n) User Fees.

(o) Treatment of Judgments of Courts of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(p) Inflation Adjustment.

(q) Armed Services Vocational Aptitude Battery Testing.

(r) Establishment of Trust Funds; Expedition of Process.

Sec. 106. Construction Contract Assistance.

(a) Assistance to U.S. Firms.

- (b) Authorization of Appropriations.
 Sec. 107. Prohibition.
 Sec. 108. Compensatory Adjustments.
 (a) Additional Programs and Services.
 (b) Further Amounts.
 Sec. 109. Authorization and Continuing Appropriation.
 Sec. 110. Payment of Citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau Employed by the Government of the United States in the Continental United States.

TITLE II—COMPACTS OF FREE ASSOCIATION WITH THE FEDERATED STATES OF MICRONESIA AND THE REPUBLIC OF THE MARSHALL ISLANDS

- Sec. 201. Compacts of Free Association, as Amended Between the Government of the United States and the Government of the Federated States of Micronesia and Between the Government of the United States and the Government of the Republic of the Marshall Islands.
 (a) Compact of Free Association as amended between the Government of the United States of America and the Government of the Federated States of Micronesia.

Title One—Governmental Relations

- Article I—Self-Government.
 Article II—Foreign Affairs.
 Article III—Communications.
 Article IV—Immigration.
 Article V—Representation.
 Article VI—Environmental Protection.
 Article VII—General Legal Provisions.

Title Two—Economic Relations

- Article I—Grant Assistance.
 Article II—Services and Program Assistance.
 Article III—Administrative Provisions.
 Article IV—Trade.
 Article V—Finance and Taxation.

Title Three—Security and Defense Relations

- Article I—Authority and Responsibility.
 Article II—Defense Facilities and Operating Rights.
 Article III—Defense Treaties and International Security Agreements.
 Article IV—Service in Armed Forces of the United States.
 Article V—General Provisions.

Title Four—General Provisions

- Article I—Approval and Effective Date.
 Article II—Conference and Dispute Resolution.
 Article III—Amendment.
 Article IV—Termination.
 Article V—Survivability.
 Article VI—Definition of Terms.
 Article VII—Concluding Provisions.

- (b) Compact of Free Association, as Amended Between the Government of the United States of America and the Government of the Republic of the Marshall Islands.

Title One—Governmental Relations

- Article I—Self-Government.
 Article II—Foreign Affairs.
 Article III—Communications.
 Article IV—Immigration.
 Article V—Representation.
 Article VI—Environmental Protection.
 Article VII—General Legal Provisions.

Title Two—Economic Relations

- Article I—Grant Assistance.
 Article II—Services and Program Assistance.

- Article III—Administrative Provisions.
 Article IV—Trade.
 Article V—Finance and Taxation.

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- Article I—Authority and Responsibility.
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- Article I—Approval and Effective Date.
 Article II—Conference and Dispute Resolution.
 Article III—Amendment.
 Article IV—Termination.
 Article V—Survivability.
 Article VI—Definition of Terms.
 Article VII—Concluding Provisions.

TITLE I—APPROVAL OF U.S.-FSM COMPACT AND U.S.-RMI COMPACT; INTERPRETATION OF, AND U.S. POLICIES REGARDING, U.S.-FSM COMPACT AND U.S.-RMI COMPACT; SUPPLEMENTAL PROVISIONS

SEC. 101. APPROVAL OF U.S.-FSM COMPACT OF FREE ASSOCIATION AND THE U.S.-RMI COMPACT OF FREE ASSOCIATION; REFERENCES TO SUBSIDIARY AGREEMENTS OR SEPARATE AGREEMENTS.

(a) **FEDERATED STATES OF MICRONESIA.**—The Compact of Free Association, as amended with respect to the Federated States of Micronesia and signed by the United States and the Government of the Federated States of Micronesia and set forth in Title II (section 201(a)) of this joint resolution, is hereby approved, and Congress hereby consents to the subsidiary agreements and amended subsidiary agreements listed in section 462 of the U.S.-FSM Compact. Subject to the provisions of this joint resolution, the President is authorized to agree, in accordance with section 411 of the U.S.-FSM Compact, to an effective date for and thereafter to implement such U.S.-FSM Compact.

(b) **REPUBLIC OF THE MARSHALL ISLANDS.**—The Compact of Free Association, as amended with respect to the Republic of the Marshall Islands and signed by the United States and the Government of the Republic of the Marshall Islands and set forth in Title II (section 201(b)) of this joint resolution, is hereby approved, and Congress hereby consents to the subsidiary agreements and amended subsidiary agreements listed in section 462 of the U.S.-RMI Compact. Subject to the provisions of this joint resolution, the President is authorized to agree, in accordance with section 411 of the U.S.-RMI Compact, to an effective date for and thereafter to implement such U.S.-RMI Compact.

(c) **REFERENCES TO THE COMPACT, THE U.S.-FSM COMPACT, AND THE U.S.-RMI COMPACT; REFERENCES TO SUBSIDIARY AGREEMENTS OR SEPARATE AGREEMENTS.**—

(1) Any reference in this joint resolution (except references in title II) to “the Compact” shall be treated as a reference to the Compact of Free Association set forth in title II of Public Law 99-239, January 14, 1986 (99 Stat. 1770). Any reference in this joint resolution to the “U.S.-FSM Compact” shall be treated as a reference to the Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia and set forth in Title II (section 201(a)) of this joint resolution. Any reference in this joint resolution to the “U.S.-RMI Compact” shall be treated as a reference to the Compact of Free Association,

as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands and set forth in Title II (section 201(b)) of this joint resolution.

(2) Any reference to the term “subsidiary agreements” or “separate agreements” in this joint resolution shall be treated as a reference to agreements listed in section 462 of the U.S.-FSM Compact and the U.S.-RMI Compact, and any other agreements that the United States may from time to time enter into with either the government of the Federated States of Micronesia or the government of the Republic of the Marshall Islands, or with both such governments in accordance with the provisions of the U.S.-FSM Compact and the U.S.-RMI Compact.

(d) **AMENDMENT, CHANGE, OR TERMINATION IN THE U.S.-FSM COMPACT AND U.S.-RMI COMPACT AND CERTAIN AGREEMENTS.**—

(1) Any amendment, change, or termination by mutual agreement or by unilateral action of the Government of the United States of all or any part of the U.S.-FSM Compact or U.S.-RMI Compact shall not enter into force until after Congress has incorporated it in an Act of Congress.

(2) The provisions of paragraph (1) shall apply—

(A) to all actions of the Government of the United States under the U.S.-FSM Compact or U.S.-RMI Compact including, but not limited to, actions taken pursuant to sections 431, 441, or 442;

(B) to any amendment, change, or termination in the Agreement Between the Government of the United States and the Government of the Federated States of Micronesia Regarding Friendship, Cooperation and Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association referred to in section 462(a)(2) of the U.S.-FSM Compact and the Agreement Between the Government of the United States and the Government of the Marshall Islands Regarding Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association referred to in section 462(a)(5) of the U.S.-RMI Compact;

(C) to any amendment, change, or termination of the agreements concluded pursuant to Compact section 177, and section 215(a) of the U.S.-FSM Compact and section 216(a) of the U.S.-RMI Compact, the terms of which are incorporated by reference into the U.S.-FSM Compact and the U.S.-RMI Compact; and

(D) to the following subsidiary agreements, or portions thereof: Articles III, IV and X of the agreement referred to in section 462(b)(6) of the U.S.-RMI Compact:

(i) Article III and IV of the agreement referred to in section 462(b)(6) of the U.S.-FSM Compact.

(ii) Articles VI, XV, and XVII of the agreement referred to in section 462(b)(7) of the U.S.-FSM Compact and U.S.-RMI Compact.

(e) **SUBSIDIARY AGREEMENTS DEEMED BILATERAL.**—For purposes of implementation of the U.S.-FSM Compact and the U.S.-RMI Compact and this joint resolution, the Agreement Concluded Pursuant to Section 234 of the Compact of Free Association and referred to in section 462(a)(1) of the U.S.-FSM Compact and section 462(a)(4) of the U.S.-RMI Compact shall be deemed to be a bilateral agreement between the United States and each other party to such subsidiary agreement. The consent or concurrence of any other party shall not be required for the effectiveness of any actions taken by the United States in conjunction with either the Federated States of Micronesia or the Republic of the Marshall Islands which are intended to affect the implementation, modification, suspension, or termination of such subsidiary agreement (or any

provision thereof) as regards the mutual responsibilities of the United States and the party in conjunction with whom the actions are taken.

(f) ENTRY INTO FORCE OF FUTURE AMENDMENTS TO SUBSIDIARY AGREEMENTS.—No agreement between the United States and the government of either the Federated States of Micronesia or the Republic of the Marshall Islands which would amend, change, or terminate any subsidiary agreement or portion thereof, other than those set forth in subsection (d) of this section shall enter into force until after the President has transmitted such agreement to the President of the Senate and the Speaker of the House of Representatives together with an explanation of the agreement and the reasons therefor. In the case of the agreement referred to in section 462(b)(3) of the U.S.-FSM Compact and the U.S.-RMI Compact, such transmittal shall include a specific statement by the Secretary of Labor as to the necessity of such amendment, change, or termination, and the impact thereof.

SEC. 102. AGREEMENTS WITH FEDERATED STATES OF MICRONESIA.

(a) LAW ENFORCEMENT ASSISTANCE.—Pursuant to sections 222 and 224 of the U.S.-FSM Compact, the United States shall provide nonreimbursable technical and training assistance as appropriate, including training and equipment for postal inspection of illicit drugs and other contraband, to enable the Government of the Federated States of Micronesia to develop and adequately enforce laws of the Federated States of Micronesia and to cooperate with the United States in the enforcement of criminal laws of the United States. Funds appropriated pursuant to section 105(j) of this title may be used to reimburse State or local agencies providing such assistance.

(b) AGREEMENT ON AUDITS.—The Comptroller General (and his duly authorized representatives) shall have the authorities necessary to carry out his responsibilities under section 232 of the U.S.-FSM Compact and the agreement referred to in section 462(b)(4) of the U.S.-FSM Compact, including the following authorities:

(1) GENERAL AUTHORITY OF THE COMPTROLLER GENERAL TO AUDIT.—

(A) The Comptroller General of the United States (and his duly authorized representatives) shall have the authority to audit—

(i) all grants, program assistance, and other assistance provided to the Government of the Federated States of Micronesia under Articles I and II of Title Two of the U.S.-FSM Compact; and

(ii) any other assistance provided by the Government of the United States to the Government of the Federated States of Micronesia.

Such authority shall include authority for the Comptroller General to conduct or cause to be conducted any of the audits provided for in section 232 of the U.S.-FSM Compact. The authority provided in this paragraph shall continue for at least ten years after the last such grant has been made or assistance has been provided.

(B) The Comptroller General (and his duly authorized representatives) shall also have authority to review any audit conducted by or on behalf of the Government of the United States. In this connection, the Comptroller General shall have access to such personnel and to such records, documents, working papers, automated data and files, and other information relevant to such review.

(2) COMPTROLLER GENERAL ACCESS TO RECORDS.—

(A) In carrying out paragraph (1), the Comptroller General (and his duly authorized representatives) shall have such access

to the personnel and (without cost) to records, documents, working papers, automated data and files, and other information relevant to such audits. The Comptroller General may duplicate any such records, documents, working papers, automated data and files, or other information relevant to such audits.

(B) Such records, documents, working papers, automated data and files, and other information regarding each such grant or other assistance shall be maintained for at least ten years after the date such grant or assistance was provided and in a manner that permits such grants, assistance, and payments to be accounted for distinct from any other funds of the Government of the Federated States of Micronesia.

(3) STATUS OF COMPTROLLER GENERAL REPRESENTATIVES.—The Comptroller General and his duly authorized representatives shall be immune from civil and criminal process relating to words spoken or written and all acts performed by them in their official capacity and falling within their functions, except insofar as such immunity may be expressly waived by the Government of the United States. The Comptroller General and his duly authorized representatives shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by a competent judicial authority, and such persons shall enjoy immunity from seizure of personal property, immigration restrictions, and laws relating to alien registration, fingerprinting, and the registration of foreign agents. Such persons shall enjoy the same taxation exemptions as are set forth in Article 34 of the Vienna Convention on Diplomatic Relations. The privileges, exemptions and immunities accorded under this paragraph are not for the personal benefit of the individuals concerned but are to safeguard the independent exercise of their official functions. Without prejudice to those privileges, exemptions and immunities, it is the duty of all such persons to respect the laws and regulations of the Government of the Federated States of Micronesia.

(4) AUDITS DEFINED.—As used in this subsection, the term "audits" includes financial, program, and management audits, including determining—

(A) whether the Government of the Federated States of Micronesia has met the requirements set forth in the U.S.-FSM Compact, or any related agreement entered into under the U.S.-FSM Compact, regarding the purposes for which such grants and other assistance are to be used; and

(B) the propriety of the financial transactions of the Government of the Federated States of Micronesia pursuant to such grants or assistance.

(5) COOPERATION BY FEDERATED STATES OF MICRONESIA.—The Government of the Federated States of Micronesia will cooperate fully with the Comptroller General of the United States in the conduct of such audits as the Comptroller General determines necessary to enable the Comptroller General to fully discharge his responsibilities under this joint resolution.

SEC. 103. AGREEMENTS WITH AND OTHER PROVISIONS RELATED TO THE REPUBLIC OF THE MARSHALL ISLANDS.

(a) LAW ENFORCEMENT ASSISTANCE.—Pursuant to sections 222 and 224 of the U.S.-RMI Compact, the United States shall provide non-reimbursable technical and training assistance as appropriate, including training and equipment for postal inspection of illicit drugs and other contraband, to enable the Government of the Marshall Islands to develop and adequately enforce laws of the Marshall Islands and to cooperate with the United States in the enforcement of criminal laws of the United States. Funds appro-

priated pursuant to section 105(j) of this title may be used to reimburse State or local agencies providing such assistance.

(b) EJIT.—

(1) In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that the President of the United States shall negotiate with the Government of the Marshall Islands an agreement whereby, without prejudice as to any claims which have been or may be asserted by any party as to rightful title and ownership of any lands on Ejit, the Government of the Marshall Islands shall assure that lands on Ejit used as of January 1, 1985, by the people of Bikini, will continue to be available without charge for their use, until such time as Bikini is restored and inhabitable and the continued use of Ejit is no longer necessary, unless a Marshall Islands court of competent jurisdiction finally determines that there are legal impediments to continued use of Ejit by the people of Bikini.

(2) In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that if the impediments described in paragraph (1) do arise, the United States will cooperate with the Government of the Marshall Islands in assisting any person adversely affected by such judicial determination to remain on Ejit, or in locating suitable and acceptable alternative lands for such person's use.

(3) In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that paragraph (1) shall not be applied in a manner which would prevent the Government of the Marshall Islands from acting in accordance with its constitutional processes to resolve title and ownership claims with respect to such lands or from taking substitute or additional measures to meet the needs of the people of Bikini with their democratically expressed consent and approval.

(c) KWAJALEIN.—

(1) It is the policy of the United States that payment of funds by the Government of the Marshall Islands to the landowners of Kwajalein Atoll in accordance with the land use agreement dated October 19, 1982, or as amended or superceded, and any related allocation agreements, is required in order to ensure that the Government of the United States will be able to fulfill its obligation and responsibilities under Title Three of the Compact and the subsidiary agreements concluded pursuant to the Compact.

(2)(A) If the Government of the Marshall Islands fails to make payments in accordance with paragraph (1), the Government of the United States shall initiate procedures under section 313 of the Compact and consult with the Government of the Marshall Islands with respect to the basis for the nonpayment of funds.

(B) The United States shall expeditiously resolve the matter of any nonpayment of funds required under paragraph (1) pursuant to section 313 of the Compact and the authority and responsibility of the Government of the United States for security and defense matters in or relating to the Marshall Islands.

(C) This paragraph shall be enforced in accordance with section 105(f)(2).

(3) Until such time as the Government of the Marshall Islands and the landowners of Kwajalein Atoll have concluded an agreement amending or superceding the land use agreement dated October 19, 1982, any amounts paid by the United States to the Government of the Marshall Islands in excess of the amounts required to be paid pursuant to the land use agreement dated October 19, 1982, shall be paid into, and held in, an interest bearing account in a United States financial institution by the Government of the Republic of the Marshall Islands.

(4)(A) The Government of the Republic of the Marshall Islands shall notify the Government of the United States when an agreement amending or superceding the land use agreement dated October 19, 1982, is concluded.

(B) If no agreement amending or superceding the land use agreement dated October 19, 1982, is concluded by the date five years after the date of enactment of this resolution, the President shall report to Congress on the intentions of the United States with respect to the use of Kwajalein Atoll after 2016, and on any plans to relocate activities carried out at Kwajalein Atoll.

(d) SECTION 177 AGREEMENT.—

(1) In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that in furtherance of the purposes of Article I of the Subsidiary Agreement for Implementation of Section 177 of the Compact, the payment of the amount specified therein shall be made by the United States under Article I of the Agreement between the Government of the United States and the Government of the Marshall Islands for the Implementation of section 177 of the Compact (hereafter in this subsection referred to as the "Section 177 Agreement") only after the Government of the Marshall Islands has notified the President of the United States as to which investment management firm has been selected by such Government to act as Fund Manager under Article I of the Section 177 Agreement.

(2) In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that in the event that the President determines that an investment management firm selected by the Government of the Marshall Islands does not meet the requirements specified in Article I of the Section 177 Agreement, the United States shall invoke the conference and dispute resolution procedures of Article II of Title Four of the Compact. Pending the resolution of such a dispute and until a qualified Fund Manager has been designated, the Government of the Marshall Islands shall place the funds paid by the United States pursuant to Article I of the Section 177 Agreement into an interest-bearing escrow account. Upon designation of a qualified Fund Manager, all funds in the escrow account shall be transferred to the control of such Fund Manager for management pursuant to the Section 177 Agreement.

(3) In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that if the Government of the Marshall Islands determines that some other investment firm should act as Fund Manager in place of the firm first (or subsequently) selected by such Government, the Government of the Marshall Islands shall so notify the President of the United States, identifying the firm selected by such Government to become Fund Manager, and the President shall proceed to evaluate the qualifications of such identified firm.

(4) In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that at the end of 15 years after the effective date of the Compact, the firm then acting as Fund Manager shall transfer to the Government of the Marshall Islands, or to such account as such Government shall so notify the Fund Manager, all remaining funds and assets being managed by the Fund Manager under the Section 177 Agreement.

(e) NUCLEAR TEST EFFECTS.—In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that in approving the Compact, the Congress understands and intends that the peoples of Bikini, Enewetak, Rongelap, and Utrik, who were affected by the United States nuclear weapons testing program in the Marshall Islands, will receive the amounts of \$75,000,000 (Bikini); \$48,750,000

(Enewetak); \$37,500,000 (Rongelap); and \$22,500,000 (Utrik), respectively, which amounts shall be paid out of proceeds from the fund established under Article I, section 1 of the subsidiary agreement for the implementation of section 177 of the Compact. The amounts specified in this subsection shall be in addition to any amounts which may be awarded to claimants pursuant to Article IV of the subsidiary agreement for the implementation of Section 177 of the Compact. Nothing in this subsection creates any rights or obligations beyond those provided for in the original enacted version of Public Law 99-239.

(f) ESPOUSAL PROVISIONS.—

(1) In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that it is the intention of the Congress of the United States that the provisions of section 177 of the Compact of Free Association and the Agreement between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the "Section 177 Agreement") constitute a full and final settlement of all claims described in Articles X and XI of the Section 177 Agreement, and that any such claims be terminated and barred except insofar as provided for in the Section 177 Agreement.

(2) In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that in furtherance of the intention of Congress as stated in paragraph (1) of this subsection, the Section 177 Agreement is hereby ratified and approved. It is the explicit understanding and intent of Congress that the jurisdictional limitations set forth in Article XII of such Agreement are enacted solely and exclusively to accomplish the objective of Article X of such Agreement and only as a clarification of the effect of Article X, and are not to be construed or implemented separately from Article X.

(g) DOE RADIOLOGICAL HEALTH CARE PROGRAM; USDA AGRICULTURAL AND FOOD PROGRAMS.—

(1) Notwithstanding any other provision of law, upon the request of the Government of the Republic of the Marshall Islands, the President (either through an appropriate department or agency of the United States or by contract with a United States firm) shall continue to provide special medical care and logistical support thereto for the remaining members of the population of Rongelap and Utrik who were exposed to radiation resulting from the 1954 United States thermonuclear "Bravo" test, pursuant to Public Laws 95-134 and 96-205.

(2)(A) In the joint resolution of January 14, 1986 (Public Law 99-239), Congress provided that notwithstanding any other provision of law, upon the request of the Government of the Marshall Islands, for the first fifteen years after the effective date of the Compact, the President (either through an appropriate department or agency of the United States or by contract with a United States firm or by a grant to the Government of the Republic of the Marshall Islands which may further contract only with a United States firm or a Republic of the Marshall Islands firm, the owners, officers and majority of the employees of which are citizens of the United States or the Republic of the Marshall Islands) shall provide technical and other assistance—

(i) without reimbursement, to continue the planting and agricultural maintenance program on Enewetak, as provided in subparagraph (C);

(ii) without reimbursement, to continue the food programs of the Bikini and Enewetak people described in section 1(d) of Article II of the Subsidiary Agreement for

the Implementation of Section 177 of the Compact and for continued waterborne transportation of agricultural products to Enewetak including operations and maintenance of the vessel used for such purposes.

(B) The President shall ensure the assistance provided under these programs reflects the changes in the population since the inception of such programs.

(C)(i) The planting and agricultural maintenance program on Enewetak shall be funded at a level of not less than \$1,300,000 per year, as adjusted for inflation under section 218 of the U.S.-RMI Compact.

(ii) There is hereby authorized and appropriated to the Secretary of the Interior, out of any funds in the Treasury not otherwise appropriated, to remain available until expended, for each fiscal year from 2004 through 2023, \$1,300,000, as adjusted for inflation under section 218 of the U.S.-RMI Compact, to carry out the planting and agricultural maintenance program.

(3) In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that payments under this subsection shall be provided to such extent or in such amounts as are necessary for services and other assistance provided pursuant to this subsection. It is the sense of Congress that after the periods of time specified in paragraphs (1) and (2) of this subsection, consideration will be given to such additional funding for these programs as may be necessary.

(h) RONGELAP.—

(1) In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that because Rongelap was directly affected by fallout from a 1954 United States thermonuclear test and because the Rongelap people remain unconvinced that it is safe to continue to live on Rongelap Island, it is the intent of Congress to take such steps (if any) as may be necessary to overcome the effects of such fallout on the habitability of Rongelap Island, and to restore Rongelap Island, if necessary, so that it can be safely inhabited. Accordingly, it is the expectation of the Congress that the Government of the Marshall Islands shall use such portion of the funds specified in Article II, section 1(e) of the subsidiary agreement for the implementation of section 177 of the Compact as are necessary for the purpose of contracting with a qualified scientist or group of scientists to review the data collected by the Department of Energy relating to radiation levels and other conditions on Rongelap Island resulting from the thermonuclear test. It is the expectation of the Congress that the Government of the Marshall Islands, after consultation with the people of Rongelap, shall select the party to review such data, and shall contract for such review and for submission of a report to the President of the United States and the Congress as to the results thereof.

(2) In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that the purpose of the review referred to in paragraph (1) of this subsection shall be to establish whether the data cited in support of the conclusions as to the habitability of Rongelap Island, as set forth in the Department of Energy report entitled: "The Meaning of Radiation for Those Atolls in the Northern Part of the Marshall Islands That Were Surveyed in 1978", dated November 1982, are adequate and whether such conclusions are fully supported by the data. If the party reviewing the data concludes that such conclusions as to habitability are fully supported by adequate data, the report to the President of the United States and the Congress shall so state. If the party reviewing the data concludes that the data are inadequate to support such conclusions as to habitability or that such conclusions as to

habitability are not fully supported by the data, the Government of the Marshall Islands shall contract with an appropriate scientist or group of scientists to undertake a complete survey of radiation and other effects of the nuclear testing program relating to the habitability of Rongelap Island. Such sums as are necessary for such survey and report concerning the results thereof and as to steps needed to restore the habitability of Rongelap Island are authorized to be made available to the Government of the Marshall Islands.

(3) In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that it is the intent of Congress that such steps (if any) as are necessary to restore the habitability of Rongelap Island and return the Rongelap people to their homeland will be taken by the United States in consultation with the Government of the Marshall Islands and, in accordance with its authority under the Constitution of the Marshall Islands, the Rongelap local government council.

(i) FOUR ATOLL HEALTH CARE PROGRAM.—

(1) In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that services provided by the United States Public Health Service or any other United States agency pursuant to section 1(a) of Article II of the Agreement for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the "Section 177 Agreement") shall be only for services to the people of the Atolls of Bikini, Enewetak, Rongelap, and Utrik who were affected by the consequences of the United States nuclear testing program, pursuant to the program described in Public Law 95-134 (91 Stat. 1159) and Public Law 96-205 (94 Stat. 84) and their descendants (and any other persons identified as having been so affected if such identification occurs in the manner described in such public laws). Nothing in this subsection shall be construed as prejudicial to the views or policies of the Government of the Marshall Islands as to the persons affected by the consequences of the United States nuclear testing program.

(2) In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that at the end of the first year after the effective date of the Compact and at the end of each year thereafter, the providing agency or agencies shall return to the Government of the Marshall Islands any unexpended funds to be returned to the Fund Manager (as described in Article I of the Section 177 Agreement) to be covered into the Fund to be available for future use.

(3) In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that the Fund Manager shall retain the funds returned by the Government of the Marshall Islands pursuant to paragraph (2) of this subsection, shall invest and manage such funds, and at the end of 15 years after the effective date of the Compact, shall make from the total amount so retained and the proceeds thereof annual disbursements sufficient to continue to make payments for the provision of health services as specified in paragraph (1) of this subsection to such extent as may be provided in contracts between the Government of the Marshall Islands and appropriate United States providers of such health services.

(j) ENJEBI COMMUNITY TRUST FUND.—In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that notwithstanding any other provision of law, the Secretary of the Treasury shall establish on the books of the Treasury of the United States a fund having the status specified in Article V of the subsidiary agreement for the implementation of Section 177 of the Compact, to be known as the "Enjebi Community Trust

Fund" (hereafter in this subsection referred to as the "Fund"), and shall credit to the Fund the amount of \$7,500,000. Such amount, which shall be ex gratia, shall be in addition to and not charged against any other funds provided for in the Compact and its subsidiary agreements, this joint resolution, or any other Act. Upon receipt by the President of the United States of the agreement described in this subsection, the Secretary of the Treasury, upon request of the Government of the Marshall Islands, shall transfer the Fund to the Government of the Marshall Islands, provided that the Government of the Marshall Islands agrees as follows:

(1) ENJEBI TRUST AGREEMENT.—In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that the Government of the Marshall Islands and the Enewetak Local Government Council, in consultation with the people of Enjebi, shall provide for the creation of the Enjebi Community Trust Fund and the employment of the manager of the Enewetak Fund established pursuant to the Section 177 Agreement as trustee and manager of the Enjebi Community Trust Fund, or, should the manager of the Enewetak Fund not be acceptable to the people of Enjebi, another United States investment manager with substantial experience in the administration of trusts and with funds under management in excess of 250 million dollars.

(2) MONITOR CONDITIONS.—In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that upon the request of the Government of the Marshall Islands, the United States shall monitor the radiation and other conditions on Enjebi and within one year of receiving such a request shall report to the Government of the Marshall Islands when the people of Enjebi may resettle Enjebi under circumstances where the radioactive contamination at Enjebi, including contamination derived from consumption of locally grown food products, can be reduced or otherwise controlled to meet whole body Federal radiation protection standards for the general population, including mean annual dose and mean 30-year cumulative dose standards.

(3) RESETTLEMENT OF ENJEBI.—In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that in the event that the United States determines that the people of Enjebi can within 25 years of January 14, 1986, resettle Enjebi under the conditions set forth in paragraph (2) of this subsection, then upon such determination there shall be available to the people of Enjebi from the Fund such amounts as are necessary for the people of Enjebi to do the following, in accordance with a plan developed by the Enewetak Local Government Council and the people of Enjebi, and concurred with by the Government of the Marshall Islands to assure consistency with the government's overall economic development plan:

(A) Establish a community on Enjebi Island for the use of the people of Enjebi.

(B) Replant Enjebi with appropriate food-bearing and other vegetation.

(4) RESETTLEMENT OF OTHER LOCATION.—In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that in the event that the United States determines that within 25 years of January 14, 1986, the people of Enjebi cannot resettle Enjebi without exceeding the radiation standards set forth in paragraph (2) of this subsection, then the fund manager shall be directed by the trust instrument to distribute the Fund to the people of Enjebi for their resettlement at some other location in accordance with a plan, developed by the Enewetak Local Government Council and the people of Enjebi and concurred with by the Government of the Marshall Islands, to assure consistency

with the government's overall economic development plan.

(5) INTEREST FROM FUND.—In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that prior to and during the distribution of the corpus of the Fund pursuant to paragraphs (3) and (4) of this subsection, the people of Enjebi may, if they so request, receive the interest earned by the Fund on no less frequent a basis than quarterly.

(6) DISCLAIMER OF LIABILITY.—In the joint resolution of January 14, 1986 (Public Law 99-239) Congress provided that neither under the laws of the Marshall Islands nor under the laws of the United States, shall the Government of the United States be liable for any loss or damage to person or property in respect to the resettlement of Enjebi by the people of Enjebi, pursuant to the provision of this subsection or otherwise.

(k) BIKINI ATOLL CLEANUP.—

(1) DECLARATION OF POLICY.—In the joint resolution of January 14, 1986 (Public Law 99-239), the Congress determined and declared that it is the policy of the United States, to be supported by the full faith and credit of the United States, that because the United States, through its nuclear testing and other activities, rendered Bikini Atoll unsafe for habitation by the people of Bikini, the United States will fulfill its responsibility for restoring Bikini Atoll to habitability, as set forth in paragraph (2) and (3) of this subsection.

(2) CLEANUP FUNDS.—The joint resolution of January 14, 1986 (Public Law 99-239) authorized to be appropriated such sums as necessary to implement the settlement agreement of March 15, 1985, in *The People of Bikini, et al. against United States of America, et al.*, Civ. No. 84-0425 (D. Ha.).

(3) CONDITIONS OF FUNDING.—In the joint resolution of January 14, 1986 (Public Law 99-239) the Congress provided that the funds referred to in paragraph (2) were to be made available pursuant to Article VI, Section 1 of the Compact Section 177 Agreement upon completion of the events set forth in the settlement agreement referred to in paragraph (2) of this subsection.

(l) AGREEMENT ON AUDITS.—The Comptroller General (and his duly authorized representatives) shall have the authorities necessary to carry out his responsibilities under section 232 of the U.S.-RMI Compact and the agreement referred to in section 462(b)(4) of the U.S.-RMI Compact, including the following authorities:

(1) GENERAL AUTHORITY OF THE COMPTROLLER GENERAL TO AUDIT.—

(A) The Comptroller General of the United States (and his duly authorized representatives) shall have the authority to audit—

(i) all grants, program assistance, and other assistance provided to the Government of the Republic of the Marshall Islands under Articles I and II of Title Two of the U.S.-RMI Compact; and

(ii) any other assistance provided by the Government of the United States to the Government of the Republic of the Marshall Islands.

Such authority shall include authority for the Comptroller General to conduct or cause to be conducted any of the audits provided for in section 232 of the U.S.-RMI Compact. The authority provided in this paragraph shall continue for at least three years after the last such grant has been made or assistance has been provided.

(B) The Comptroller General (and his duly authorized representatives) shall also have authority to review any audit conducted by or on behalf of the Government of the United States. In this connection, the Comptroller General shall have access to such personnel

and to such records, documents, working papers, automated data and files, and other information relevant to such review.

(2) **COMPTROLLER GENERAL ACCESS TO RECORDS.**—

(A) In carrying out paragraph (1), the Comptroller General (and his duly authorized representatives) shall have such access to the personnel and (without cost) to records, documents, working papers, automated data and files, and other information relevant to such audits. The Comptroller General may duplicate any such records, documents, working papers, automated data and files, or other information relevant to such audits.

(B) Such records, documents, working papers, automated data and files, and other information regarding each such grant or other assistance shall be maintained for at least three years after the date such grant or assistance was provided and in a manner that permits such grants, assistance and payments to be accounted for distinct from any other funds of the Government of the Republic of the Marshall Islands.

(3) **STATUS OF COMPTROLLER GENERAL REPRESENTATIVES.**—The Comptroller General and his duly authorized representatives shall be immune from civil and criminal process relating to words spoken or written and all acts performed by them in their official capacity and falling within their functions, except insofar as such immunity may be expressly waived by the Government of the United States. The Comptroller General and his duly authorized representatives shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by a competent judicial authority, and such persons shall enjoy immunity from seizure of personal property, immigration restrictions, and laws relating to alien registration, fingerprinting, and the registration of foreign agents. Such persons shall enjoy the same taxation exemptions as are set forth in Article 34 of the Vienna Convention on Diplomatic Relations. The privileges, exemptions and immunities accorded under this paragraph are not for the personal benefit of the individuals concerned but are to safeguard the independent exercise of their official functions. Without prejudice to those privileges, exemptions and immunities, it is the duty of all such persons to respect the laws and regulations of the Government of the Republic of the Marshall Islands.

(4) **AUDITS DEFINED.**—As used in this subsection, the term “audits” includes financial, program, and management audits, including determining—

(A) whether the Government of the Republic of the Marshall Islands has met the requirements set forth in the U.S.-RMI Compact, or any related agreement entered into under the U.S.-RMI Compact, regarding the purposes for which such grants and other assistance are to be used; and

(B) the propriety of the financial transactions of the Government of the Republic of the Marshall Islands pursuant to such grants or assistance.

(5) **COOPERATION BY THE REPUBLIC OF THE MARSHALL ISLANDS.**—The Government of the Republic of the Marshall Islands will cooperate fully with the Comptroller General of the United States in the conduct of such audits as the Comptroller General determines necessary to enable the Comptroller General to fully discharge his responsibilities under this joint resolution.

SEC. 104. INTERPRETATION OF AND UNITED STATES POLICY REGARDING U.S.-FSM COMPACT AND U.S.-RMI COMPACT.

(a) **HUMAN RIGHTS.**—In approving the U.S.-FSM Compact and the U.S.-RMI Compact, the Congress notes the conclusion in the

Statement of Intent of the Report of The Future Political Status Commission of the Congress of Micronesia in July, 1969, that “our recommendation of a free associated state is indissolubly linked to our desire for such a democratic, representative, constitutional government” and notes that such desire and intention are reaffirmed and embodied in the Constitutions of the Federated States of Micronesia and the Republic of the Marshall Islands. The Congress also notes and specifically endorses the preamble to the U.S.-FSM Compact and the U.S.-RMI Compact, which affirms that the governments of the parties to the U.S.-FSM Compact and the U.S.-RMI Compact are founded upon respect for human rights and fundamental freedoms for all. The Secretary of State shall include in the annual reports on the status of internationally recognized human rights in foreign countries, which are submitted to the Congress pursuant to sections 116 and 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n, 2304), a full and complete report regarding the status of internationally recognized human rights in the Federated States of Micronesia and the Republic of the Marshall Islands.

(b) **IMMIGRATION AND PASSPORT SECURITY.**—

(1) **NATURALIZED CITIZENS.**—The rights of a bona fide naturalized citizen of the Federated States of Micronesia or the Republic of the Marshall Islands to enter the United States, to lawfully engage therein in occupations, and to establish residence therein as a nonimmigrant, to the extent such rights are provided under section 141 of the U.S.-FSM Compact and U.S.-RMI Compact, shall not be deemed to extend to any such naturalized citizen with respect to whom circumstances associated with the acquisition of the status of a naturalized citizen are such as to allow a reasonable inference, on the part of appropriate officials of the United States and subject to United States procedural requirements, that such naturalized status was acquired primarily in order to obtain such rights.

(2) **PASSPORTS.**—It is the intent of Congress that up to \$250,000 of the grant assistance provided to the Federated States of Micronesia pursuant to section 211(a)(4) of the U.S.-FSM Compact, and up to \$250,000 of the grant assistance provided to the Republic of the Marshall Islands pursuant to section 211(a)(4) of the U.S.-RMI Compact (or a greater amount of the section 211(a)(4) grant, if mutually agreed between the Government of the United States and the government of the Federated States of Micronesia or the government of the Republic of the Marshall Islands), be used for the purpose of increasing the machine-readability and security of passports issued by such jurisdictions. It is the intent of Congress that funds be obligated by September 30, 2004 and in the amount and manner specified by the Secretary of State in consultation with the Secretary of Homeland Security and, respectively, with the government of the Federated States of Micronesia and the government of the Republic of the Marshall Islands. The United States Government is authorized to require that passports used for the purpose of seeking admission under section 141 of the U.S.-FSM Compact and the U.S.-RMI Compact contain appropriate security enhancements.

(3) **INFORMATION-SHARING.**—It is the intent of Congress that the governments of the Federated States of Micronesia and the Republic of the Marshall Islands develop, prior to October 1, 2004, the capability to provide reliable and timely information as may reasonably be required by the Government of the United States in enforcing criminal and security-related grounds of inadmissibility and deportability under the Immigration and Na-

tionality Act, as amended, and shall provide such information to the Government of the United States.

(4) **TRANSITION; CONSTRUCTION OF SECTIONS 141(A)(3) AND 141(A)(4) OF THE U.S.-FSM COMPACT AND U.S.-RMI COMPACT.**—The words “the effective date of this Compact, as amended” in sections 141(a)(3) and 141(a)(4) of the U.S.-FSM Compact and the U.S.-RMI Compact shall be construed to read, “on the day prior to the enactment by the United States Congress of the Amended Compact Act.”.

(c) **NONALIENATION OF LANDS.**—The Congress endorses and encourages the maintenance of the policies of the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands to regulate, in accordance with their Constitutions and laws, the alienation of permanent interests in real property so as to restrict the acquisition of such interests to persons of Federated States of Micronesia citizenship and the Republic of the Marshall Islands citizenship, respectively.

(d) **NUCLEAR WASTE DISPOSAL.**—In approving the U.S.-FSM Compact and the U.S.-RMI Compact, the Congress understands that the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands will not permit any other government or any nongovernmental party to conduct, in the Republic of the Marshall Islands or in the Federated States of Micronesia, any of the activities specified in subsection (a) of section 314 of the U.S.-FSM Compact and the U.S.-RMI Compact.

(e) **IMPACT OF COMPACTS ON GUAM, THE STATE OF HAWAII, THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, AND AMERICAN SAMOA; RELATED AUTHORIZATION AND CONTINUING APPROPRIATION.**—

(1) **RECONCILIATION OF UNREIMBURSED IMPACT EXPENSES.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of law, the President, to address previously accrued and unreimbursed impact expenses, may at the request of the Governor of Guam or the Governor of the Commonwealth of the Northern Mariana Islands, reduce, release, or waive all or part of any amounts owed by the Government of Guam or the Government of the Commonwealth of the Northern Mariana Islands (or either government’s autonomous agencies or instrumentalities), respectively, to any department, agency, independent agency, office, or instrumentality of the United States.

(B) **TERMS AND CONDITIONS.**—

(i) **SUBSTANTIATION OF IMPACT COSTS.**—Not later than 120 days after the date of the enactment of this resolution, the Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands shall each submit to the Secretary of the Interior a report, prepared in consultation with an independent accounting firm, substantiating unreimbursed impact expenses claimed for the period from January 14, 1986, through September 30, 2003. Upon request of the Secretary of the Interior, the Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands shall each submit to the Secretary of the Interior copies of all documents upon which the report submitted by that Governor under this clause was based.

(ii) **CONGRESSIONAL NOTIFICATION.**—The President shall notify Congress of his intent to exercise the authority granted in subparagraph (A).

(iii) **CONGRESSIONAL REVIEW AND COMMENT.**—Any reduction, release, or waiver under this Act shall not take effect until 60 days after the President notifies Congress of his intent to approve a request of the Governor of Guam or the Governor of the Commonwealth of the Northern Mariana Islands.

In exercising his authority under this section and in determining whether to give final approval to a request, the President shall take into consideration comments he may receive after Congressional review.

(iv) EXPIRATION.—The authority granted in subparagraph (A) shall expire on February 28, 2005.

(2) STATEMENT OF CONGRESSIONAL INTENT.—In approving the Compacts, it is not the intent of the Congress to cause any adverse consequences for Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(3) ANNUAL REPORTS AND RECOMMENDATIONS.—One year after the date of enactment of this joint resolution, and at one year intervals thereafter, the Governors of Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa may provide to the Secretary of the Interior by February 1 of each year their comments with respect to the impacts of the Compacts on their respective jurisdiction. The Secretary of the Interior, upon receipt of any such comments, shall report to the Congress not later than May 1 of each year to include the following:

(A) The Governor's comments on the impacts of the Compacts as well as the Administration's analysis of such impact.

(B) Any adverse consequences resulting from the Compacts and recommendations for corrective action to eliminate those consequences.

(C) Matters relating to trade, taxation, immigration, labor laws, minimum wages, health, educational, social, and public safety services and infrastructure, and environmental regulation.

(D) With regard to immigration, statistics concerning the number of persons availing themselves of the rights described in section 141(a) of the Compact during the year covered by each report.

(E) With regard to trade, the reports shall include an analysis of the impact on the economy of American Samoa resulting from imports of canned tuna into the United States from the Federated States of Micronesia, and the Republic of the Marshall Islands.

(4) COMMITMENT OF CONGRESS TO REDRESS ADVERSE CONSEQUENCES.—The Congress hereby declares that, if any adverse consequences to Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, or American Samoa result from implementation of the Compacts, the Congress will act sympathetically and expeditiously to redress those adverse consequences.

(5) QUALIFIED NONIMMIGRANT.—For the purposes of this section, the term "qualified nonimmigrant" means person admitted to the United States pursuant to:

(A) section 141 of the Compact of Free Association between the United States and the Government of the Federated States of Micronesia set forth in Title I;

(B) section 141 of the Compact of Free Association between the United States and the Government of the Republic of the Marshall Islands set forth in Title I; or

(C) section 141 of the Compact of Free Association between the United States and the Government of the Republic of Palau.

(6) AUTHORIZATION AND CONTINUING APPROPRIATION.—There are hereby authorized and appropriated to the Secretary of the Interior, for each fiscal year beginning after September 30, 2003 through 2023, \$30,000,000 for grants to the governments of Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa as a result of increased demands placed on educational, social, or public safety services or infrastructure related to such services due to the presence in Guam, the

State of Hawaii, the Commonwealth of the Northern Mariana Islands, or American Samoa of qualified nonimmigrants from the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.

(A) AWARDING.—The grants shall be—

(i) awarded and administered by the Department of the Interior, Office of Insular Affairs, or any successor thereto, in accordance with regulations, policies and procedures applicable to grants so awarded and administered; and

(ii) used only for health, educational, social, or public safety services, or infrastructure related to such services, specifically affected by qualified nonimmigrants.

(B) ENUMERATION.—For purposes of carrying out this section, the Secretary of the Interior shall provide for a periodic census of qualified nonimmigrants in Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa. The enumeration—

(i) shall be provided by the Secretary of the Interior beginning in fiscal year 2004 and thereafter in calendar years 2005, 2010, 2015, and 2020;

(ii) shall be supervised by the United States Bureau of the Census and any other supporting organization(s) as the Secretary of the Interior may select; and

(iii) after fiscal year 2003, shall be funded by the Secretary of the Interior by deducting such sums as are necessary from funds appropriated pursuant to the authorization contained in paragraph (6) of this subsection.

(C) ALLOCATION.—The Secretary of the Interior shall allocate to each of the governments of Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa, on the basis of the results of the most recent enumeration, grants in an aggregate amount equal to the total amount of funds appropriated under paragraph (6) of this subsection, as reduced by any deductions authorized by subparagraph (iii) of subparagraph (B) of paragraph (6) of this subsection, multiplied by a ratio derived by dividing the number of qualified nonimmigrants in such affected jurisdiction by the total number of qualified nonimmigrants in the governments of Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(7) AUTHORIZATION OF APPROPRIATIONS FOR GRANTS.—There are hereby authorized to the Secretary of the Interior for each of fiscal years 2004 through 2023 such sums as may be necessary for grants to the governments of Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa, as a result of increased demands placed on educational, social, or public safety services or infrastructure related to service due to the presence in Guam, Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa of qualified nonimmigrants from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(8) AUTHORIZATION OF APPROPRIATIONS FOR THE REIMBURSEMENT OF HEALTH CARE SERVICES.—

(A) AUTHORIZATION.—In addition to amounts appropriated pursuant to the authorization provided in section 221(b) of Article II of Title Two of the U.S.-FSM Compact and the U.S.-RMI Compact, there are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to reimburse designated health care providers for qualifying health care costs for medical debt referral claims for health care services furnished before October 1, 2003.

(B) DESIGNATED HEALTH CARE PROVIDERS.—For purposes of subparagraph (A), the term

"designated health care provider" means an institutional provider of health care services (such as a public or private hospital) located in Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa.

(C) QUALIFYING HEALTH CARE COSTS.—For purposes of subparagraph (A), the term "qualifying health care costs" means costs that the Secretary determines are incurred by a designated health care provider for health care services furnished in Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa (as the case may be) to a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau pursuant to medical referral programs in the Federated States of Micronesia and the Republic of the Marshall Islands.

(9) USE OF DOD MEDICAL FACILITIES AND NATIONAL HEALTH SERVICE CORPS.—

(A) DOD MEDICAL FACILITIES.—The Secretary of Defense shall make available, on a space available and reimbursable basis, the medical facilities of the Department of Defense for use by citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau who are properly referred to the facilities by government authorities responsible for provision of medical services in the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(B) NATIONAL HEALTH SERVICE CORPS.—The Secretary of Health and Human Services shall continue to make the services of the National Health Service Corps available to the residents of the Federated States of Micronesia and the Republic of the Marshall Islands to the same extent and for so long as such services are authorized to be provided to persons residing in any other areas within or outside the United States.

(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph such sums as are necessary for each fiscal year.

(f) SENSE OF CONGRESS CONCERNING FUNDING OF PUBLIC INFRASTRUCTURE.—It is the sense of Congress that—

(1) not less than 30 percent of the United States annual grant assistance provided under section 211 of the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia, and not less than 30 percent of the total amount of section 211 funds allocated to each of the states of the Federated States of Micronesia, shall be invested in infrastructure improvements in accordance with the list of specific projects included in the plan described in section 211(a)(6)(i) and for maintenance in accordance with section 211(a)(6)(ii); and

(2) not less than 30 percent of the United States annual grant assistance provided under section 211 of the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands, shall be used for infrastructure improvement and maintenance in accordance with section 211(d).

(g) FOREIGN LOANS.—The Congress hereby reaffirms the United States position that the United States Government is not responsible for foreign loans or debt obtained by the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands.

(h) REPORTS AND REVIEWS.—

(1) REPORT BY THE PRESIDENT.—Not later than the end of the first full calendar year following enactment of this resolution, and not later than December 31 of each year

thereafter, the President shall submit a report to Congress regarding the Federated States of Micronesia and the Republic of the Marshall Islands. The report shall include, at a minimum, the following with regard to:

(A) General social, political, and economic conditions, including estimates of economic growth, per capita income, and migration rates.

(B) The use and effectiveness of United States financial and program assistance.

(C) The status of economic policy reforms in the Federated States of Micronesia and the Republic of the Marshall Islands.

(D) The status of the efforts by the Federated States of Micronesia and the Republic of the Marshall Islands to attract foreign investment and to increase indigenous business activity.

(E) Recommendations on ways to increase the effectiveness of United States assistance.

(2) **REVIEW.**—During the year of the fifth and fifteenth anniversaries of the date of enactment of this resolution, the Government of the United States shall review the terms of the respective Compacts and shall consider the overall nature and development of the U.S.-FSM and U.S.-RMI relationships. In these reviews, the Government of the United States shall consider the operating requirements of the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands and their progress in meeting the development objectives set forth in their respective development plans. The President shall include the findings resulting from the reviews, and any recommendations for actions to respond to such findings, in the annual reports to Congress for the years following the reviews.

(3) **BY THE COMPTROLLER GENERAL.**—Not later than the date that is 3 years after the date of enactment of this joint resolution, and every 5 years thereafter, the Comptroller General of the United States shall submit to Congress a report on the Federated States of Micronesia and the Republic of the Marshall Islands, including the topics set forth in paragraph (1) and the effectiveness of administrative oversight by the United States.

(i) **CONSTRUCTION OF SECTION 141(F).**—Section 141(f)(2) of the Compact of Free Association between the Government of the United States of America and the Government of the Federated States of Micronesia and of the Compact of Free Association between the Government of the United States of America and the Government of the Republic of the Marshall Islands, shall be construed as though “, except that any such regulations that would have a significant effect on the admission, stay and employment privileges provided under this section shall not become effective until 90 days after the date of transmission of the regulations to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Resources, the Committee on International Relations, and the Committee on the Judiciary of the House of Representatives” was inserted after “may by regulations prescribe”.

SEC. 105. SUPPLEMENTAL PROVISIONS.

(a) **DOMESTIC PROGRAM REQUIREMENTS.**—Except as may otherwise be provided in this joint resolution, all United States Federal programs and services extended to or operated in the Federated States of Micronesia or the Republic of the Marshall Islands are and shall remain subject to all applicable criteria, standards, reporting requirements, auditing procedures, and other rules and regulations applicable to such programs when operating in the United States (including its territories and commonwealths).

(b) **RELATIONS WITH THE FEDERATED STATES OF MICRONESIA AND THE REPUBLIC OF THE MARSHALL ISLANDS.**—

(1) Appropriations made pursuant to Article I of Title Two and subsection (a)(2) of section 221 of Article II of Title Two of the U.S.-FSM Compact and the U.S.-RMI Compact shall be made to the Secretary of the Interior, who shall have the authority necessary to fulfill his responsibilities for monitoring and managing the funds so appropriated consistent with the U.S.-FSM Compact and the U.S.-RMI Compact, including the agreements referred to in section 462(b)(4) of the U.S.-FSM Compact and U.S.-RMI Compact (relating to Fiscal Procedures) and the agreements referred to in section 462(b)(5) of the U.S.-FSM Compact and the U.S.-RMI Compact (regarding the Trust Fund).

(2) Appropriations made pursuant to subsections (a)(1) and (a)(3) through (6) of section 221 of Article II of Title Two of the U.S.-FSM Compact and subsection (a)(1) and (a)(3) through (5) of the U.S.-RMI Compact shall be made directly to the agencies named in those subsections.

(3) Appropriations for services and programs referred to in subsection (b) of section 221 of Article II of Title Two of the U.S.-FSM Compact or U.S.-RMI Compact and appropriations for services and programs referred to in sections 105(f) and 108(a) of this joint resolution shall be made to the relevant agencies in accordance with the terms of the appropriations for such services and programs.

(4) Federal agencies providing programs and services to the Federated States of Micronesia and the Republic of the Marshall Islands shall coordinate with the Secretaries of the Interior and State regarding provision of such programs and services. The Secretaries of the Interior and State shall consult with appropriate officials of the Asian Development Bank and with the Secretary of the Treasury regarding overall economic conditions in the Federated States of Micronesia and the Republic of the Marshall Islands and regarding the activities of other donors of assistance to the Federated States of Micronesia and the Republic of the Marshall Islands.

(5) United States Government employees in either the Federated States of Micronesia or the Republic of the Marshall Islands are subject to the authority of the United States Chief of Mission, including as elaborated in section 207 of the Foreign Service Act and the President's Letter of Instruction to the United States Chief of Mission and any order or directive of the President in effect from time to time.

(6)(A) The President is hereby authorized to appoint an Interagency Group on Freely Associated States' Affairs to provide policy guidance and recommendations on implementation of the U.S.-FSM Compact and the U.S.-RMI Compact to Federal departments and agencies.

(B) It is the sense of Congress that the Secretary of State and the Secretary of the Interior should be represented on the Interagency Group.

(7)(A)(i) The three United States appointees (United States chair plus two members) to the Joint Economic Management Committee provided for in section 213 of the U.S.-FSM Compact and Article III of the U.S.-FSM Fiscal Procedures Agreement referred to in section 462(b)(4) of the U.S.-FSM Compact shall be United States Government officers or employees.

(ii) It is the sense of Congress that at least one appointee each should be designated from both the Department of State and the Department of the Interior.

(iii) Section 213 of the U.S.-FSM Compact shall be construed to read as though the phrase, “and on the implementation of economic policy reforms designed to encourage private sector investment,” were inserted

after “with particular focus on those parts of the plan dealing with the sectors identified in subsection (a) of section 211”.

(B)(i) The three United States appointees (United States chair plus two members) to the Joint Economic Management and Financial Accountability Committee provided for in section 214 of the U.S.-RMI Compact and Article III of the U.S.-RMI Fiscal Procedures Agreement referred to in section 462(b)(4) of the U.S.-RMI Compact shall be United States Government officers or employees.

(ii) It is the sense of Congress that at least one appointee each should be designated from both the Department of State and the Department of the Interior.

(iii) Section 214 of the U.S.-RMI Compact shall be construed to read as though the phrase, “and on the implementation of economic policy reforms designed to encourage private sector investment,” were inserted after “with particular focus on those parts of the framework dealing with the sectors and areas identified in subsection (a) of section 211”.

(8) It is the sense of Congress that the Secretary of State and the Secretary of the Interior shall assure that there are personnel resources committed in the appropriate numbers and locations to ensure effective oversight of United States financial and program assistance.

(9) The United States voting members (United States chair plus two or more members) of the Trust Fund Committee appointed by the Government of the United States pursuant to Article 7 of the Trust Fund Agreement implementing section 215 of the U.S.-FSM Compact and referred to in section 462(b)(5) of the U.S.-FSM Compact and any alternates designated by the Government of the United States shall be United States Government officers or employees. The United States voting members (United States chair plus two or more members) of the Trust Fund Committee appointed by the Government of the United States pursuant to Article 7 of the Trust Fund Agreement implementing section 216 of the U.S.-RMI Compact and referred to in section 462(b)(5) of the U.S.-RMI Compact and any alternates designated by the Government of the United States shall be United States Government officers or employees. It is the sense of Congress that at least one appointee each should be designated from both the Department of State and the Department of the Interior.

(10) The Trust Fund Committee provided for in Article 7 of the U.S.-FSM Trust Fund Agreement implementing section 215 of the U.S.-FSM Compact shall be a non-profit corporation incorporated under the laws of the District of Columbia. To the extent that any law, rule, regulation or ordinance of the District of Columbia, or of any State or political subdivision thereof in which the Trust Fund Committee is incorporated or doing business, impedes or otherwise interferes with the performance of the functions of the Trust Fund Committee pursuant to this joint resolution, such law, rule, regulation, or ordinance shall be preempted by this joint resolution. The Trust Fund Committee provided for in Article 7 of the U.S.-RMI Trust Fund Agreement implementing section 216 of the U.S.-RMI Compact shall be a non-profit corporation incorporated under the laws of the District of Columbia. To the extent that any law, rule, regulation or ordinance of the District of Columbia, or of any State or political subdivision thereof in which the Trust Fund Committee is incorporated or doing business, impedes or otherwise interferes with the performance of the functions of the Trust Fund Committee pursuant to this joint resolution, such law, rule, regulation, or ordinance shall

be deemed to be preempted by this joint resolution.

(c) JUDICIAL TRAINING.—(1) In addition to amounts provided under section 211(a)(4) of the U.S.-FSM Compact and the U.S.-RMI Compact, the President shall annually provide \$200,000 to the Government of the Federated States of Micronesia and \$100,000 to the Government of the Republic of the Marshall Islands to provide training for judges and officials of the judiciary.

(2) There is hereby authorized and appropriated to the Secretary of the Interior, out of any funds in the Treasury not otherwise appropriated, to remain available until expended, for each fiscal year from 2004 through 2023, \$300,000, as adjusted for inflation under section 217 of the U.S.-FSM Compact and section 218 of the U.S.-RMI Compact, to carry out the purposes of this section.

(d) CONTINUING TRUST TERRITORY AUTHORIZATION.—The authorization provided by the Act of June 30, 1954, as amended (68 Stat. 330) shall remain available after the effective date of the Compact with respect to the Federated States of Micronesia and the Republic of the Marshall Islands for the following purposes:

(1) Prior to October 1, 1986, for any purpose authorized by the Compact or the joint resolution of January 14, 1986 (Public Law 99-239).

(2) Transition purposes, including but not limited to, completion of projects and fulfillment of commitments or obligations; termination of the Trust Territory Government and termination of the High Court; health and education as a result of exceptional circumstances; ex gratia contributions for the populations of Bikini, Enewetak, Rongelap, and Utrik; and technical assistance and training in financial management, program administration, and maintenance of infrastructure, except that, for purposes of an orderly reduction of United States programs and services in the Federated States of Micronesia, the Marshall Islands, and the Republic of Palau, United States programs or services not specifically authorized by the Compact of Free Association or by other provisions of law may continue but, unless reimbursed by the respective freely associated state, not in excess of the following amounts:

(A) For fiscal year 1987, an amount not to exceed 75 per centum of the total amount appropriated for such programs for fiscal year 1986.

(B) For fiscal year 1988, an amount not to exceed 50 per centum of the total amount appropriated for such programs for fiscal year 1986.

(C) For fiscal year 1989, an amount not to exceed 25 per centum of the total amount appropriated for such programs for fiscal year 1986.

(e) SURVIVABILITY.—In furtherance of the provisions of Title Four, Article V, sections 452 and 453 of the U.S.-FSM Compact and the U.S.-RMI Compact, any provisions of the U.S.-FSM Compact or the U.S.-RMI Compact which remain effective after the termination of the U.S.-FSM Compact or U.S.-RMI Compact by the act of any party thereto and which are affected in any manner by provisions of this title shall remain subject to such provisions.

(f) NONCOMPLIANCE SANCTIONS; ACTIONS INCOMPATIBLE WITH UNITED STATES AUTHORITY.—The Congress expresses its understanding that the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands will not act in a manner incompatible with the authority and responsibility of the United States for security and defense matters in or related to the Federated States of Micronesia or the Republic

of the Marshall Islands pursuant to the U.S.-FSM Compact or the U.S.-RMI Compact, including the agreements referred to in sections 462(a)(2) of the U.S.-FSM Compact and 462(a)(5) of the U.S.-RMI Compact. The Congress further expresses its intention that any such act on the part of either such Government will be viewed by the United States as a material breach of the U.S.-FSM Compact or U.S.-RMI Compact. The Government of the United States reserves the right in the event of such a material breach of the U.S.-FSM Compact by the Government of the Federated States of Micronesia or the U.S.-RMI Compact by the Government of the Republic of the Marshall Islands to take action, including (but not limited to) the suspension in whole or in part of the obligations of the Government of the United States to that Government.

(g) CONTINUING PROGRAMS AND LAWS.—

(1) FEDERATED STATES OF MICRONESIA AND REPUBLIC OF THE MARSHALL ISLANDS.—In addition to the programs and services set forth in section 221 of the Compact, and pursuant to section 222 of the Compact, the programs and services of the following agencies shall be made available to the Federated States of Micronesia and to the Republic of the Marshall Islands:

(A) The Government of the United States shall continue to make available to eligible institutions in the Federated States of Micronesia and the Republic of the Marshall Islands, and to students enrolled in such eligible institutions and in institutions in the United States and its territories, for fiscal years 2004 through 2023, grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) on the same basis that such grants continue to be available to institutions and students in the United States.

(B) SUPPLEMENTAL EDUCATION GRANTS.—

(i) IN GENERAL.—In lieu of eligibility for appropriations under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), title II of the Workforce Investment Act of 1998 (20 U.S.C. 9201 et seq.; commonly known as the Adult Education and Family Literacy Act), title I of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2321 et seq.), and the Head Start Act (42 U.S.C. 9831 et seq.), there are authorized to be appropriated to the Secretary of Education for supplemental education grants to the Federated States of Micronesia and the Republic of the Marshall Islands the following amounts:

(I) \$13,994,592 for the Federated States of Micronesia for fiscal year 2005 and an equivalent amount, as adjusted for inflation under section 217 of the U.S.-FSM Compact, for each of fiscal years 2006 through 2023.

(II) \$6,705,408 for the Republic of the Marshall Islands for fiscal year 2005 and an equivalent amount, as adjusted for inflation under section 218 of the U.S.-RMI Compact, for each of fiscal years 2006 through 2023.

(ii) FISCAL PROCEDURES.—Assistance pursuant to this subparagraph shall be disbursed and monitored in accordance with the respective Fiscal Procedures Agreement referred to in section 462(b)(4) of the U.S.-FSM Compact and section 462(b)(4) of the U.S.-RMI Compact.

(iii) FORMULA EDUCATION GRANTS.—For fiscal years 2005 through 2023, except as provided in clause (i), the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands shall not receive any grant under any formula-grant program administered by the Secretary of Education or the Secretary of Labor, nor any

grant provided through the Head Start Act (42 U.S.C. 9831 et seq.) administered by the Secretary of Health and Human Services.

(iv) TRANSITION.—For fiscal year 2004, the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands shall continue to be eligible for appropriations under the provisions of law specified in clause (i) and to receive grants under the programs described in clause (iii).

(C) COMPETITIVE EDUCATION GRANTS.—The Governments of the Federated States of Micronesia and the Republic of the Marshall Islands shall continue to be eligible for competitive grants administered by the Secretary of Education to the extent that such grants continue to be available to State and local governments in the United States.

(D) The Federal Emergency Management Agency, in the following manner: Paragraph (6) of section 221(a) of the U.S.-FSM Compact and paragraph (5) of section 221(a) of the U.S.-RMI Compact shall each be construed and applied as if each provision reads as follows: "The Department of Homeland Security, Federal Emergency Management Agency disaster assistance programs and public assistance programs for public and private non-profit infrastructure and programs provided by the United States Agency for International Development, Office of Foreign Disaster Assistance, at levels equivalent to those available on the day preceding the effective date of the Compacts, to remain available until the later of—

(i) the 10-year period beginning on the date of enactment of the Compacts; or

(ii) the date on which the Disaster Assistance Emergency Fund referred to in section 211(d) of the U.S.-FSM Compact and section 211(e) of the U.S.-RMI Compact attains a balance of \$4,000,000.

(E) The Legal Services Corporation.

(F) The Public Health Service.

(G) The Rural Housing Service (formerly, the Farmers Home Administration) in the Marshall Islands and each of the four States of the Federated States of Micronesia. In lieu of continuation of the program in the Federated States of Micronesia, the President may agree to transfer to the Government of the Federated States of Micronesia without cost, the portfolio of the Rural Housing Service applicable to the Federated States of Micronesia and provide such technical assistance in management of the portfolio as may be requested by the Federated States of Micronesia.

(2) TORT CLAIMS.—The provisions of section 178 of the U.S.-FSM Compact and the U.S.-RMI Compact regarding settlement and payment of tort claims shall apply to employees of any Federal agency of the Government of the United States (and to any other person employed on behalf of any Federal agency of the Government of the United States on the basis of a contractual, cooperative, or similar agreement) which provides any service or carries out any other function pursuant to or in furtherance of any provisions of the U.S.-FSM Compact or the U.S.-RMI Compact or this joint resolution, except for provisions of Title Three of the Compact and of the subsidiary agreements related to such Title, in such area to which such Agreement formerly applied.

(3) PCB CLEANUP.—The programs and services of the Environmental Protection Agency regarding PCBs shall, to the extent applicable, as appropriate, and in accordance with applicable law, be construed to be made available to such islands.

(h) COLLEGE OF MICRONESIA.—Until otherwise provided by Act of Congress, or until termination of the U.S.-FSM Compact and the U.S.-RMI Compact, the College of Micronesia shall retain its status as a land-grant institution and its eligibility for all benefits

and programs available to such land-grant institutions.

(i) **TRUST TERRITORY DEBTS TO U.S. FEDERAL AGENCIES.**—Neither the Government of the Federated States of Micronesia nor the Government of the Marshall Islands shall be required to pay to any department, agency, independent agency, office, or instrumentality of the United States any amounts owed to such department, agency, independent agency, office, or instrumentality by the Government of the Trust Territory of the Pacific Islands as of the effective date of the Compact. There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this subsection.

(j) **TECHNICAL ASSISTANCE.**—Technical assistance may be provided pursuant to section 224 of the U.S.-FSM Compact or the U.S.-RMI Compact by Federal agencies and institutions of the Government of the United States to the extent such assistance may be provided to States, territories, or units of local government. Such assistance by the Forest Service, the Natural Resources Conservation Service, the USDA Resource Conservation and Development Program, the Fish and Wildlife Service, the National Marine Fisheries Service, the United States Coast Guard, and the Advisory Council on Historic Preservation, the Department of the Interior, and other agencies providing assistance under the National Historic Preservation Act (80 Stat. 915; 16 U.S.C. 470-470t), shall be on a nonreimbursable basis. During the period the U.S.-FSM Compact and the U.S.-RMI Compact are in effect, the grant programs under the National Historic Preservation Act shall continue to apply to the Federated States of Micronesia and the Republic of the Marshall Islands in the same manner and to the same extent as prior to the approval of the Compact. Any funds provided pursuant to sections 102(a), 103(a), 103(b), 103(f), 103(g), 103(h), 103(j), 105(c), 105(g), 105(h), 105(i), 105(j), 105(k), 105(l), and 105(m) of this joint resolution shall be in addition to and not charged against any amounts to be paid to either the Federated States of Micronesia or the Republic of the Marshall Islands pursuant to the U.S.-FSM Compact, the U.S.-RMI Compact, or their related subsidiary agreements.

(k) **PRIOR SERVICE BENEFITS PROGRAM.**—Notwithstanding any other provision of law, persons who on January 1, 1985, were eligible to receive payment under the Prior Service Benefits Program established within the Social Security System of the Trust Territory of the Pacific Islands because of their services performed for the United States Navy or the Government of the Trust Territory of the Pacific Islands prior to July 1, 1968, shall continue to receive such payments on and after the effective date of the Compact.

(l) **INDEFINITE LAND USE PAYMENTS.**—There are authorized to be appropriated such sums as may be necessary to complete repayment by the United States of any debts owed for the use of various lands in the Federated States of Micronesia and the Marshall Islands prior to January 1, 1985.

(m) **COMMUNICABLE DISEASE CONTROL PROGRAM.**—There are authorized to be appropriated for grants to the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands, such sums as may be necessary for purposes of establishing or continuing programs for the control and prevention of communicable diseases, including (but not limited to) cholera and Hansen's Disease. The Secretary of the Interior shall assist the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands in designing and implementing such a program.

(n) **USER FEES.**—Any person in the Federated States of Micronesia or the Republic

of the Marshall Islands shall be liable for user fees, if any, for services provided in the Federated States of Micronesia or the Republic of the Marshall Islands by the Government of the United States to the same extent as any person in the United States would be liable for fees, if any, for such services in the United States.

(o) **TREATMENT OF JUDGMENTS OF COURTS OF THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF THE MARSHALL ISLANDS, AND THE REPUBLIC OF PALAU.**—No judgment, whenever issued, of a court of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau, against the United States, its departments and agencies, or officials of the United States or any other individuals acting on behalf of the United States within the scope of their official duty, shall be honored by the United States, or be subject to recognition or enforcement in a court in the United States, unless the judgment is consistent with the interpretation by the United States of international agreements relevant to the judgment. In determining the consistency of a judgment with an international agreement, due regard shall be given to assurances made by the Executive Branch to the Congress of the United States regarding the proper interpretation of the international agreement.

(p) **INFLATION ADJUSTMENT.**—As of Fiscal Year 2015, if United States Gross Domestic Product Implicit Price Deflator average for Fiscal Years 2009 through 2014 is greater than the United States Gross Domestic Product Implicit Price Deflator average for Fiscal Years 2004 through 2008 (as reported in the Survey of Current Business or subsequent publication and compiled by the Department of Interior), then section 217 of the U.S.-FSM Compact and paragraph 5 of Article II of the U.S.-FSM Fiscal Procedures Agreement and section 218 of the U.S.-RMI Compact and paragraph 5 of Article II of the U.S.-RMI Fiscal Procedures Agreement shall be construed as if "the full" appeared in place of "two-thirds of the" each place those words appear.

(q) **ARMED SERVICES VOCATIONAL APTITUDE BATTERY TESTING.**—In furtherance of the provisions of Title Three, Article IV, section 341 of the U.S.-FSM and the U.S.-RMI Compacts, the purpose of which is to establish the privilege to volunteer for service in the United States Armed Forces, it is the sense of Congress that, to facilitate eligibility of Federated States of Micronesia and Republic of the Marshall Islands secondary school students to qualify for such service, the Department of Defense may extend the Armed Services Vocational Aptitude Battery (ASVAB) Student Testing Program (STP) and the ASVAB Career Exploration Program to selected secondary schools in the Federated States of Micronesia and the Republic of the Marshall Islands to the extent such programs are available to Department of Defense Dependent Schools located in foreign jurisdictions.

(r) **ESTABLISHMENT OF TRUST FUNDS; EXPEDITION OF PROCESS.**—The Trust Fund Agreement executed pursuant to the U.S.-FSM Compact and the Trust Fund Agreement executed pursuant to the U.S.-RMI Compact each provide for the establishment of a trust fund. Such trust fund may be established by (1) creating a new legal entity to constitute the trust fund or (2) assuming control of an existing legal entity including, without limitation, a trust fund or other legal entity that was established by or at the direction of the Government of the United States, the Government of the Federated States of Micronesia, the Government of the Republic of the Marshall Islands, or otherwise, for the purpose of facilitating or expediting the establishment of the trust fund pursuant to the applicable Trust Fund Agreement. For the

purpose of expediting the commencement of operations of a trust fund under either Trust Fund Agreement, such trust fund may, but shall not be obligated to, assume any obligations of an existing legal entity and take assignment of any contract or other agreement to which such existing legal entity is party. Without limiting the authority that the United States Government may otherwise have under applicable law, the United States Government may, but shall not be obligated to, provide financial, technical, or other assistance directly or indirectly to the Government of the Federated States of Micronesia or the Government of the Republic of the Marshall Islands for the purpose of establishing and operating trust funds or other legal entities that will solicit bids from, and enter into contracts with, parties willing to serve in such capacities as trustee, depository, money manager, or investment advisor, with the intention that such contracts will ultimately be assumed by and assigned to trust funds established pursuant to a Trust Fund Agreement.

SEC. 106. CONSTRUCTION CONTRACT ASSISTANCE.

(a) **ASSISTANCE TO U.S. FIRMS.**—In order to assist the Governments of the Federated States of Micronesia and of the Republic of the Marshall Islands through private sector firms which may be awarded contracts for construction or major repair of capital infrastructure within the Federated States of Micronesia or the Republic of the Marshall Islands, the United States shall consult with the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands with respect to any such contracts, and the United States shall enter into agreements with such firms whereby such firms will, consistent with applicable requirements of such Governments—

(1) to the maximum extent possible, employ citizens of the Federated States of Micronesia and the Republic of the Marshall Islands;

(2) to the extent that necessary skills are not possessed by citizens of the Federated States of Micronesia and the Republic of the Marshall Islands, provide on the job training, with particular emphasis on the development of skills relating to operation of machinery and routine and preventative maintenance of machinery and other facilities; and

(3) provide specific training or other assistance in order to enable the Government to engage in long-term maintenance of infrastructure.

Assistance by such firms pursuant to this section may not exceed 20 percent of the amount of the contract and shall be made available only to such firms which meet the definition of United States firm under the nationality rule for suppliers of services of the Agency for International Development (hereafter in this section referred to as "United States firms"). There are authorized to be appropriated such sums as may be necessary for the purposes of this subsection.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to cover any additional costs incurred by the Government of the Federated States of Micronesia or the Republic of the Marshall Islands if such Governments, pursuant to an agreement entered into with the United States, apply a preference on the award of contracts to United States firms, provided that the amount of such preference does not exceed 10 percent of the amount of the lowest qualified bid from a non-United States firm for such contract.

SEC. 107. PROHIBITION.

The provisions of chapter 11 of title 18, United States Code, shall apply in full to any individual who has served as the United

States negotiator of amendments to the Compact or its subsidiary agreements or of related agreements or who is or was an officer or employee of the Office in the Department of State responsible for negotiating amendments to the Compact or its subsidiary agreements or who is or was assigned or detailed to that Office or who served on the interagency group coordinating United States policy on the Compact negotiations.

SEC. 108. COMPENSATORY ADJUSTMENTS.

(a) **ADDITIONAL PROGRAMS AND SERVICES.**—In addition to the programs and services set forth in section 221 of the U.S.-FSM Compact and the U.S.-RMI Compact, and pursuant to section 222 of the U.S.-FSM Compact and the U.S.-RMI Compact, the services and programs of the following United States agencies shall be made available to the Federated States of Micronesia and the Republic of the Marshall Islands: the Small Business Administration, Economic Development Administration, and the Rural Utilities Services (formerly Rural Electrification Administration) and the programs and services of the Department of Commerce relating to tourism and to marine resource development.

(b) FURTHER AMOUNTS.—

(1) The joint resolution of January 14, 1986 (Public Law 99-239) provided that the governments of the Federated States of Micronesia and the Marshall Islands may submit to Congress reports concerning the overall financial and economic impacts on such areas resulting from the effect of Title IV of that joint resolution upon Title Two of the Compact. There were authorized to be appropriated for fiscal years beginning after September 30, 1990, such amounts as necessary, but not to exceed \$40 million for the Federated States of Micronesia and \$20 million for the Marshall Islands, as provided in appropriation acts, to further compensate the governments of such islands (in addition to the compensation provided in subsections (a) and (b) of section 111 of the joint resolution of January 14, 1986 (Public Law 99-239) for adverse impacts, if any, on the finances and economies of such areas resulting from the effect of Title IV of that joint resolution upon Title Two of the Compact. The joint resolution of January 14, 1986 (Public Law 99-239) further provided that at the end of the initial fifteen-year term of the Compact, should any portion of the total amount of funds authorized in subsection 111 of that resolution not have been appropriated, such amount not yet appropriated may be appropriated, without regard to divisions between amounts authorized in subsection 111 for the Federated States of Micronesia and for the Marshall Islands, based on either or both such government's showing of such adverse impact, if any, as provided in that subsection.

(2) The governments of the Federated States of Micronesia and the Republic of the Marshall Islands may each submit no more than one report or request for further compensation under section 111 of the joint resolution of January 14, 1986 (Public Law 99-239) and any such report or request must be submitted by September 30, 2009. Only adverse economic effect occurring during the initial fifteen-year term of the Compact may be considered for compensation under section 111 of the joint resolution of January 14, 1986 (Public Law 99-239).

SEC. 109. AUTHORIZATION AND CONTINUING APPROPRIATION.

(a) There are authorized and appropriated to the Department of the Interior, out of any money in the Treasury not otherwise appropriated, to remain available until expended, such sums as are necessary to carry out the purposes of sections 211, 212(b), 215, and 217 of the U.S.-FSM Compact and sections 211, 212,

213(b), 216, and 218 of the U.S.-RMI Compact, in this and subsequent years.

(b) There are authorized to be appropriated to the Departments, agencies, and instrumentalities named in paragraphs (1) and (3) through (6) of section 221(a) of the U.S.-FSM Compact and paragraphs (1) and (3) through (5) of section 221(a) of the U.S.-RMI Compact, such sums as are necessary to carry out the purposes of sections 221(a) of the U.S.-FSM Compact and the U.S.-RMI Compact, to remain available until expended.

SEC. 110. PAYMENT OF CITIZENS OF THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF THE MARSHALL ISLANDS, AND THE REPUBLIC OF PALAU EMPLOYED BY THE GOVERNMENT OF THE UNITED STATES IN THE CONTINENTAL UNITED STATES.

Section 605 of Public Law 107-67 (the Treasury and General Government Appropriations Act, 2002; 5 U.S.C. 3101 note) is amended by striking “or the Republic of the Philippines,” in the last sentence and inserting the following: “the Republic of the Philippines, the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.”.

TITLE II—COMPACTS OF FREE ASSOCIATION WITH THE FEDERATED STATES OF MICRONESIA AND THE REPUBLIC OF THE MARSHALL ISLANDS

SEC. 201. COMPACTS OF FREE ASSOCIATION, AS AMENDED BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA AND BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF THE MARSHALL ISLANDS.

(a) **COMPACT OF FREE ASSOCIATION, AS AMENDED, BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA.**—

PREAMBLE

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA

Affirming that their Governments and their relationship as Governments are founded upon respect for human rights and fundamental freedoms for all, and that the people of the Federated States of Micronesia have the right to enjoy self-government; and

Affirming the common interests of the United States of America and the Federated States of Micronesia in creating and maintaining their close and mutually beneficial relationship through the free and voluntary association of their respective Governments; and

Affirming the interest of the Government of the United States in promoting the economic advancement and budgetary self-reliance of the Federated States of Micronesia; and

Recognizing that their relationship until the entry into force on November 3, 1986 of the Compact was based upon the International Trusteeship System of the United Nations Charter, and in particular Article 76 of the Charter; and that pursuant to Article 76 of the Charter, the people of the Federated States of Micronesia have progressively developed their institutions of self-government, and that in the exercise of their sovereign right to self-determination they, through their freely-expressed wishes, have adopted a Constitution appropriate to their particular circumstances; and

Recognizing that the Compact reflected their common desire to terminate the Trusteeship and establish a government-to-government relationship which was in accord-

ance with the new political status based on the freely expressed wishes of the people of the Federated States of Micronesia and appropriate to their particular circumstances; and

Recognizing that the people of the Federated States of Micronesia have and retain their sovereignty and their sovereign right to self-determination and the inherent right to adopt and amend their own Constitution and form of government and that the approval of the entry of the Government of the Federated States of Micronesia into the Compact by the people of the Federated States of Micronesia constituted an exercise of their sovereign right to self-determination; and

Recognizing the common desire of the people of the United States and the people of the Federated States of Micronesia to maintain their close government-to-government relationship, the United States and the Federated States of Micronesia:

NOW, THEREFORE, MUTUALLY AGREE to continue and strengthen their relationship of free association by amending the Compact, which continues to provide a full measure of self-government for the people of the Federated States of Micronesia; and

FURTHER AGREE that the relationship of free association derives from and is as set forth in this Compact, as amended, by the Governments of the United States and the Federated States of Micronesia; and that, during such relationship of free association, the respective rights and responsibilities of the Government of the United States and the Government of the Federated States of Micronesia in regard to this relationship of free association derive from and are as set forth in this Compact, as amended.

TITLE ONE

GOVERNMENTAL RELATIONS

Article I

Self-Government

Section 111

The people of the Federated States of Micronesia, acting through the Government established under their Constitution, are self-governing.

Article II

Foreign Affairs

Section 121

(a) The Government of the Federated States of Micronesia has the capacity to conduct foreign affairs and shall do so in its own name and right, except as otherwise provided in this Compact, as amended.

(b) The foreign affairs capacity of the Government of the Federated States of Micronesia includes:

(1) the conduct of foreign affairs relating to law of the sea and marine resources matters, including the harvesting, conservation, exploration or exploitation of living and non-living resources from the sea, seabed or subsoil to the full extent recognized under international law;

(2) the conduct of its commercial, diplomatic, consular, economic, trade, banking, postal, civil aviation, communications, and cultural relations, including negotiations for the receipt of developmental loans and grants and the conclusion of arrangements with other governments and international and intergovernmental organizations, including any matters specially benefiting its individual citizens.

(c) The Government of the United States recognizes that the Government of the Federated States of Micronesia has the capacity to enter into, in its own name and right, treaties and other international agreements with governments and regional and international organizations.

(d) In the conduct of its foreign affairs, the Government of the Federated States of Micronesia confirms that it shall act in accordance with principles of international law and shall settle its international disputes by peaceful means.

Section 122

The Government of the United States shall support applications by the Government of the Federated States of Micronesia for membership or other participation in regional or international organizations as may be mutually agreed.

Section 123

(a) In recognition of the authority and responsibility of the Government of the United States under Title Three, the Government of the Federated States of Micronesia shall consult, in the conduct of its foreign affairs, with the Government of the United States.

(b) In recognition of the foreign affairs capacity of the Government of the Federated States of Micronesia, the Government of the United States, in the conduct of its foreign affairs, shall consult with the Government of the Federated States of Micronesia on matters that the Government of the United States regards as relating to or affecting the Government of the Federated States of Micronesia.

Section 124

The Government of the United States may assist or act on behalf of the Government of the Federated States of Micronesia in the area of foreign affairs as may be requested and mutually agreed from time to time. The Government of the United States shall not be responsible to third parties for the actions of the Government of the Federated States of Micronesia undertaken with the assistance or through the agency of the Government of the United States pursuant to this section unless expressly agreed.

Section 125

The Government of the United States shall not be responsible for nor obligated by any actions taken by the Government of the Federated States of Micronesia in the area of foreign affairs, except as may from time to time be expressly agreed.

Section 126

At the request of the Government of the Federated States of Micronesia and subject to the consent of the receiving state, the Government of the United States shall extend consular assistance on the same basis as for citizens of the United States to citizens of the Federated States of Micronesia for travel outside the Federated States of Micronesia, the United States and its territories and possessions.

Section 127

Except as otherwise provided in this Compact, as amended, or its related agreements, all obligations, responsibilities, rights and benefits of the Government of the United States as Administering Authority which resulted from the application pursuant to the Trusteeship Agreement of any treaty or other international agreement to the Trust Territory of the Pacific Islands on November 2, 1986, are, as of that date, no longer assumed and enjoyed by the Government of the United States.

Article III Communications

Section 131

(a) The Government of the Federated States of Micronesia has full authority and responsibility to regulate its domestic and foreign communications, and the Government of the United States shall provide communications assistance as mutually agreed.

(b) On May 24, 1993, the Government of the Federated States of Micronesia elected to undertake all functions previously performed by the Government of the United

States with respect to domestic and foreign communications, except for those functions set forth in a separate agreement entered into pursuant to this section of the Compact, as amended.

Section 132

The Government of the Federated States of Micronesia shall permit the Government of the United States to operate telecommunications services in the Federated States of Micronesia to the extent necessary to fulfill the obligations of the Government of the United States under this Compact, as amended, in accordance with the terms of separate agreements entered into pursuant to this section of the Compact, as amended.

Article IV

Immigration

Section 141

(a) In furtherance of the special and unique relationship that exists between the United States and the Federated States of Micronesia, under the Compact, as amended, any person in the following categories may be admitted to, lawfully engage in occupations in, and establish residence as a nonimmigrant in the United States and its territories and possessions (the "United States") without regard to paragraph (5) or (7)(B)(i)(II) of section 212(a) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1182(a)(5) or (7)(B)(i)(II):

(1) a person who, on November 2, 1986, was a citizen of the Trust Territory of the Pacific Islands, as defined in Title 53 of the Trust Territory Code in force on January 1, 1979, and has become and remains a citizen of the Federated States of Micronesia;

(2) a person who acquires the citizenship of the Federated States of Micronesia at birth, on or after the effective date of the Constitution of the Federated States of Micronesia;

(3) an immediate relative of a person referred to in paragraphs (1) or (2) of this section, provided that such immediate relative is a naturalized citizen of the Federated States of Micronesia who has been an actual resident there for not less than five years after attaining such naturalization and who holds a certificate of actual residence, and further provided, that, in the case of a spouse, such spouse has been married to the person referred to in paragraph (1) or (2) of this section for at least five years, and further provided, that the Government of the United States is satisfied that such naturalized citizen meets the requirement of subsection (b) of section 104 of Public Law 99-239 as it was in effect on the day prior to the effective date of this Compact, as amended;

(4) a naturalized citizen of the Federated States of Micronesia who was an actual resident there for not less than five years after attaining such naturalization and who satisfied these requirements as of April 30, 2003, who continues to be an actual resident and holds a certificate of actual residence, and whose name is included in a list furnished by the Government of the Federated States of Micronesia to the Government of the United States no later than the effective date of the Compact, as amended, in form and content acceptable to the Government of the United States, provided, that the Government of the United States is satisfied that such naturalized citizen meets the requirement of subsection (b) of section 104 of Public Law 99-239 as it was in effect on the day prior to the effective date of this Compact, as amended; or

(5) an immediate relative of a citizen of the Federated States of Micronesia, regardless of the immediate relative's country of citizenship or period of residence in the Federated States of Micronesia, if the citizen of the Federated States of Micronesia is serving on active duty in any branch of the United States Armed Forces, or in the active reserves.

(b) Notwithstanding subsection (a) of this section, a person who is coming to the United States pursuant to an adoption outside the United States, or for the purpose of adoption in the United States, is ineligible for admission under the Compact and the Compact, as amended. This subsection shall apply to any person who is or was an applicant for admission to the United States on or after March 1, 2003, including any applicant for admission in removal proceedings (including appellate proceedings) on or after March 1, 2003, regardless of the date such proceedings were commenced. This subsection shall have no effect on the ability of the Government of the United States or any United States State or local government to commence or otherwise take any action against any person or entity who has violated any law relating to the adoption of any person.

(c) Notwithstanding subsection (a) of this section, no person who has been or is granted citizenship in the Federated States of Micronesia, or has been or is issued a Federated States of Micronesia passport pursuant to any investment, passport sale, or similar program has been or shall be eligible for admission to the United States under the Compact or the Compact, as amended.

(d) A person admitted to the United States under the Compact, or the Compact, as amended, shall be considered to have the permission of the Government of the United States to accept employment in the United States. An unexpired Federated States of Micronesia passport with unexpired documentation issued by the Government of the United States evidencing admission under the Compact or the Compact, as amended, shall be considered to be documentation establishing identity and employment authorization under section 274A(b)(1)(B) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1324a(b)(1)(B). The Government of the United States will take reasonable and appropriate steps to implement and publicize this provision, and the Government of the Federated States of Micronesia will also take reasonable and appropriate steps to publicize this provision.

(e) For purposes of the Compact and the Compact, as amended:

(1) the term "residence" with respect to a person means the person's principal, actual dwelling place in fact, without regard to intent, as provided in section 101(a)(33) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1101(a)(33), and variations of the term "residence," including "resident" and "reside," shall be similarly construed;

(2) the term "actual residence" means physical presence in the Federated States of Micronesia during eighty-five percent of the five-year period of residency required by section 141(a)(3) and (4);

(3) the term "certificate of actual residence" means a certificate issued to a naturalized citizen by the Government of the Federated States of Micronesia stating that the citizen has complied with the actual residence requirement of section 141(a)(3) or (4);

(4) the term "nonimmigrant" means an alien who is not an "immigrant" as defined in section 101(a)(15) of such Act, 8 U.S.C. 1101(a)(15); and

(5) the term "immediate relative" means a spouse, or unmarried son or unmarried daughter less than 21 years of age.

(f) The Immigration and Nationality Act, as amended, shall apply to any person admitted or seeking admission to the United States (other than a United States possession or territory where such Act does not apply) under the Compact or the Compact, as amended, and nothing in the Compact or the Compact, as amended, shall be construed to limit, preclude, or modify the applicability of, with respect to such person:

(1) any ground of inadmissibility or deportability under such Act (except sections 212(a)(5) and 212(a)(7)(B)(i)(II) of such Act, as provided in subsection (a) of this section), and any defense thereto, provided that, section 237(a)(5) of such Act shall be construed and applied as if it reads as follows: "any alien who has been admitted under the Compact, or the Compact, as amended, who cannot show that he or she has sufficient means of support in the United States, is deportable";

(2) the authority of the Government of the United States under section 214(a)(1) of such Act to provide that admission as a non-immigrant shall be for such time and under such conditions as the Government of the United States may by regulations prescribe;

(3) Except for the treatment of certain documentation for purposes of section 274A(b)(1)(B) of such Act as provided by subsection (d) of this section of the Compact, as amended, any requirement under section 274A, including but not limited to section 274A(b)(1)(E);

(4) Section 643 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208, and actions taken pursuant to section 643; and

(5) the authority of the Government of the United States otherwise to administer and enforce the Immigration and Nationality Act, as amended, or other United States law.

(g) Any authority possessed by the Government of the United States under this section of the Compact or the Compact, as amended, may also be exercised by the Government of a territory or possession of the United States where the Immigration and Nationality Act, as amended, does not apply, to the extent such exercise of authority is lawful under a statute or regulation of such territory or possession that is authorized by the laws of the United States.

(h) Subsection (a) of this section does not confer on a citizen of the Federated States of Micronesia the right to establish the residence necessary for naturalization under the Immigration and Nationality Act, as amended, or to petition for benefits for alien relatives under that Act. Subsection (a) of this section, however, shall not prevent a citizen of the Federated States of Micronesia from otherwise acquiring such rights or lawful permanent resident alien status in the United States.

Section 142

(a) Any citizen or national of the United States may be admitted, to lawfully engage in occupations, and reside in the Federated States of Micronesia, subject to the rights of the Government of the Federated States of Micronesia to deny entry to or deport any such citizen or national as an undesirable alien. Any determination of inadmissibility or deportability shall be based on reasonable statutory grounds and shall be subject to appropriate administrative and judicial review within the Federated States of Micronesia. If a citizen or national of the United States is a spouse of a citizen of the Federated States of Micronesia, the Government of the Federated States of Micronesia shall allow the United States citizen spouse to establish residence. Should the Federated States of Micronesia citizen spouse predecease the United States citizen spouse during the marriage, the Government of the Federated States of Micronesia shall allow the United States citizen spouse to continue to reside in the Federated States of Micronesia.

(b) In enacting any laws or imposing any requirements with respect to citizens and nationals of the United States entering the Federated States of Micronesia under subsection (a) of this section, including any grounds of inadmissibility or deportability, the Government of the Federated States of

Micronesia shall accord to such citizens and nationals of the United States treatment no less favorable than that accorded to citizens of other countries.

(c) Consistent with subsection (a) of this section, with respect to citizens and nationals of the United States seeking to engage in employment or invest in the Federated States of Micronesia, the Government of the Federated States of Micronesia shall adopt immigration-related procedures no less favorable than those adopted by the Government of the United States with respect to citizens of the Federated States of Micronesia seeking employment in the United States.

Section 143

Any person who relinquishes, or otherwise loses, his United States nationality or citizenship, or his Federated States of Micronesia citizenship, shall be ineligible to receive the privileges set forth in sections 141 and 142. Any such person may apply for admission to the United States or the Federated States of Micronesia, as the case may be, in accordance with any other applicable laws of the United States or the Federated States of Micronesia relating to immigration of aliens from other countries. The laws of the Federated States of Micronesia or the United States, as the case may be, shall dictate the terms and conditions of any such person's stay.

Article V Representation

Section 151

Relations between the Government of the United States and the Government of the Federated States of Micronesia shall be conducted in accordance with the Vienna Convention on Diplomatic Relations. In addition to diplomatic missions and representation, the Governments may establish and maintain other offices and designate other representatives on terms and in locations as may be mutually agreed.

Section 152

(a) Any citizen or national of the United States who, without authority of the United States, acts as the agent of the Government of the Federated States of Micronesia with regard to matters specified in the provisions of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), that apply with respect to an agent of a foreign principal shall be subject to the requirements of such Act. Failure to comply with such requirements shall subject such citizen or national to the same penalties and provisions of law as apply in the case of the failure of such an agent of a foreign principal to comply with such requirements. For purposes of the Foreign Agents Registration Act of 1938, the Federated States of Micronesia shall be considered to be a foreign country.

(b) Subsection (a) of this section shall not apply to a citizen or national of the United States employed by the Government of the Federated States of Micronesia with respect to whom the Government of the Federated States of Micronesia from time to time certifies to the Government of the United States that such citizen or national is an employee of the Federated States of Micronesia whose principal duties are other than those matters specified in the Foreign Agents Registration Act of 1938, as amended, that apply with respect to an agent of a foreign principal. The agency or officer of the United States receiving such certifications shall cause them to be filed with the Attorney General, who shall maintain a publicly available list of the persons so certified.

Article VI

Environmental Protection

Section 161

The Governments of the United States and the Federated States of Micronesia declare that it is their policy to promote efforts to prevent or eliminate damage to the environment and biosphere and to enrich understanding of the natural resources of the Federated States of Micronesia. In order to carry out this policy, the Government of the United States and the Government of the Federated States of Micronesia agree to the following mutual and reciprocal undertakings.

(a) The Government of the United States:

(1) shall continue to apply the environmental controls in effect on November 2, 1986 to those of its continuing activities subject to section 161(a)(2), unless and until those controls are modified under sections 161(a)(3) and 161(a)(4);

(2) shall apply the National Environmental Policy Act of 1969, 83 Stat. 852, 42 U.S.C. 4321 et seq., to its activities under the Compact, as amended, and its related agreements as if the Federated States of Micronesia were the United States;

(3) shall comply also, in the conduct of any activity requiring the preparation of an Environmental Impact Statement under section 161(a)(2), with standards substantively similar to those required by the following laws of the United States, taking into account the particular environment of the Federated States of Micronesia: the Endangered Species Act of 1973, as amended, 87 Stat. 884, 16 U.S.C. 1531 et seq.; the Clean Air Act, as amended, 77 Stat. 392, 42 U.S.C. Supp. 7401 et seq.; the Clean Water Act (Federal Water Pollution Control Act), as amended, 86 Stat. 896, 33 U.S.C. 1251 et seq.; Title I of the Marine Protection, Research and Sanctuaries Act of 1972 (the Ocean Dumping Act), 33 U.S.C. 1411 et seq.; the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq.; the Solid Waste Disposal Act, as amended, 42 U.S.C. 6901 et seq.; and such other environmental protection laws of the United States and of the Federated States of Micronesia, as may be mutually agreed from time to time with the Government of the Federated States of Micronesia; and

(4) shall develop, prior to conducting any activity requiring the preparation of an Environmental Impact Statement under section 161(a)(2), written standards and procedures, as agreed with the Government of the Federated States of Micronesia, to implement the substantive provisions of the laws made applicable to U.S. Government activities in the Federated States of Micronesia, pursuant to section 161(a)(3).

(b) The Government of the Federated States of Micronesia shall continue to develop and implement standards and procedures to protect its environment. As a reciprocal obligation to the undertakings of the Government of the United States under this Article, the Federated States of Micronesia, taking into account its particular environment, shall continue to develop and implement standards for environmental protection substantively similar to those required of the Government of the United States by section 161(a)(3) prior to its conducting activities in the Federated States of Micronesia, substantively equivalent to activities conducted there by the Government of the United States and, as a further reciprocal obligation, shall enforce those standards.

(c) Section 161(a), including any standard or procedure applicable thereunder, and section 161(b) may be modified or superseded in whole or in part by agreement of the Government of the United States and the Government of the Federated States of Micronesia.

(d) In the event that an Environmental Impact Statement is no longer required under

the laws of the United States for major Federal actions significantly affecting the quality of the human environment, the regulatory regime established under sections 161(a)(3) and 161(a)(4) shall continue to apply to such activities of the Government of the United States until amended by mutual agreement.

(e) The President of the United States may exempt any of the activities of the Government of the United States under this Compact, as amended, and its related agreements from any environmental standard or procedure which may be applicable under sections 161(a)(3) and 161(a)(4) if the President determines it to be in the paramount interest of the Government of the United States to do so, consistent with Title Three of this Compact, as amended, and the obligations of the Government of the United States under international law. Prior to any decision pursuant to this subsection, the views of the Government of the Federated States of Micronesia shall be sought and considered to the extent practicable. If the President grants such an exemption, to the extent practicable, a report with his reasons for granting such exemption shall be given promptly to the Government of the Federated States of Micronesia.

(f) The laws of the United States referred to in section 161(a)(3) shall apply to the activities of the Government of the United States under this Compact, as amended, and its related agreements only to the extent provided for in this section.

Section 162

The Government of the Federated States of Micronesia may bring an action for judicial review of any administrative agency action or any activity of the Government of the United States pursuant to section 161(a) for enforcement of the obligations of the Government of the United States arising thereunder. The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction over such action or activity, and over actions brought under section 172(b) which relate to the activities of the Government of the United States and its officers and employees, governed by section 161, provided that:

(a) Such actions may only be civil actions for any appropriate civil relief other than punitive damages against the Government of the United States or, where required by law, its officers in their official capacity; no criminal actions may arise under this section.

(b) Actions brought pursuant to this section may be initiated only by the Government of the Federated States of Micronesia.

(c) Administrative agency actions arising under section 161 shall be reviewed pursuant to the standard of judicial review set forth in 5 U.S.C. 706.

(d) The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction to issue all necessary processes, and the Government of the United States agrees to submit itself to the jurisdiction of the court; decisions of the United States District Court shall be reviewable in the United States Court of Appeals for the Ninth Circuit or the United States Court of Appeals for the District of Columbia, respectively, or in the United States Supreme Court as provided by the laws of the United States.

(e) The judicial remedy provided for in this section shall be the exclusive remedy for the judicial review or enforcement of the obligations of the Government of the United States under this Article and actions brought under section 172(b) which relate to the activities of the Government of the United States and

its officers and employees governed by section 161.

(f) In actions pursuant to this section, the Government of the Federated States of Micronesia shall be treated as if it were a United States citizen.

Section 163

(a) For the purpose of gathering data necessary to study the environmental effects of activities of the Government of the United States subject to the requirements of this Article, the Government of the Federated States of Micronesia shall be granted access to facilities operated by the Government of the United States in the Federated States of Micronesia, to the extent necessary for this purpose, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the United States under Title Three.

(b) The Government of the United States, in turn, shall be granted access to the Federated States of Micronesia for the purpose of gathering data necessary to discharge its obligations under this Article, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the Federated States of Micronesia under Title One, and to the extent necessary for this purpose shall be granted access to documents and other information to the same extent similar access is provided the Government of the Federated States of Micronesia under the Freedom of Information Act, 5 U.S.C. 552.

(c) The Government of the Federated States of Micronesia shall not impede efforts by the Government of the United States to comply with applicable standards and procedures.

Article VII

General Legal Provisions

Section 171

Except as provided in this Compact, as amended, or its related agreements, the application of the laws of the United States to the Trust Territory of the Pacific Islands by virtue of the Trusteeship Agreement ceased with respect to the Federated States of Micronesia on November 3, 1986, the date the Compact went into effect.

Section 172

(a) Every citizen of the Federated States of Micronesia who is not a resident of the United States shall enjoy the rights and remedies under the laws of the United States enjoyed by any non-resident alien.

(b) The Government of the Federated States of Micronesia and every citizen of the Federated States of Micronesia shall be considered to be a "person" within the meaning of the Freedom of Information Act, 5 U.S.C. 552, and of the judicial review provisions of the Administrative Procedure Act, 5 U.S.C. 701-706, except that only the Government of the Federated States of Micronesia may seek judicial review under the Administrative Procedure Act or judicial enforcement under the Freedom of Information Act when such judicial review or enforcement relates to the activities of the Government of the United States governed by sections 161 and 162.

Section 173

The Governments of the United States and the Federated States of Micronesia agree to adopt and enforce such measures, consistent with this Compact, as amended, and its related agreements, as may be necessary to protect the personnel, property, installations, services, programs and official archives and documents maintained by the Government of the United States in the Federated States of Micronesia pursuant to this Compact, as amended, and its related agreements and by the Government of the Federated States of Micronesia in the United

States pursuant to this Compact, as amended, and its related agreements.

Section 174

Except as otherwise provided in this Compact, as amended, and its related agreements:

(a) The Government of the Federated States of Micronesia, and its agencies and officials, shall be immune from the jurisdiction of the courts of the United States, and the Government of the United States, and its agencies and officials, shall be immune from the jurisdiction of the courts of the Federated States of Micronesia.

(b) The Government of the United States accepts responsibility for and shall pay:

(1) any unpaid money judgment rendered by the High Court of the Trust Territory of the Pacific Islands against the Government of the United States with regard to any cause of action arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to November 3, 1986;

(2) any claim settled by the claimant and the Government of the Trust Territory of the Pacific Islands but not paid as of the November 3, 1986; and

(3) settlement of any administrative claim or of any action before a court of the Trust Territory of the Pacific Islands or the Government of the United States, arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States.

(c) Any claim not referred to in section 174(b) and arising from an act or omission of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of the Compact shall be adjudicated in the same manner as a claim adjudicated according to section 174(d). In any claim against the Government of the Trust Territory of the Pacific Islands, the Government of the United States shall stand in the place of the Government of the Trust Territory of the Pacific Islands. A judgment on any claim referred to in section 174(b) or this subsection, not otherwise satisfied by the Government of the United States, may be presented for certification to the United States Court of Appeals for the Federal Circuit, or its successor courts, which shall have jurisdiction therefore, notwithstanding the provisions of 28 U.S.C. 1502, and which court's decisions shall be reviewable as provided by the laws of the United States. The United States Court of Appeals for the Federal Circuit shall certify such judgment, and order payment thereof, unless it finds, after a hearing, that such judgment is manifestly erroneous as to law or fact, or manifestly excessive. In either of such cases the United States Court of Appeals for the Federal Circuit shall have jurisdiction to modify such judgment.

(d) The Government of the Federated States of Micronesia shall not be immune from the jurisdiction of the courts of the United States, and the Government of the United States shall not be immune from the jurisdiction of the courts of the Federated States of Micronesia in any civil case in which an exception to foreign state immunity is set forth in the Foreign Sovereign Immunities Act (28 U.S.C. 1602 et seq.) or its successor statutes.

Section 175

(a) A separate agreement, which shall come into effect simultaneously with this Compact, as amended, and shall have the force of law, shall govern mutual assistance and cooperation in law enforcement matters, including the pursuit, capture, imprisonment and extradition of fugitives from justice and the transfer of prisoners, as well as other law

enforcement matters. In the United States, the laws of the United States governing international extradition, including 18 U.S.C. 3184, 3186 and 3188-95, shall be applicable to the extradition of fugitives under the separate agreement, and the laws of the United States governing the transfer of prisoners, including 18 U.S.C. 4100-15, shall be applicable to the transfer of prisoners under the separate agreement; and

(b) A separate agreement, which shall come into effect simultaneously with this Compact, as amended, and shall have the force of law, shall govern requirements relating to labor recruitment practices, including registration, reporting, suspension or revocation of authorization to recruit persons for employment in the United States, and enforcement for violations of such requirements.

Section 176

The Government of the Federated States of Micronesia confirms that final judgments in civil cases rendered by any court of the Trust Territory of the Pacific Islands shall continue in full force and effect, subject to the constitutional power of the courts of the Federated States of Micronesia to grant relief from judgments in appropriate cases.

Section 177

Section 177 of the Compact entered into force with respect to the Federated States of Micronesia on November 3, 1986 as follows:

“(a) The Government of the United States accepts the responsibility for compensation owing to citizens of the Marshall Islands, or the Federated States of Micronesia, or Palau for loss or damage to property and person of the citizens of the Marshall Islands, or the Federated States of Micronesia, resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946, and August 18, 1958.

“(b) The Government of the United States and the Government of the Marshall Islands shall set forth in a separate agreement provisions for the just and adequate settlement of all such claims which have arisen in regard to the Marshall Islands and its citizens and which have not as yet been compensated or which in the future may arise, for the continued administration by the Government of the United States of direct radiation related medical surveillance and treatment programs and radiological monitoring activities and for such additional programs and activities as may be mutually agreed, and for the assumption by the Government of the Marshall Islands of responsibility for enforcement of limitations on the utilization of affected areas developed in cooperation with the Government of the United States and for the assistance by the Government of the United States in the exercise of such responsibility as may be mutually agreed. This separate agreement shall come into effect simultaneously with this Compact and shall remain in effect in accordance with its own terms.

“(c) The Government of the United States shall provide to the Government of the Marshall Islands, on a grant basis, the amount of \$150 million to be paid and distributed in accordance with the separate agreement referred to in this Section, and shall provide the services and programs set forth in this separate agreement, the language of which is incorporated into this Compact.”

The Compact, as amended, makes no changes to, and has no effect upon, Section 177 of the Compact, nor does the Compact, as amended, change or affect the separate agreement referred to in Section 177 of the Compact including Articles IX and X of that separate agreement, and measures taken by the parties thereunder.

Section 178

(a) The Federal agencies of the Government of the United States that provide the services and related programs in the Federated States of Micronesia pursuant to Title Two are authorized to settle and pay tort claims arising in the Federated States of Micronesia from the activities of such agencies or from the acts or omissions of the employees of such agencies. Except as provided in section 178(b), the provisions of 28 U.S.C. 2672 and 31 U.S.C. 1304 shall apply exclusively to such administrative settlements and payments.

(b) Claims under section 178(a) that cannot be settled under section 178(a) shall be disposed of exclusively in accordance with Article II of Title Four. Arbitration awards rendered pursuant to this subsection shall be paid out of funds under 31 U.S.C. 1304.

(c) The Government of the United States and the Government of the Federated States of Micronesia shall, in the separate agreement referred to in section 231, provide for:

(1) the administrative settlement of claims referred to in section 178(a), including designation of local agents in each State of the Federated States of Micronesia; such agents to be empowered to accept, investigate and settle such claims, in a timely manner, as provided in such separate agreements; and

(2) arbitration, referred to in section 178(b), in a timely manner, at a site convenient to the claimant, in the event a claim is not otherwise settled pursuant to section 178(a).

(d) The provisions of section 174(d) shall not apply to claims covered by this section.

(e) Except as otherwise explicitly provided by law of the United States, neither the Government of the United States, its instrumentalities, nor any person acting on behalf of the Government of the United States, shall be named a party in any action based on, or arising out of, the activity or activities of a recipient of any grant or other assistance provided by the Government of the United States (or the activity or activities of the recipient's agency or any other person or entity acting on behalf of the recipient).

Section 179

(a) The courts of the Federated States of Micronesia shall not exercise criminal jurisdiction over the Government of the United States, or its instrumentalities.

(b) The courts of the Federated States of Micronesia shall not exercise criminal jurisdiction over any person if the Government of the United States provides notification to the Government of the Federated States of Micronesia that such person was acting on behalf of the Government of the United States, for actions taken in furtherance of section 221 or 224 of this amended Compact, or any other provision of law authorizing financial, program, or service assistance to the Federated States of Micronesia.

TITLE TWO

ECONOMIC RELATIONS

Article I

Grant Assistance

Section 211 - Sector Grants

(a) In order to assist the Government of the Federated States of Micronesia in its efforts to promote the economic advancement, budgetary self-reliance, and economic self-sufficiency of its people, and in recognition of the special relationship that exists between the Federated States of Micronesia and the United States, the Government of the United States shall provide assistance on a sector grant basis for a period of twenty years in the amounts set forth in section 216, commencing on the effective date of this Compact, as amended. Such grants shall be used for assistance in the sectors of education, health care, private sector development, the environment, public sector capac-

ity building, and public infrastructure, or for other sectors as mutually agreed, with priorities in the education and health care sectors. For each year such sector grant assistance is made available, the proposed division of this amount among these sectors shall be certified to the Government of the United States by the Government of the Federated States of Micronesia and shall be subject to the concurrence of the Government of the United States. In such case, the Government of the United States shall disburse the agreed upon amounts and monitor the use of such sector grants in accordance with the provisions of this Article and the Agreement Concerning Procedures for the Implementation of United States Economic Assistance Provided in the Compact, as Amended, of Free Association Between the Government of the United States of America and the Government of the Federated States of Micronesia (“Fiscal Procedures Agreement”) which shall come into effect simultaneously with this Compact, as amended. The provision of any United States assistance under the Compact, as amended, the Fiscal Procedures Agreement, the Trust Fund Agreement, or any other subsidiary agreement to the Compact, as amended, shall constitute “a particular distribution . . . required by the terms or special nature of the assistance” for purposes of Article XII, section 1(b) of the Constitution of the Federated States of Micronesia.

(1) **EDUCATION.**—United States grant assistance shall be made available in accordance with the plan described in subsection (c) of this section to support and improve the educational system of the Federated States of Micronesia and develop the human, financial, and material resources necessary for the Government of the Federated States of Micronesia to perform these services. Emphasis should be placed on advancing a quality basic education system.

(2) **HEALTH.**—United States grant assistance shall be made available in accordance with the plan described in subsection (c) of this section to support and improve the delivery of preventive, curative and environmental care and develop the human, financial, and material resources necessary for the Government of the Federated States of Micronesia to perform these services.

(3) **PRIVATE SECTOR DEVELOPMENT.**—United States grant assistance shall be made available in accordance with the plan described in subsection (c) of this section to support the efforts of the Government of the Federated States of Micronesia to attract foreign investment and increase indigenous business activity by vitalizing the commercial environment, ensuring fair and equitable application of the law, promoting adherence to core labor standards, and maintaining progress toward privatization of state-owned and partially state-owned enterprises, and engaging in other reforms.

(4) **CAPACITY BUILDING IN THE PUBLIC SECTOR.**—United States grant assistance shall be made available in accordance with the plan described in subsection (c) of this section to support the efforts of the Government of the Federated States of Micronesia to build effective, accountable and transparent national, state, and local government and other public sector institutions and systems.

(5) **ENVIRONMENT.**—United States grant assistance shall be made available in accordance with the plan described in subsection (c) of this section to increase environmental protection; conserve and achieve sustainable use of natural resources; and engage in environmental infrastructure planning, design construction and operation.

(6) **PUBLIC INFRASTRUCTURE.**—

(i) U.S. annual grant assistance shall be made available in accordance with a list of

specific projects included in the plan described in subsection (c) of this section to assist the Government of the Federated States of Micronesia in its efforts to provide adequate public infrastructure.

(ii) **INFRASTRUCTURE AND MAINTENANCE FUND.**—Five percent of the annual public infrastructure grant made available under paragraph (i) of this subsection shall be set aside, with an equal contribution from the Government of the Federated States of Micronesia, as a contribution to an Infrastructure Maintenance Fund (IMF). Administration of the Infrastructure Maintenance Fund shall be governed by the Fiscal Procedures Agreement.

(b) **HUMANITARIAN ASSISTANCE.**—Federated States of Micronesia Program. In recognition of the special development needs of the Federated States of Micronesia, the Government of the United States shall make available to the Government of the Federated States of Micronesia, on its request and to be deducted from the grant amount made available under subsection (a) of this section, a Humanitarian Assistance - Federated States of Micronesia ("HAFSM") Program with emphasis on health, education, and infrastructure (including transportation), projects. The terms and conditions of the HAFSM shall be set forth in the Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Government of the Federated States of Micronesia Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended which shall come into effect simultaneously with the amendments to this Compact.

(c) **DEVELOPMENT PLAN.**—The Government of the Federated States of Micronesia shall prepare and maintain an official overall development plan. The plan shall be strategic in nature, shall be continuously reviewed and updated through the annual budget process, and shall make projections on a multi-year rolling basis. Each of the sectors named in subsection (a) of this section, or other sectors as mutually agreed, shall be accorded specific treatment in the plan. Insofar as grants funds are involved, the plan shall be subject to the concurrence of the Government of the United States.

(d) **DISASTER ASSISTANCE EMERGENCY FUND.**—An amount of two hundred thousand dollars (\$200,000) shall be provided annually, with an equal contribution from the Government of the Federated States of Micronesia, as a contribution to a "Disaster Assistance Emergency Fund (DAEF)." Any funds from the DAEF may be used only for assistance and rehabilitation resulting from disasters and emergencies. The funds will be accessed upon declaration by the Government of the Federated States of Micronesia, with the concurrence of the United States Chief of Mission to the Federated States of Micronesia. The Administration of the DAEF shall be governed by the Fiscal Procedures Agreement.

Section 212 - Accountability.

(a) Regulations and policies normally applicable to United States financial assistance to its state and local governments, as reflected in the Fiscal Procedures Agreement, shall apply to each sector grant described in section 211, and to grants administered under section 221 below, except as modified in the separate agreements referred to in section 231 of this Compact, as amended, or by United States law. The Government of the United States, after annual consultations with the Federated States of Micronesia, may attach reasonable terms and conditions, including annual performance indicators that are necessary to ensure effective use of United States assistance and reasonable progress toward achieving program objectives. The Government of the United States may seek appropriate remedies for noncompliance with the terms and conditions attached to the assistance, or for failure to comply with section 234, including withholding assistance.

(b) The Government of the United States shall, for each fiscal year of the twenty years during which assistance is to be provided on a sector grant basis under section 211, grant the Government of the Federated States of Micronesia an amount equal to the lesser of (i) one half of the reasonable, properly documented cost incurred during each fiscal year to conduct the annual audit required under Article VIII (2) of the Fiscal Procedures Agreement or (ii) \$500,000. Such amount will not be adjusted for inflation under section 217 or otherwise.

Section 213 - Joint Economic Management Committee

The Governments of the United States and the Federated States of Micronesia shall establish a Joint Economic Management Committee, composed of a U.S. chair, two other members from the Government of the United States and two members from the Government of the Federated States of Micronesia. The Joint Economic Management Committee shall meet at least once each year to review the audits and reports required under this Title, evaluate the progress made by the Federated States of Micronesia in meeting the objectives identified in its plan described in subsection (c) of section 211, with particular focus on those parts of the plan dealing with the sectors identified in subsection (a) of section 211, identify problems encountered, and recommend ways to increase the effectiveness of U.S. assistance made available under this Title. The establishment and operations of the Joint Economic Management Committee shall be governed by the Fiscal Procedures Agreement.

Section 214 - Annual Report

The Government of the Federated States of Micronesia shall report annually to the President of the United States on the use of United States sector grant assistance and other assistance and progress in meeting mutually agreed program and economic goals.

[In millions of dollars]

The Joint Economic Management Committee shall review and comment on the report and make appropriate recommendations based thereon.

Section 215 - Trust Fund

(a) The United States shall contribute annually for twenty years from the effective date of this Compact, as amended, in the amounts set forth in section 216 into a Trust Fund established in accordance with the Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund ("Trust Fund Agreement"). Upon termination of the annual financial assistance under section 211, the proceeds of the fund shall thereafter be used for the purposes described in section 211 or as otherwise mutually agreed.

(b) The United States contribution into the Trust Fund described in subsection (a) of this section is conditioned on the Government of the Federated States of Micronesia contributing to the Trust Fund at least \$30 million, prior to September 30, 2004. Any funds received by the Federated States of Micronesia under section 111 (d) of Public Law 99-239 (January 14, 1986), or successor provisions, would be contributed to the Trust Fund as a Federated States of Micronesia contribution.

(c) The terms regarding the investment and management of funds and use of the income of the Trust Fund shall be set forth in the separate Trust Fund Agreement described in subsection (a) of this section. Funds derived from United States investment shall not be subject to Federal or state taxes in the United States or the Federated States of Micronesia. The Trust Fund Agreement shall also provide for annual reports to the Government of the United States and to the Government of the Federated States of Micronesia. The Trust Fund Agreement shall provide for appropriate distributions of trust fund proceeds to the Federated States of Micronesia and for appropriate remedies for the failure of the Federated States of Micronesia to use income of the Trust Fund for the annual grant purposes set forth in section 211. These remedies may include the return to the United States of the present market value of its contributions to the Trust Fund and the present market value of any undistributed income on the contributions of the United States. If this Compact, as amended, is terminated, the provisions of sections 451 through 453 of this Compact, as amended, shall govern treatment of any U.S. contributions to the Trust Fund or accrued interest thereon.

Section 216 - Sector Grant Funding and Trust Fund Contributions

The funds described in sections 211, 212(b) and 215 shall be made available as follows:

Fiscal year	Annual Grants Section 211	Audit Grant Section 212(b) (amount up to)	Trust Fund Section 215	Total
2004	76.2	.5	16	92.7
2005	76.2	.5	16	92.7
2006	76.2	.5	16	92.7
2007	75.4	.5	16.8	92.7
2008	74.6	.5	17.6	92.7
2009	73.8	.5	18.4	92.7
2010	73	.5	19.2	92.7
2011	72.2	.5	20	92.7
2012	71.4	.5	20.8	92.7
2013	70.6	.5	21.6	92.7
2014	69.8	.5	22.4	92.7
2015	69	.5	23.2	92.7
2016	68.2	.5	24	92.7

[In millions of dollars]

Fiscal year	Annual Grants Section 211	Audit Grant Sec- tion 212(b) (amount up to)	Trust Fund Sec- tion 215	Total
2017	67.4	.5	24.8	92.7
2018	66.6	.5	25.6	92.7
2019	65.8	.5	26.4	92.7
2020	65	.5	27.2	92.7
2021	64.2	.5	28	92.7
2022	63.4	.5	28.8	92.7
2023	62.6	.5	29.6	92.7

Section 217 - Inflation Adjustment

Except for the amounts provided for audits under section 212(b), the amounts stated in this Title shall be adjusted for each United States Fiscal Year by the percent that equals two-thirds of the percent change in the United States Gross Domestic Product Implicit Price Deflator, or 5 percent, whichever is less in any one year, using the beginning of Fiscal Year 2004 as a base.

Section 218 - Carry-Over of Unused Funds

If in any year the funds made available by the Government of the United States for that year pursuant to this Article are not completely obligated by the Government of the Federated States of Micronesia, the unobligated balances shall remain available in addition to the funds to be provided in subsequent years.

Article II

Services and Program Assistance Section 221

(a) **SERVICES.**—The Government of the United States shall make available to the Federated States of Micronesia, in accordance with and to the extent provided in the Federal Programs and Services Agreement referred to in section 231, the services and related programs of:

- (1) the United States Weather Service;
- (2) the United States Postal Service;
- (3) the United States Federal Aviation Administration;
- (4) the United States Department of Transportation;
- (5) the Federal Deposit Insurance Corporation (for the benefit only of the Bank of the Federated States of Micronesia), and
- (6) the Department of Homeland Security, and the United States Agency for International Development, Office of Foreign Disaster Assistance.

Upon the effective date of this Compact, as amended, the United States Departments and Agencies named or having responsibility to provide these services and related programs shall have the authority to implement the relevant provisions of the Federal Programs and Services Agreement referred to in section 231.

(b) PROGRAMS.—

(1) With the exception of the services and programs covered by subsection (a) of this section, and unless the Congress of the United States provides otherwise, the Government of the United States shall make available to the Federated States of Micronesia the services and programs that were available to the Federated States of Micronesia on the effective date of this Compact, as amended, to the extent that such services and programs continue to be available to State and local governments of the United States. As set forth in the Fiscal Procedures Agreement, funds provided under subsection (a) of section 211 will be considered to be local revenues of the Government of the Federated States of Micronesia when used as the local share required to obtain Federal programs and services.

(2) Unless provided otherwise by U.S. law, the services and programs described in paragraph (1) of this subsection shall be extended

in accordance with the terms of the Federal Programs and Services Agreement referred to in section 231.

(c) The Government of the United States shall have and exercise such authority as is necessary to carry out its responsibilities under this Title and the separate agreements referred to in amended section 231, including the authority to monitor and administer all service and program assistance provided by the United States to the Federated States of Micronesia. The Federal Programs and Services Agreement referred to in amended section 231 shall also set forth the extent to which services and programs shall be provided to the Federated States of Micronesia.

(d) Except as provided elsewhere in this Compact, as amended, under any separate agreement entered into under this Compact, as amended, or otherwise under U.S. law, all Federal domestic programs extended to or operating in the Federated States of Micronesia shall be subject to all applicable criteria, standards, reporting requirements, auditing procedures, and other rules and regulations applicable to such programs and services when operating in the United States.

(e) The Government of the United States shall make available to the Federated States of Micronesia alternate energy development projects, studies, and conservation measures to the extent provided for the Freely Associated States in the laws of the United States.

Section 222
The Government of the United States and the Government of the Federated States of Micronesia may agree from time to time to extend to the Federated States of Micronesia additional United States grant assistance, services and programs, as provided under the laws of the United States. Unless inconsistent with such laws, or otherwise specifically precluded by the Government of the United States at the time such additional grant assistance, services, or programs are extended, the Federal Programs and Services Agreement referred to section 231 shall apply to any such assistance, services or programs.

Section 223
The Government of the Federated States of Micronesia shall make available to the Government of the United States at no cost such land as may be necessary for the operations of the services and programs provided pursuant to this Article, and such facilities as are provided by the Government of the Federated States of Micronesia at no cost to the Government of the United States as of the effective date of this Compact, as amended, or as may be mutually agreed thereafter.

Section 224

The Government of the Federated States of Micronesia may request, from time to time, technical assistance from the Federal agencies and institutions of the Government of the United States, which are authorized to grant such technical assistance in accordance with its laws. If technical assistance is granted pursuant to such a request, the Government of the United States shall provide the technical assistance in a manner which gives priority consideration to the Federated States of Micronesia over other recipients

not a part of the United States, its territories or possessions, and equivalent consideration to the Federated States of Micronesia with respect to other states in Free Association with the United States. Such assistance shall be made available on a reimbursable or non-reimbursable basis to the extent provided by United States law.

Article III

Administrative Provisions

Section 231

The specific nature, extent and contractual arrangements of the services and programs provided for in section 221 of this Compact, as amended, as well as the legal status of agencies of the Government of the United States, their civilian employees and contractors, and the dependents of such personnel while present in the Federated States of Micronesia, and other arrangements in connection with the assistance, services, or programs furnished by the Government of the United States, are set forth in a Federal Programs and Services Agreement which shall come into effect simultaneously with this Compact, as amended.

Section 232

The Government of the United States, in consultation with the Government of the Federated States of Micronesia, shall determine and implement procedures for the periodic audit of all grants and other assistance made under Article I of this Title and of all funds expended for the services and programs provided under Article II of this Title. Further, in accordance with the Fiscal Procedures Agreement described in subsection (a) of section 211, the Comptroller General of the United States shall have such powers and authorities as described in sections 102 (c) and 110 (c) of Public Law 99-239, 99 Stat. 1777-78, and 99 Stat. 1799 (January 14, 1986).

Section 233

Approval of this Compact, as amended, by the Government of the United States, in accordance with its constitutional processes, shall constitute a pledge by the United States that the sums and amounts specified as sector grants in section 211 of this Compact, as amended, shall be appropriated and paid to the Federated States of Micronesia for such period as those provisions of this Compact, as amended, remain in force, subject to the terms and conditions of this Title and related subsidiary agreements.

Section 234

The Government of the Federated States of Micronesia pledges to cooperate with, permit, and assist if reasonably requested, designated and authorized representatives of the Government of the United States charged with investigating whether Compact funds, or any other assistance authorized under this Compact, as amended, have, or are being, used for purposes other than those set forth in this Compact, as amended, or its subsidiary agreements. In carrying out this investigative authority, such United States Government representatives may request that the Government of the Federated States of Micronesia subpoena documents and records and compel testimony in accordance

with the laws and Constitution of the Federated States of Micronesia. Such assistance by the Government of the Federated States of Micronesia to the Government of the United States shall not be unreasonably withheld. The obligation of the Government of the Federated States of Micronesia to fulfill its pledge herein is a condition to its receiving payment of such funds or other assistance authorized under this Compact, as amended. The Government of the United States shall pay any reasonable costs for extraordinary services executed by the Government of the Federated States of Micronesia in carrying out the provisions of this section.

Article IV Trade

Section 241

The Federated States of Micronesia is not included in the customs territory of the United States.

Section 242

The President shall proclaim the following tariff treatment for articles imported from the Federated States of Micronesia which shall apply during the period of effectiveness of this title:

(a) Unless otherwise excluded, articles imported from the Federated States of Micronesia, subject to the limitations imposed under section 503(b) of title V of the Trade Act of 1974 (19 U.S.C. 2463(b)), shall be exempt from duty.

(b) Only tuna in airtight containers provided for in heading 1604.14.22 of the Harmonized Tariff Schedule of the United States that is imported from the Federated States of Micronesia and the Republic of the Marshall Islands during any calendar year not to exceed 10 percent of apparent United States consumption of tuna in airtight containers during the immediately preceding calendar year, as reported by the National Marine Fisheries Service, shall be exempt from duty; but the quantity of tuna given duty-free treatment under this paragraph for any calendar year shall be counted against the aggregated quantity of tuna in airtight containers that is dutiable under rate column numbered 1 of such heading 1604.14.22 for that calendar year.

(c) The duty-free treatment provided under subsection (a) shall not apply to—

(1) watches, clocks, and timing apparatus provided for in Chapter 91, excluding heading 9113, of the Harmonized Tariff Schedule of the United States;

(2) buttons (whether finished or not finished) provided for in items 9606.21.40 and 9606.29.20 of such Schedule;

(3) textile and apparel articles which are subject to textile agreements; and

(4) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel which were not eligible articles for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461, et seq.) on April 1, 1984.

(d) If the cost or value of materials produced in the customs territory of the United States is included with respect to an eligible article which is a product of the Federated States of Micronesia, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributable to such United States cost or value may be applied for duty assessment purposes toward determining the percentage referred to in section 503(a)(2) of title V of the Trade Act of 1974.

Section 243

Articles imported from the Federated States of Micronesia which are not exempt from duty under subsections (a), (b), (c), and (d) of section 242 shall be subject to the rates of duty set forth in column numbered 1-general of the Harmonized Tariff Schedule of the United States (HTSUS).

Section 244

(a) All products of the United States imported into the Federated States of Micronesia shall receive treatment no less favorable than that accorded like products of any foreign country with respect to customs duties or charges of a similar nature and with respect to laws and regulations relating to importation, exportation, taxation, sale, distribution, storage or use.

(b) The provisions of subsection (a) shall not apply to advantages accorded by the Federated States of Micronesia by virtue of their full membership in the Pacific Island Countries Trade Agreement (PICTA), done on August 18, 2001, to those governments listed in Article 26 of PICTA, as of the date the Compact, as amended, is signed.

(c) Prior to entering into consultations on, or concluding, a free trade agreement with governments not listed in Article 26 of PICTA, the Federated States of Micronesia shall consult with the United States regarding whether or how subsection (a) of section 244 shall be applied.

Article V Finance and Taxation

Section 251

The currency of the United States is the official circulating legal tender of the Federated States of Micronesia. Should the Government of the Federated States of Micronesia act to institute another currency, the terms of an appropriate currency transitional period shall be as agreed with the Government of the United States.

Section 252

The Government of the Federated States of Micronesia may, with respect to United States persons, tax income derived from sources within its respective jurisdiction, property situated therein, including transfers of such property by gift or at death, and products consumed therein, in such manner as the Government of the Federated States of Micronesia deems appropriate. The determination of the source of any income, or the situs of any property, shall for purposes of this Compact be made according to the United States Internal Revenue Code.

Section 253

A citizen of the Federated States of Micronesia, domiciled therein, shall be exempt from estate, gift, and generation-skipping transfer taxes imposed by the Government of the United States, provided that such citizen of the Federated States of Micronesia is neither a citizen nor a resident of the United States.

Section 254

(a) In determining any income tax imposed by the Government of the Federated States of Micronesia, the Government of the Federated States of Micronesia shall have authority to impose tax upon income derived by a resident of the Federated States of Micronesia from sources without the Federated States of Micronesia, in the same manner and to the same extent as the Government of the Federated States of Micronesia imposes tax upon income derived from within its own jurisdiction. If the Government of the Federated States of Micronesia exercises such authority as provided in this subsection, any individual resident of the Federated States of Micronesia who is subject to tax by the Government of the United States on income which is also taxed by the Government of the Federated States of Micronesia shall be relieved of liability to the Government of the United States for the tax which, but for this subsection, would otherwise be imposed by the Government of the United States on such income. However, the relief from liability to the United States Government referred to in the preceding sentence means only relief in the form of the foreign tax credit (or deduc-

tion in lieu thereof) available with respect to the income taxes of a possession of the United States, and relief in the form of the exclusion under section 911 of the Internal Revenue Code of 1986. For purposes of this section, the term "resident of the Federated States of Micronesia" shall be deemed to include any person who was physically present in the Federated States of Micronesia for a period of 183 or more days during any taxable year.

(b) If the Government of the Federated States of Micronesia subjects income to taxation substantially similar to that imposed by the Trust Territory Code in effect on January 1, 1980, such Government shall be deemed to have exercised the authority described in section 254(a).

Section 255

For purposes of section 274(h)(3)(A) of the United States Internal Revenue Code of 1986, the term "North American Area" shall include the Federated States of Micronesia.

TITLE THREE

SECURITY AND DEFENSE RELATIONS

Article I

Authority and Responsibility

Section 311

(a) The Government of the United States has full authority and responsibility for security and defense matters in or relating to the Federated States of Micronesia.

(b) This authority and responsibility includes:

(1) the obligation to defend the Federated States of Micronesia and its people from attack or threats thereof as the United States and its citizens are defended;

(2) the option to foreclose access to or use of the Federated States of Micronesia by military personnel or for the military purposes of any third country; and

(3) the option to establish and use military areas and facilities in the Federated States of Micronesia, subject to the terms of the separate agreements referred to in sections 321 and 323.

(c) The Government of the United States confirms that it shall act in accordance with the principles of international law and the Charter of the United Nations in the exercise of this authority and responsibility.

Section 312

Subject to the terms of any agreements negotiated in accordance with sections 321 and 323, the Government of the United States may conduct within the lands, waters and airspace of the Federated States of Micronesia the activities and operations necessary for the exercise of its authority and responsibility under this Title.

Section 313

(a) The Government of the Federated States of Micronesia shall refrain from actions that the Government of the United States determines, after appropriate consultation with that Government, to be incompatible with its authority and responsibility for security and defense matters in or relating to the Federated States of Micronesia.

(b) The consultations referred to in this section shall be conducted expeditiously at senior levels of the two Governments, and the subsequent determination by the Government of the United States referred to in this section shall be made only at senior interagency levels of the Government of the United States.

(c) The Government of the Federated States of Micronesia shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of State personally and the United States Secretary of Defense personally regarding any determination made in accordance with this section.

Section 314

(a) Unless otherwise agreed, the Government of the United States shall not, in the Federated States of Micronesia:

(1) test by detonation or dispose of any nuclear weapon, nor test, dispose of, or discharge any toxic chemical or biological weapon; or

(2) test, dispose of, or discharge any other radioactive, toxic chemical or biological materials in an amount or manner which would be hazardous to public health or safety.

(b) Unless otherwise agreed, other than for transit or overflight purposes or during time of a national emergency declared by the President of the United States, a state of war declared by the Congress of the United States or as necessary to defend against an actual or impending armed attack on the United States, the Federated States of Micronesia or the Republic of the Marshall Islands, the Government of the United States shall not store in the Federated States of Micronesia or the Republic of the Marshall Islands any toxic chemical weapon, nor any radioactive materials nor any toxic chemical materials intended for weapons use.

(c) Radioactive, toxic chemical, or biological materials not intended for weapons use shall not be affected by section 314(b).

(d) No material or substance referred to in this section shall be stored in the Federated States of Micronesia except in an amount and manner which would not be hazardous to public health or safety. In determining what shall be an amount or manner which would be hazardous to public health or safety under this section, the Government of the United States shall comply with any applicable mutual agreement, international guidelines accepted by the Government of the United States, and the laws of the United States and their implementing regulations.

(e) Any exercise of the exemption authority set forth in section 161(e) shall have no effect on the obligations of the Government of the United States under this section or on the application of this subsection.

(f) The provisions of this section shall apply in the areas in which the Government of the Federated States of Micronesia exercises jurisdiction over the living resources of the seabed, subsoil or water column adjacent to its coasts.

Section 315

The Government of the United States may invite members of the armed forces of other countries to use military areas and facilities in the Federated States of Micronesia, in conjunction with and under the control of United States Armed Forces. Use by units of the armed forces of other countries of such military areas and facilities, other than for transit and overflight purposes, shall be subject to consultation with and, in the case of major units, approval of the Government of the Federated States of Micronesia.

Section 316

The authority and responsibility of the Government of the United States under this Title may not be transferred or otherwise assigned.

Article II

Defense Facilities and Operating Rights

Section 321

(a) Specific arrangements for the establishment and use by the Government of the United States of military areas and facilities in the Federated States of Micronesia are set forth in separate agreements, which shall remain in effect in accordance with the terms of such agreements.

(b) If, in the exercise of its authority and responsibility under this Title, the Government of the United States requires the use of areas within the Federated States of Micronesia in addition to those for which specific

arrangements are concluded pursuant to section 321(a), it may request the Government of the Federated States of Micronesia to satisfy those requirements through leases or other arrangements. The Government of the Federated States of Micronesia shall sympathetically consider any such request and shall establish suitable procedures to discuss it with and provide a prompt response to the Government of the United States.

(c) The Government of the United States recognizes and respects the scarcity and special importance of land in the Federated States of Micronesia. In making any requests pursuant to section 321(b), the Government of the United States shall follow the policy of requesting the minimum area necessary to accomplish the required security and defense purpose, of requesting only the minimum interest in real property necessary to support such purpose, and of requesting first to satisfy its requirement through public real property, where available, rather than through private real property.

Section 322

The Government of the United States shall provide and maintain fixed and floating aids to navigation in the Federated States of Micronesia at least to the extent necessary for the exercise of its authority and responsibility under this Title.

Section 323

The military operating rights of the Government of the United States and the legal status and contractual arrangements of the United States Armed Forces, their members, and associated civilians, while present in the Federated States of Micronesia are set forth in separate agreements, which shall remain in effect in accordance with the terms of such agreements.

Article III

Defense Treaties and International Security Agreements

Section 331

Subject to the terms of this Compact, as amended, and its related agreements, the Government of the United States, exclusively, has assumed and enjoys, as to the Federated States of Micronesia, all obligations, responsibilities, rights and benefits of:

(a) Any defense treaty or other international security agreement applied by the Government of the United States as Administering Authority of the Trust Territory of the Pacific Islands as of November 2, 1986.

(b) Any defense treaty or other international security agreement to which the Government of the United States is or may become a party which it determines to be applicable in the Federated States of Micronesia. Such a determination by the Government of the United States shall be preceded by appropriate consultation with the Government of the Federated States of Micronesia.

Article IV

Service in Armed Forces of the United States

Section 341

Any person entitled to the privileges set forth in Section 141 (with the exception of any person described in section 141(a)(5) who is not a citizen of the Federated States of Micronesia) shall be eligible to volunteer for service in the Armed Forces of the United States, but shall not be subject to involuntary induction into military service of the United States as long as such person has resided in the United States for a period of less than one year, provided that no time shall count towards this one year while a person admitted to the United States under the Compact, or the Compact, as amended, is engaged in full-time study in the United

States. Any person described in section 141(a)(5) who is not a citizen of the Federated States of Micronesia shall be subject to United States laws relating to selective service.

Section 342

The Government of the United States shall have enrolled, at any one time, at least one qualified student from the Federated States of Micronesia, as may be nominated by the Government of the Federated States of Micronesia, in each of:

(a) The United States Coast Guard Academy pursuant to 14 U.S.C. 195.

(b) The United States Merchant Marine Academy pursuant to 46 U.S.C. 1295(b)(6), provided that the provisions of 46 U.S.C. 1295b(b)(6)(C) shall not apply to the enrollment of students pursuant to section 342(b) of this Compact, as amended.

Article V

General Provisions

Section 351

(a) The Government of the United States and the Government of the Federated States of Micronesia shall continue to maintain a Joint Committee empowered to consider disputes arising under the implementation of this Title and its related agreements.

(b) The membership of the Joint Committee shall comprise selected senior officials of the two Governments. The senior United States military commander in the Pacific area shall be the senior United States member of the Joint Committee. For the meetings of the Joint Committee, each of the two Governments may designate additional or alternate representatives as appropriate for the subject matter under consideration.

(c) Unless otherwise mutually agreed, the Joint Committee shall meet annually at a time and place to be designated, after appropriate consultation, by the Government of the United States. The Joint Committee also shall meet promptly upon request of either of its members. The Joint Committee shall follow such procedures, including the establishment of functional subcommittees, as the members may from time to time agree. Upon notification by the Government of the United States, the Joint Committee of the United States and the Federated States of Micronesia shall meet promptly in a combined session with the Joint Committee established and maintained by the Government of the United States and the Republic of the Marshall Islands to consider matters within the jurisdiction of the two Joint Committees.

(d) Unresolved issues in the Joint Committee shall be referred to the Governments for resolution, and the Government of the Federated States of Micronesia shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of Defense personally regarding any unresolved issue which threatens its continued association with the Government of the United States.

Section 352

In the exercise of its authority and responsibility under Title Three, the Government of the United States shall accord due respect to the authority and responsibility of the Government of the Federated States of Micronesia under Titles One, Two and Four and to the responsibility of the Government of the Federated States of Micronesia to assure the well-being of its people.

Section 353

(a) The Government of the United States shall not include the Government of the Federated States of Micronesia as a named party to a formal declaration of war, without that Government's consent.

(b) Absent such consent, this Compact, as amended, is without prejudice, on the ground

of belligerence or the existence of a state of war, to any claims for damages which are advanced by the citizens, nationals or Government of the Federated States of Micronesia, which arise out of armed conflict subsequent to November 3, 1986, and which are:

(1) petitions to the Government of the United States for redress; or

(2) claims in any manner against the government, citizens, nationals or entities of any third country.

(c) Petitions under section 353(b)(1) shall be treated as if they were made by citizens of the United States.

Section 354

(a) The Government of the United States and the Government of the Federated States of Micronesia are jointly committed to continue their security and defense relations, as set forth in this Title. Accordingly, it is the intention of the two countries that the provisions of this Title shall remain binding as long as this Compact, as amended, remains in effect, and thereafter as mutually agreed, unless earlier terminated by mutual agreement pursuant to section 441, or amended pursuant to Article III of Title Four. If at any time the Government of the United States, or the Government of the Federated States of Micronesia, acting unilaterally, terminates this Title, such unilateral termination shall be considered to be termination of the entire Compact, in which case the provisions of section 442 and 452 (in the case of termination by the Government of the United States) or sections 443 and 453 (in the case of termination by the Government of the Federated States of Micronesia), with the exception of paragraph (3) of subsection (a) of section 452 or paragraph (3) of subsection (a) of section 453, as the case may be, shall apply.

(b) The Government of the United States recognizes, in view of the special relationship between the Government of the United States and the Government of the Federated States of Micronesia, and in view of the existence of the separate agreement regarding mutual security concluded with the Government of the Federated States of Micronesia pursuant to sections 321 and 323, that, even if this Title should terminate, any attack on the Federated States of Micronesia during the period in which such separate agreement is in effect, would constitute a threat to the peace and security of the entire region and a danger to the United States. In the event of such an attack, the Government of the United States would take action to meet the danger to the United States and to the Federated States of Micronesia in accordance with its constitutional processes.

(c) As reflected in Article 21(1)(b) of the Trust Fund Agreement, the Government of the United States and the Government of the Federated States of Micronesia further recognize, in view of the special relationship between their countries, that even if this Title should terminate, the Government of the Federated States of Micronesia shall refrain from actions which the Government of the United States determines, after appropriate consultation with that Government, to be incompatible with its authority and responsibility for security and defense matters in or relating to the Federated States of Micronesia or the Republic of the Marshall Islands.

TITLE FOUR GENERAL PROVISIONS

Article I

Approval and Effective Date

Section 411

Pursuant to section 432 of the Compact and subject to subsection (e) of section 461 of the Compact, as amended, the Compact, as

amended, shall come into effect upon mutual agreement between the Government of the United States and the Government of the Federated States of Micronesia subsequent to completion of the following:

(a) Approval by the Government of the Federated States of Micronesia in accordance with its constitutional processes.

(b) Approval by the Government of the United States in accordance with its constitutional processes.

Article II

Conference and Dispute Resolution

Section 421

The Government of the United States shall confer promptly at the request of the Government of the Federated States of Micronesia and that Government shall confer promptly at the request of the Government of the United States on matters relating to the provisions of this Compact, as amended, or of its related agreements.

Section 422

In the event the Government of the United States or the Government of the Federated States of Micronesia, after conferring pursuant to section 421, determines that there is a dispute and gives written notice thereof, the two Governments shall make a good faith effort to resolve the dispute between themselves.

Section 423

If a dispute between the Government of the United States and the Government of the Federated States of Micronesia cannot be resolved within 90 days of written notification in the manner provided in section 422, either party to the dispute may refer it to arbitration in accordance with section 424.

Section 424

Should a dispute be referred to arbitration as provided for in section 423, an Arbitration Board shall be established for the purpose of hearing the dispute and rendering a decision which shall be binding upon the two parties to the dispute unless the two parties mutually agree that the decision shall be advisory. Arbitration shall occur according to the following terms:

(a) An Arbitration Board shall consist of a Chairman and two other members, each of whom shall be a citizen of a party to the dispute. Each of the two Governments which is a party to the dispute shall appoint one member to the Arbitration Board. If either party to the dispute does not fulfill the appointment requirements of this section within 30 days of referral of the dispute to arbitration pursuant to section 423, its member on the Arbitration Board shall be selected from its own standing list by the other party to the dispute. Each Government shall maintain a standing list of 10 candidates. The parties to the dispute shall jointly appoint a Chairman within 15 days after selection of the other members of the Arbitration Board. Failing agreement on a Chairman, the Chairman shall be chosen by lot from the standing lists of the parties to the dispute within 5 days after such failure.

(b) Unless otherwise provided in this Compact, as amended, or its related agreements, the Arbitration Board shall have jurisdiction to hear and render its final determination on all disputes arising exclusively under Articles I, II, III, IV and V of Title One, Title Two, Title Four, and their related agreements.

(c) Each member of the Arbitration Board shall have one vote. Each decision of the Arbitration Board shall be reached by majority vote.

(d) In determining any legal issue, the Arbitration Board may have reference to international law and, in such reference, shall apply as guidelines the provisions set forth in Article 38 of the Statute of the International Court of Justice.

(e) The Arbitration Board shall adopt such rules for its proceedings as it may deem appropriate and necessary, but such rules shall not contravene the provisions of this Compact, as amended. Unless the parties provide otherwise by mutual agreement, the Arbitration Board shall endeavor to render its decision within 30 days after the conclusion of arguments. The Arbitration Board shall make findings of fact and conclusions of law and its members may issue dissenting or individual opinions. Except as may be otherwise decided by the Arbitration Board, one-half of all costs of the arbitration shall be borne by the Government of the United States and the remainder shall be borne by the Government of the Federated States of Micronesia.

Article III

Amendment

Section 431

The provisions of this Compact, as amended, may be further amended by mutual agreement of the Government of the United States and the Government of the Federated States of Micronesia, in accordance with their respective constitutional processes.

Article IV

Termination

Section 441

This Compact, as amended, may be terminated by mutual agreement of the Government of the Federated States of Micronesia and the Government of the United States, in accordance with their respective constitutional processes. Such mutual termination of this Compact, as amended, shall be without prejudice to the continued application of section 451 of this Compact, as amended, and the provisions of the Compact, as amended, set forth therein.

Section 442

Subject to section 452, this Compact, as amended, may be terminated by the Government of the United States in accordance with its constitutional processes. Such termination shall be effective on the date specified in the notice of termination by the Government of the United States but not earlier than six months following delivery of such notice. The time specified in the notice of termination may be extended. Such termination of this Compact, as amended, shall be without prejudice to the continued application of section 452 of this Compact, as amended, and the provisions of the Compact, as amended, set forth therein.

Section 443

This Compact, as amended, shall be terminated by the Government of the Federated States of Micronesia, pursuant to its constitutional processes, subject to section 453 if the people represented by that Government vote in a plebiscite to terminate the Compact, as amended, or by another process permitted by the FSM constitution and mutually agreed between the Governments of the United States and the Federated States of Micronesia. The Government of the Federated States of Micronesia shall notify the Government of the United States of its intention to call such a plebiscite, or to pursue another mutually agreed and constitutional process, which plebiscite or process shall take place not earlier than three months after delivery of such notice. The plebiscite or other process shall be administered by the Government of the Federated States of Micronesia in accordance with its constitutional and legislative processes. If a majority of the valid ballots cast in the plebiscite or other process favors termination, the Government of the Federated States of Micronesia shall, upon certification of the results of the plebiscite or other process, give notice of termination to the Government of the

United States, such termination to be effective on the date specified in such notice but not earlier than three months following the date of delivery of such notice. The time specified in the notice of termination may be extended.

Article V Survivability

Section 451

(a) Should termination occur pursuant to section 441, economic and other assistance by the Government of the United States shall continue only if and as mutually agreed by the Governments of the United States and the Federated States of Micronesia, and in accordance with the parties' respective constitutional processes.

(b) In view of the special relationship of the United States and the Federated States of Micronesia, as reflected in subsections (b) and (c) of section 354 of this Compact, as amended, and the separate agreement entered into consistent with those subsections, if termination occurs pursuant to section 441 prior to the twentieth anniversary of the effective date of this Compact, as amended, the United States shall continue to make contributions to the Trust Fund described in section 215 of this Compact, as amended.

(c) In view of the special relationship of the United States and the Federated States of Micronesia described in subsection (b) of this section, if termination occurs pursuant to section 441 following the twentieth anniversary of the effective date of this Compact, as amended, the Federated States of Micronesia shall be entitled to receive proceeds from the Trust Fund described in section 215 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement governing the distribution of such proceeds.

Section 452

(a) Should termination occur pursuant to section 442 prior to the twentieth anniversary of the effective date of this Compact, as amended, the following provisions of this Compact, as amended, shall remain in full force and effect until the twentieth anniversary of the effective date of this Compact, as amended, and thereafter as mutually agreed:

(1) Article VI and sections 172, 173, 176 and 177 of Title One;

(2) Sections 232 and 234 of Title Two;

(3) Title Three; and

(4) Articles II, III, V and VI of Title Four.

(b) Should termination occur pursuant to section 442 before the twentieth anniversary of the effective date of the Compact, as amended:

(1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, economic and other assistance by the United States shall continue only if and as mutually agreed by the Governments of the United States and the Federated States of Micronesia.

(2) In view of the special relationship of the United States and the Federated States of Micronesia, as reflected in subsections (b) and (c) of section 354 of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, the United States shall continue to make contributions to the Trust Fund described in section 215 of this Compact, as amended, in the manner described in the Trust Fund Agreement.

(c) In view of the special relationship of the United States and the Federated States of Micronesia, as reflected in subsections 354(b) and (c) of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 442 following the twentieth anniversary of the effective date of this Compact, as

amended, the Federated States of Micronesia shall continue to be eligible to receive proceeds from the Trust Fund described in section 215 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement.

Section 453

(a) Should termination occur pursuant to section 443 prior to the twentieth anniversary of the effective date of this Compact, as amended, the following provisions of this Compact, as amended, shall remain in full force and effect until the twentieth anniversary of the effective date of this Compact, as amended, and thereafter as mutually agreed:

(1) Article VI and sections 172, 173, 176 and 177 of Title One;

(2) Sections 232 and 234 of Title Two;

(3) Title Three; and

(4) Articles II, III, V and VI of Title Four.

(b) Upon receipt of notice of termination pursuant to section 443, the Government of the United States and the Government of the Federated States of Micronesia shall promptly consult with regard to their future relationship. Except as provided in subsection (c) and (d) of this section, these consultations shall determine the level of economic and other assistance, if any, which the Government of the United States shall provide to the Government of the Federated States of Micronesia for the period ending on the twentieth anniversary of the effective date of this Compact, as amended, and for any period thereafter, if mutually agreed.

(c) In view of the special relationship of the United States and the Federated States of Micronesia, as reflected in subsections 354(b) and (c) of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 443 prior to the twentieth anniversary of the effective date of this Compact, as amended, the United States shall continue to make contributions to the Trust Fund described in section 215 of this Compact, as amended, in the manner described in the Trust Fund Agreement.

(d) In view of the special relationship of the United States and the Federated States of Micronesia, as reflected in subsections 354(b) and (c) of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 443 following the twentieth anniversary of the effective date of this Compact, as amended, the Federated States of Micronesia shall continue to be eligible to receive proceeds from the Trust Fund described in section 215 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement.

Section 454
Notwithstanding any other provision of this Compact, as amended:

(a) The Government of the United States reaffirms its continuing interest in promoting the economic advancement and budgetary self-reliance of the people of the Federated States of Micronesia.

(b) The separate agreements referred to in Article II of Title Three shall remain in effect in accordance with their terms.

Article VI

Definition of Terms

Section 461

For the purpose of this Compact, as amended, only, and without prejudice to the views of the Government of the United States or the Government of the Federated States of Micronesia as to the nature and extent of the jurisdiction of either of them under international law, the following terms shall have the following meanings:

(a) "Trust Territory of the Pacific Islands" means the area established in the Trustee-

ship Agreement consisting of the former administrative districts of Kosrae, Yap, Ponape, the Marshall Islands and Truk as described in Title One, Trust Territory Code, section 1, in force on January 1, 1979. This term does not include the area of Palau or the Northern Mariana Islands.

(b) "Trusteeship Agreement" means the agreement setting forth the terms of trusteeship for the Trust Territory of the Pacific Islands, approved by the Security Council of the United Nations April 2, 1947, and by the United States July 18, 1947, entered into force July 18, 1947, 61 Stat. 3301, T.I.A.S. 1665, 8 U.N.T.S. 189.

(c) "The Federated States of Micronesia" and "the Republic of the Marshall Islands" are used in a geographic sense and include the land and water areas to the outer limits of the territorial sea and the air space above such areas as now or hereafter recognized by the Government of the United States.

(d) "Compact" means the Compact of Free Association Between the United States and the Federated States of Micronesia and the Marshall Islands, that was approved by the United States Congress in section 201 of Public Law 99-239 (Jan. 14, 1986) and went into effect with respect to the Federated States of Micronesia on November 3, 1986.

(e) "Compact, as amended" means the Compact of Free Association Between the United States and the Federated States of Micronesia, as amended. The effective date of the Compact, as amended, shall be on a date to be determined by the President of the United States, and agreed to by the Government of the Federated States of Micronesia, following formal approval of the Compact, as amended, in accordance with section 411 of this Compact, as amended.

(f) "Government of the Federated States of Micronesia" means the Government established and organized by the Constitution of the Federated States of Micronesia including all the political subdivisions and entities comprising that Government.

(g) "Government of the Republic of the Marshall Islands" means the Government established and organized by the Constitution of the Republic of the Marshall Islands including all the political subdivisions and entities comprising that Government.

(h) The following terms shall be defined consistent with the 1998 Edition of the Radio Regulations of the International Telecommunications Union as follows:

(1) "Radiocommunication" means telecommunication by means of radio waves.

(2) "Station" means one or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radiocommunication service, or the radio astronomy service.

(3) "Broadcasting Service" means a radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmission.

(4) "Broadcasting Station" means a station in the broadcasting service.

(5) "Assignment (of a radio frequency or radio frequency channel)" means an authorization given by an administration for a radio station to use a radio frequency or radio frequency channel under specified conditions.

(6) "Telecommunication" means any transmission, emission or reception of signs, signals, writings, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

(i) "Military Areas and Facilities" means those areas and facilities in the Federated States of Micronesia reserved or acquired by

the Government of the Federated States of Micronesia for use by the Government of the United States, as set forth in the separate agreements referred to in section 321.

(j) "Tariff Schedules of the United States" means the Tariff Schedules of the United States as amended from time to time and as promulgated pursuant to United States law and includes the Tariff Schedules of the United States Annotated (TSUSA), as amended.

(k) "Vienna Convention on Diplomatic Relations" means the Vienna Convention on Diplomatic Relations, done April 18, 1961, 23 U.S.T. 3227, T.I.A.S. 7502, 500 U.N.T.S. 95. Section 462

(a) The Government of the United States and the Government of the Federated States of Micronesia previously have concluded agreements pursuant to the Compact, which shall remain in effect and shall survive in accordance with their terms, as follows:

(1) Agreement Concluded Pursuant to Section 234 of the Compact;

(2) Agreement Between the Government of the United States and the Government of the Federated States of Micronesia Regarding Friendship, Cooperation and Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association; and

(3) Agreement between the Government of the United States of America and the Federated States of Micronesia Regarding Aspects of the Marine Sovereignty and Jurisdiction of the Federated States of Micronesia.

(b) The Government of the United States and the Government of the Federated States of Micronesia shall conclude prior to the date of submission of this Compact, as amended, to the legislatures of the two countries, the following related agreements which shall come into effect on the effective date of this Compact, as amended, and shall survive in accordance with their terms, as follows:

(1) Federal Programs and Services Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Concluded Pursuant to Article III of Title One, Article II of Title Two (including Section 222), and Section 231 of the Compact of Free Association, as amended which includes:

(i) Postal Services and Related Programs;

(ii) Weather Services and Related Programs;

(iii) Civil Aviation Safety Service and Related Programs;

(iv) Civil Aviation Economic Services and Related Programs;

(v) United States Disaster Preparedness and Response Services and Related Programs;

(vi) Federal Deposit Insurance Corporation Services and Related Programs; and

(vii) Telecommunications Services and Related Programs.

(2) Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia on Extradition, Mutual Assistance in Law Enforcement Matters and Penal Sanctions Concluded Pursuant to Section 175(a) of the Compact of Free Association, as amended;

(3) Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia on Labor Recruitment Concluded Pursuant to Section 175(b) of the Compact of Free Association, as amended;

(4) Agreement Concerning Procedures for the Implementation of United States Economic Assistance Provided in the Compact of Free Association, as Amended, of Free Association Between the Government of the

United States of America and Government of the Federated States of Micronesia;

(5) Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund;

(6) Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Federated States of Micronesia Concluded Pursuant to Sections 211(b), 321 and 323 of the Compact of Free Association, as Amended; and the

(7) Status of Forces Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Concluded Pursuant to Section 323 of the Compact of Free Association, as Amended. Section 463

(a) Except as set forth in subsection (b) of this section, any reference in this Compact, as amended, to a provision of the United States Code or the Statutes at Large of the United States constitutes the incorporation of the language of such provision into this Compact, as amended, as such provision was in force on the effective date of this Compact, as amended.

(b) Any reference in Articles IV and Article VI of Title One and Sections 174, 175, 178 and 342 to a provision of the United States Code or the Statutes at Large of the United States or to the Privacy Act, the Freedom of Information Act, the Administrative Procedure Act or the Immigration and Nationality Act constitutes the incorporation of the language of such provision into this Compact, as amended, as such provision was in force on the effective date of this Compact, as amended, or as it may be amended thereafter on a non-discriminatory basis according to the constitutional processes of the United States.

Article VII

Concluding Provisions

Section 471

Both the Government of the United States and the Government of the Federated States of Micronesia shall take all necessary steps, of a general or particular character, to ensure, no later than the entry into force date of this Compact, as amended, the conformity of its laws, regulations and administrative procedures with the provisions of this Compact, as amended, or in the case of subsection (d) of section 141, as soon as reasonably possible thereafter.

Section 472

This Compact, as amended, may be accepted, by signature or otherwise, by the Government of the United States and the Government of the Federated States of Micronesia.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Compact of Free Association, as amended, which shall enter into force upon the exchange of diplomatic notes by which the Government of the United States of America and the Government of the Federated States of Micronesia inform each other about the fulfillment of their respective requirements for entry into force.

DONE at Pohnpei, Federated States of Micronesia, in duplicate, this fourteenth (14) day of May, 2003, each text being equally authentic.

Signed (May 14, 2003) For the Government of the United States of America:

Signed (May 14, 2003) For the Government of the Federated States of Micronesia:

(b) COMPACT OF FREE ASSOCIATION, AS AMENDED, BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERN-

MENT OF THE REPUBLIC OF THE MARSHALL ISLANDS

PREAMBLE

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF THE MARSHALL ISLANDS

Affirming that their Governments and their relationship as Governments are founded upon respect for human rights and fundamental freedoms for all, and that the people of the Republic of the Marshall Islands have the right to enjoy self-government; and

Affirming the common interests of the United States of America and the Republic of the Marshall Islands in creating and maintaining their close and mutually beneficial relationship through the free and voluntary association of their respective Governments; and

Affirming the interest of the Government of the United States in promoting the economic advancement and budgetary self-reliance of the Republic of the Marshall Islands; and

Recognizing that their relationship until the entry into force on October 21, 1986 of the Compact was based upon the International Trusteeship System of the United Nations Charter, and in particular Article 76 of the Charter; and that pursuant to Article 76 of the Charter, the people of the Republic of the Marshall Islands have progressively developed their institutions of self-government, and that in the exercise of their sovereign right to self-determination they, through their freely-expressed wishes, have adopted a Constitution appropriate to their particular circumstances; and

Recognizing that the Compact reflected their common desire to terminate the Trusteeship and establish a government-to-government relationship which was in accordance with the new political status based on the freely expressed wishes of the people of the Republic of the Marshall Islands and appropriate to their particular circumstances; and

Recognizing that the people of the Republic of the Marshall Islands have and retain their sovereignty and their sovereign right to self-determination and the inherent right to adopt and amend their own Constitution and form of government and that the approval of the entry of the Government of the Republic of the Marshall Islands into the Compact by the people of the Republic of the Marshall Islands constituted an exercise of their sovereign right to self-determination; and

Recognizing the common desire of the people of the United States and the people of the Republic of the Marshall Islands to maintain their close government-to-government relationship, the United States and the Republic of the Marshall Islands:

NOW, THEREFORE, MUTUALLY AGREE to continue and strengthen their relationship of free association by amending the Compact, which continues to provide a full measure of self-government for the people of the Republic of the Marshall Islands; and

FURTHER AGREE that the relationship of free association derives from and is as set forth in this Compact, as amended, by the Governments of the United States and the Republic of the Marshall Islands; and that, during such relationship of free association, the respective rights and responsibilities of the Government of the United States and the Government of the Republic of the Marshall Islands in regard to this relationship of free association derive from and are as set forth in this Compact, as amended.

TITLE ONE
GOVERNMENTAL RELATIONS
Article I
Self-Government

Section 111

The people of the Republic of the Marshall Islands, acting through the Government established under their Constitution, are self-governing.

Article II
Foreign Affairs

Section 121

(a) The Government of the Republic of the Marshall Islands has the capacity to conduct foreign affairs and shall do so in its own name and right, except as otherwise provided in this Compact, as amended.

(b) The foreign affairs capacity of the Government of the Republic of the Marshall Islands includes:

(1) the conduct of foreign affairs relating to law of the sea and marine resources matters, including the harvesting, conservation, exploration or exploitation of living and non-living resources from the sea, seabed or subsoil to the full extent recognized under international law;

(2) the conduct of its commercial, diplomatic, consular, economic, trade, banking, postal, civil aviation, communications, and cultural relations, including negotiations for the receipt of developmental loans and grants and the conclusion of arrangements with other governments and international and intergovernmental organizations, including any matters specially benefiting its individual citizens.

(c) The Government of the United States recognizes that the Government of the Republic of the Marshall Islands has the capacity to enter into, in its own name and right, treaties and other international agreements with governments and regional and international organizations.

(d) In the conduct of its foreign affairs, the Government of the Republic of the Marshall Islands confirms that it shall act in accordance with principles of international law and shall settle its international disputes by peaceful means.

Section 122

The Government of the United States shall support applications by the Government of the Republic of the Marshall Islands for membership or other participation in regional or international organizations as may be mutually agreed.

Section 123

(a) In recognition of the authority and responsibility of the Government of the United States under Title Three, the Government of the Republic of the Marshall Islands shall consult, in the conduct of its foreign affairs, with the Government of the United States.

(b) In recognition of the foreign affairs capacity of the Government of the Republic of the Marshall Islands, the Government of the United States, in the conduct of its foreign affairs, shall consult with the Government of the Republic of the Marshall Islands on matters that the Government of the United States regards as relating to or affecting the Government of the Republic of the Marshall Islands.

Section 124

The Government of the United States may assist or act on behalf of the Government of the Republic of the Marshall Islands in the area of foreign affairs as may be requested and mutually agreed from time to time. The Government of the United States shall not be responsible to third parties for the actions of the Government of the Republic of the Marshall Islands undertaken with the assistance or through the agency of the Government of the United States pursuant to this section unless expressly agreed.

Section 125

The Government of the United States shall not be responsible for nor obligated by any actions taken by the Government of the Republic of the Marshall Islands in the area of foreign affairs, except as may from time to time be expressly agreed.

Section 126

At the request of the Government of the Republic of the Marshall Islands and subject to the consent of the receiving state, the Government of the United States shall extend consular assistance on the same basis as for citizens of the United States to citizens of the Republic of the Marshall Islands for travel outside the Republic of the Marshall Islands, the United States and its territories and possessions.

Section 127

Except as otherwise provided in this Compact, as amended, or its related agreements, all obligations, responsibilities, rights and benefits of the Government of the United States as Administering Authority which resulted from the application pursuant to the Trusteeship Agreement of any treaty or other international agreement to the Trust Territory of the Pacific Islands on October 20, 1986, are, as of that date, no longer assumed and enjoyed by the Government of the United States.

Article III
Communications

Section 131

(a) The Government of the Republic of the Marshall Islands has full authority and responsibility to regulate its domestic and foreign communications, and the Government of the United States shall provide communications assistance as mutually agreed.

(b) The Government of the Republic of the Marshall Islands has elected to undertake all functions previously performed by the Government of the United States with respect to domestic and foreign communications, except for those functions set forth in a separate agreement entered into pursuant to this section of the Compact, as amended.

Section 132

The Government of the Republic of the Marshall Islands shall permit the Government of the United States to operate telecommunications services in the Republic of the Marshall Islands to the extent necessary to fulfill the obligations of the Government of the United States under this Compact, as amended, in accordance with the terms of separate agreements entered into pursuant to this section of the Compact, as amended.

Article IV
Immigration

Section 141

(a) In furtherance of the special and unique relationship that exists between the United States and the Republic of the Marshall Islands, under the Compact, as amended, any person in the following categories may be admitted to, lawfully engage in occupations in, and establish residence as a nonimmigrant in the United States and its territories and possessions (the "United States") without regard to paragraphs (5) or (7)(B)(i)(II) of section 212(a) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1182(a)(5) or (7)(B)(i)(II):

(1) a person who, on October 21, 1986, was a citizen of the Trust Territory of the Pacific Islands, as defined in Title 53 of the Trust Territory Code in force on January 1, 1979, and has become and remains a citizen of the Republic of the Marshall Islands;

(2) a person who acquires the citizenship of the Republic of the Marshall Islands at birth, on or after the effective date of the Constitution of the Republic of the Marshall Islands;

(3) an immediate relative of a person referred to in paragraphs (1) or (2) of this sec-

tion, provided that such immediate relative is a naturalized citizen of the Republic of the Marshall Islands who has been an actual resident there for not less than five years after attaining such naturalization and who holds a certificate of actual residence, and further provided, that, in the case of a spouse, such spouse has been married to the person referred to in paragraph (1) or (2) of this section for at least five years, and further provided, that the Government of the United States is satisfied that such naturalized citizen meets the requirement of subsection (b) of section 104 of Public Law 99-239 as it was in effect on the day prior to the effective date of this Compact, as amended;

(4) a naturalized citizen of the Republic of the Marshall Islands who was an actual resident there for not less than five years after attaining such naturalization and who satisfied these requirements as of April 30, 2003, who continues to be an actual resident and holds a certificate of actual residence, and whose name is included in a list furnished by the Government of the Republic of the Marshall Islands to the Government of the United States no later than the effective date of the Compact, as amended, in form and content acceptable to the Government of the United States, provided, that the Government of the United States is satisfied that such naturalized citizen meets the requirement of subsection (b) of section 104 of Public Law 99-239 as it was in effect on the day prior to the effective date of this Compact, as amended; or

(5) an immediate relative of a citizen of the Republic of the Marshall Islands, regardless of the immediate relative's country of citizenship or period of residence in the Republic of the Marshall Islands, if the citizen of the Republic of the Marshall Islands is serving on active duty in any branch of the United States Armed Forces, or in the active reserves.

(b) Notwithstanding subsection (a) of this section, a person who is coming to the United States pursuant to an adoption outside the United States, or for the purpose of adoption in the United States, is ineligible for admission under the Compact and the Compact, as amended. This subsection shall apply to any person who is or was an applicant for admission to the United States on or after March 1, 2003, including any applicant for admission in removal proceedings (including appellate proceedings) on or after March 1, 2003, regardless of the date such proceedings were commenced. This subsection shall have no effect on the ability of the Government of the United States or any United States State or local government to commence or otherwise take any action against any person or entity who has violated any law relating to the adoption of any person.

(c) Notwithstanding subsection (a) of this section, no person who has been or is granted citizenship in the Republic of the Marshall Islands, or has been or is issued a Republic of the Marshall Islands passport pursuant to any investment, passport sale, or similar program has been or shall be eligible for admission to the United States under the Compact or the Compact, as amended.

(d) A person admitted to the United States under the Compact, or the Compact, as amended, shall be considered to have the permission of the Government of the United States to accept employment in the United States. An unexpired Republic of the Marshall Islands passport with unexpired documentation issued by the Government of the United States evidencing admission under the Compact or the Compact, as amended, shall be considered to be documentation establishing identity and employment authorization under section 274A(b)(1)(B) of the Immigration and Nationality Act, as amended,

8 U.S.C. 1324a(b)(1)(B). The Government of the United States will take reasonable and appropriate steps to implement and publicize this provision, and the Government of the Republic of the Marshall Islands will also take reasonable and appropriate steps to publicize this provision.

(e) For purposes of the Compact and the Compact, as amended,

(1) the term "residence" with respect to a person means the person's principal, actual dwelling place in fact, without regard to intent, as provided in section 101(a)(33) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1101(a)(33), and variations of the term "residence," including "resident" and "reside," shall be similarly construed;

(2) the term "actual residence" means physical presence in the Republic of the Marshall Islands during eighty-five percent of the five-year period of residency required by section 141(a)(3) and (4);

(3) the term "certificate of actual residence" means a certificate issued to a naturalized citizen by the Government of the Republic of the Marshall Islands stating that the citizen has complied with the actual residence requirement of section 141(a)(3) or (4);

(4) the term "nonimmigrant" means an alien who is not an "immigrant" as defined in section 101(a)(15) of such Act, 8 U.S.C. 1101(a)(15); and

(5) the term "immediate relative" means a spouse, or unmarried son or unmarried daughter less than 21 years of age.

(f) The Immigration and Nationality Act, as amended, shall apply to any person admitted or seeking admission to the United States (other than a United States possession or territory where such Act does not apply) under the Compact or the Compact, as amended, and nothing in the Compact or the Compact, as amended, shall be construed to limit, preclude, or modify the applicability of, with respect to such person:

(1) any ground of inadmissibility or deportability under such Act (except sections 212(a)(5) and 212(a)(7)(B)(i)(II) of such Act, as provided in subsection (a) of this section), and any defense thereto, provided that, section 237(a)(5) of such Act shall be construed and applied as if it reads as follows: "any alien who has been admitted under the Compact, or the Compact, as amended, who cannot show that he or she has sufficient means of support in the United States, is deportable;"

(2) the authority of the Government of the United States under section 214(a)(1) of such Act to provide that admission as a non-immigrant shall be for such time and under such conditions as the Government of the United States may by regulations prescribe;

(3) except for the treatment of certain documentation for purposes of section 274A(b)(1)(B) of such Act as provided by subsection (d) of this section of the Compact, as amended, any requirement under section 274A, including but not limited to section 274A(b)(1)(E);

(4) section 643 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208, and actions taken pursuant to section 643; and

(5) the authority of the Government of the United States otherwise to administer and enforce the Immigration and Nationality Act, as amended, or other United States law.

(g) Any authority possessed by the Government of the United States under this section of the Compact or the Compact, as amended, may also be exercised by the Government of a territory or possession of the United States where the Immigration and Nationality Act, as amended, does not apply, to the extent such exercise of authority is lawful under a statute or regulation of such territory or

possession that is authorized by the laws of the United States.

(h) Subsection (a) of this section does not confer on a citizen of the Republic of the Marshall Islands the right to establish the residence necessary for naturalization under the Immigration and Nationality Act, as amended, or to petition for benefits for alien relatives under that Act. Subsection (a) of this section, however, shall not prevent a citizen of the Republic of the Marshall Islands from otherwise acquiring such rights or lawful permanent resident alien status in the United States.

Section 142

(a) Any citizen or national of the United States may be admitted to lawfully engage in occupations, and reside in the Republic of the Marshall Islands, subject to the rights of the Government of the Republic of the Marshall Islands to deny entry to or deport any such citizen or national as an undesirable alien. Any determination of inadmissibility or deportability shall be based on reasonable statutory grounds and shall be subject to appropriate administrative and judicial review within the Republic of the Marshall Islands. If a citizen or national of the United States is a spouse of a citizen of the Republic of the Marshall Islands, the Government of the Republic of the Marshall Islands shall allow the United States citizen spouse to establish residence. Should the Republic of the Marshall Islands citizen spouse predecease the United States citizen spouse during the marriage, the Government of the Republic of the Marshall Islands shall allow the United States citizen spouse to continue to reside in the Republic of the Marshall Islands.

(b) In enacting any laws or imposing any requirements with respect to citizens and nationals of the United States entering the Republic of the Marshall Islands under subsection (a) of this section, including any grounds of inadmissibility or deportability, the Government of the Republic of the Marshall Islands shall accord to such citizens and nationals of the United States treatment no less favorable than that accorded to citizens of other countries.

(c) Consistent with subsection (a) of this section, with respect to citizens and nationals of the United States seeking to engage in employment or invest in the Republic of the Marshall Islands, the Government of the Republic of the Marshall Islands shall adopt immigration-related procedures no less favorable than those adopted by the Government of the United States with respect to citizens of the Republic of the Marshall Islands seeking employment in the United States.

Section 143

Any person who relinquishes, or otherwise loses, his United States nationality or citizenship, or his Republic of the Marshall Islands citizenship, shall be ineligible to receive the privileges set forth in sections 141 and 142. Any such person may apply for admission to the United States or the Republic of the Marshall Islands, as the case may be, in accordance with any other applicable laws of the United States or the Republic of the Marshall Islands relating to immigration of aliens from other countries. The laws of the Republic of the Marshall Islands or the United States, as the case may be, shall dictate the terms and conditions of any such person's stay.

Article V

Representation

Section 151

Relations between the Government of the United States and the Government of the Republic of the Marshall Islands shall be conducted in accordance with the Vienna Convention on Diplomatic Relations. In addition

to diplomatic missions and representation, the Governments may establish and maintain other offices and designate other representatives on terms and in locations as may be mutually agreed.

Section 152

(a) Any citizen or national of the United States who, without authority of the United States, acts as the agent of the Government of the Republic of the Marshall Islands with regard to matters specified in the provisions of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), that apply with respect to an agent of a foreign principal shall be subject to the requirements of such Act. Failure to comply with such requirements shall subject such citizen or national to the same penalties and provisions of law as apply in the case of the failure of such an agent of a foreign principal to comply with such requirements. For purposes of the Foreign Agents Registration Act of 1938, the Republic of the Marshall Islands shall be considered to be a foreign country.

(b) Subsection (a) of this section shall not apply to a citizen or national of the United States employed by the Government of the Republic of the Marshall Islands with respect to whom the Government of the Republic of the Marshall Islands from time to time certifies to the Government of the United States that such citizen or national is an employee of the Republic of the Marshall Islands whose principal duties are other than those matters specified in the Foreign Agents Registration Act of 1938, as amended, that apply with respect to an agent of a foreign principal. The agency or officer of the United States receiving such certifications shall cause them to be filed with the Attorney General, who shall maintain a publicly available list of the persons so certified.

Article VI

Environmental Protection

Section 161

The Governments of the United States and the Republic of the Marshall Islands declare that it is their policy to promote efforts to prevent or eliminate damage to the environment and biosphere and to enrich understanding of the natural resources of the Republic of the Marshall Islands. In order to carry out this policy, the Government of the United States and the Government of the Republic of the Marshall Islands agree to the following mutual and reciprocal undertakings:

(a) The Government of the United States:

(1) shall, for its activities controlled by the U.S. Army at Kwajalein Atoll and in the Mid-Atoll Corridor and for U.S. Army Kwajalein Atoll activities in the Republic of the Marshall Islands, continue to apply the Environmental Standards and Procedures for United States Army Kwajalein Atoll Activities in the Republic of the Marshall Islands, unless and until those Standards or Procedures are modified by mutual agreement of the Governments of the United States and the Republic of the Marshall Islands;

(2) shall apply the National Environmental Policy Act of 1969, 83 Stat. 852, 42 U.S.C. 4321 et seq., to its activities under the Compact, as amended, and its related agreements as if the Republic of the Marshall Islands were the United States;

(3) in the conduct of any activity not described in section 161(a)(1) requiring the preparation of an Environmental Impact Statement under section 161(a)(2), shall comply with standards substantively similar to those required by the following laws of the United States, taking into account the particular environment of the Republic of the Marshall Islands; the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq.; the Clean Air Act, as amended, 42 U.S.C. 7401

et seq.; the Clean Water Act (Federal Water Pollution Control Act), as amended, 33 U.S.C. 1251 et seq.; Title I of the Marine Protection, Research and Sanctuaries Act of 1972 (the Ocean Dumping Act), 33 U.S.C. 1411 et seq.; the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq.; the Solid Waste Disposal Act, as amended, 42 U.S.C. 6901 et seq.; and such other environmental protection laws of the United States and the Republic of the Marshall Islands as may be agreed from time to time with the Government of the Republic of the Marshall Islands;

(4) shall, prior to conducting any activity not described in section 161(a)(1) requiring the preparation of an Environmental Impact Statement under section 161(a)(2), develop, as agreed with the Government of the Republic of the Marshall Islands, written environmental standards and procedures to implement the substantive provisions of the laws made applicable to U.S. Government activities in the Republic of the Marshall Islands, pursuant to section 161(a)(3).

(b) The Government of the Republic of the Marshall Islands shall continue to develop and implement standards and procedures to protect its environment. As a reciprocal obligation to the undertakings of the Government of the United States under this Article, the Republic of the Marshall Islands, taking into account its particular environment, shall continue to develop and implement standards for environmental protection substantively similar to those required of the Government of the United States by section 161(a)(3) prior to its conducting activities in the Republic of the Marshall Islands, substantively equivalent to activities conducted there by the Government of the United States and, as a further reciprocal obligation, shall enforce those standards.

(c) Section 161(a), including any standard or procedure applicable thereunder, and section 161(b) may be modified or superseded in whole or in part by agreement of the Government of the United States and the Government of the Republic of the Marshall Islands.

(d) In the event that an Environmental Impact Statement is no longer required under the laws of the United States for major Federal actions significantly affecting the quality of the human environment, the regulatory regime established under sections 161(a)(3) and 161(a)(4) shall continue to apply to such activities of the Government of the United States until amended by mutual agreement.

(e) The President of the United States may exempt any of the activities of the Government of the United States under this Compact, as amended, and its related agreements from any environmental standard or procedure which may be applicable under sections 161(a)(3) and 161(a)(4) if the President determines it to be in the paramount interest of the Government of the United States to do so, consistent with Title Three of this Compact, as amended, and the obligations of the Government of the United States under international law. Prior to any decision pursuant to this subsection, the views of the Government of the Republic of the Marshall Islands shall be sought and considered to the extent practicable. If the President grants such an exemption, to the extent practicable, a report with his reasons for granting such exemption shall be given promptly to the Government of the Republic of the Marshall Islands.

(f) The laws of the United States referred to in section 161(a)(3) shall apply to the activities of the Government of the United States under this Compact, as amended, and its related agreements only to the extent provided for in this section.

Section 162

The Government of the Republic of the Marshall Islands may bring an action for judicial review of any administrative agency action or any activity of the Government of the United States pursuant to section 161(a) for enforcement of the obligations of the Government of the United States arising thereunder. The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction over such action or activity, and over actions brought under section 172(b) which relate to the activities of the Government of the United States and its officers and employees, governed by section 161, provided that:

(a) Such actions may only be civil actions for any appropriate civil relief other than punitive damages against the Government of the United States or, where required by law, its officers in their official capacity; no criminal actions may arise under this section.

(b) Actions brought pursuant to this section may be initiated only by the Government of the Republic of the Marshall Islands.

(c) Administrative agency actions arising under section 161 shall be reviewed pursuant to the standard of judicial review set forth in 5 U.S.C. 706.

(d) The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction to issue all necessary processes, and the Government of the United States agrees to submit itself to the jurisdiction of the court; decisions of the United States District Court shall be reviewable in the United States Court of Appeals for the Ninth Circuit or the United States Court of Appeals for the District of Columbia, respectively, or in the United States Supreme Court as provided by the laws of the United States.

(e) The judicial remedy provided for in this section shall be the exclusive remedy for the judicial review or enforcement of the obligations of the Government of the United States under this Article and actions brought under section 172(b), which relate to the activities of the Government of the United States and its officers and employees governed by section 161.

(f) In actions pursuant to this section, the Government of the Republic of the Marshall Islands shall be treated as if it were a United States citizen.

Section 163

(a) For the purpose of gathering data necessary to study the environmental effects of activities of the Government of the United States subject to the requirements of this Article, the Government of the Republic of the Marshall Islands shall be granted access to facilities operated by the Government of the United States in the Republic of the Marshall Islands, to the extent necessary for this purpose, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the United States under Title Three.

(b) The Government of the United States, in turn, shall be granted access to the Republic of the Marshall Islands for the purpose of gathering data necessary to discharge its obligations under this Article, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the Republic of the Marshall Islands under Title One, and to the extent necessary for this purpose shall be granted access to documents and other information to the same extent similar access is provided the Government of the Republic of the Marshall Islands under the Freedom of Information Act, 5 U.S.C. 552.

(c) The Government of the Republic of the Marshall Islands shall not impede efforts by the Government of the United States to comply with applicable standards and procedures.

Article VII

General Legal Provisions

Section 171

Except as provided in this Compact, as amended, or its related agreements, the application of the laws of the United States to the Trust Territory of the Pacific Islands by virtue of the Trusteeship Agreement ceased with respect to the Marshall Islands on October 21, 1986, the date the Compact went into effect.

Section 172

(a) Every citizen of the Republic of the Marshall Islands who is not a resident of the United States shall enjoy the rights and remedies under the laws of the United States enjoyed by any non-resident alien.

(b) The Government of the Republic of the Marshall Islands and every citizen of the Republic of the Marshall Islands shall be considered to be a "person" within the meaning of the Freedom of Information Act, 5 U.S.C. 552, and of the judicial review provisions of the Administrative Procedure Act, 5 U.S.C. 701-706, except that only the Government of the Republic of the Marshall Islands may seek judicial review under the Administrative Procedure Act or judicial enforcement under the Freedom of Information Act when such judicial review or enforcement relates to the activities of the Government of the United States governed by sections 161 and 162.

Section 173

The Governments of the United States and the Republic of the Marshall Islands agree to adopt and enforce such measures, consistent with this Compact, as amended, and its related agreements, as may be necessary to protect the personnel, property, installations, services, programs and official archives and documents maintained by the Government of the United States in the Republic of the Marshall Islands pursuant to this Compact, as amended, and its related agreements and by the Government of the Republic of the Marshall Islands in the United States pursuant to this Compact, Compact, as amended, and its related agreements.

Section 174

Except as otherwise provided in this Compact, as amended, and its related agreements:

(a) The Government of the Republic of the Marshall Islands, and its agencies and officials, shall be immune from the jurisdiction of the courts of the United States, and the Government of the United States, and its agencies and officials, shall be immune from the jurisdiction of the courts of the Republic of the Marshall Islands.

(b) The Government of the United States accepts responsibility for and shall pay:

(1) any unpaid money judgment rendered by the High Court of the Trust Territory of the Pacific Islands against the Government of the United States with regard to any cause of action arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to October 21, 1986;

(2) any claim settled by the claimant and the Government of the Trust Territory of the Pacific Islands but not paid as of the October 21, 1986; and

(3) settlement of any administrative claim or of any action before a court of the Trust Territory of the Pacific Islands or the Government of the United States, arising as a

result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States.

(c) Any claim not referred to in section 174(b) and arising from an act or omission of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of the Compact shall be adjudicated in the same manner as a claim adjudicated according to section 174(d). In any claim against the Government of the Trust Territory of the Pacific Islands, the Government of the United States shall stand in the place of the Government of the Trust Territory of the Pacific Islands. A judgment on any claim referred to in section 174(b) or this subsection, not otherwise satisfied by the Government of the United States, may be presented for certification to the United States Court of Appeals for the Federal Circuit, or its successor courts, which shall have jurisdiction therefore, notwithstanding the provisions of 28 U.S.C. 1502, and which court's decisions shall be reviewable as provided by the laws of the United States. The United States Court of Appeals for the Federal Circuit shall certify such judgment, and order payment thereof, unless it finds, after a hearing, that such judgment is manifestly erroneous as to law or fact, or manifestly excessive. In either of such cases the United States Court of Appeals for the Federal Circuit shall have jurisdiction to modify such judgment.

(d) The Government of the Republic of the Marshall Islands shall not be immune from the jurisdiction of the courts of the United States, and the Government of the United States shall not be immune from the jurisdiction of the courts of the Republic of the Marshall Islands in any civil case in which an exception to foreign state immunity is set forth in the Foreign Sovereign Immunities Act (28 U.S.C. 1602 et seq.) or its successor statutes.

Section 175

(a) A separate agreement, which shall come into effect simultaneously with this Compact, as amended, and shall have the force of law, shall govern mutual assistance and cooperation in law enforcement matters, including the pursuit, capture, imprisonment and extradition of fugitives from justice and the transfer of prisoners, as well as other law enforcement matters. In the United States, the laws of the United States governing international extradition, including 18 U.S.C. 3184, 3186, and 3188-95, shall be applicable to the extradition of fugitives under the separate agreement, and the laws of the United States governing the transfer of prisoners, including 18 U.S.C. 4100-15, shall be applicable to the transfer of prisoners under the separate agreement; and

(b) A separate agreement, which shall come into effect simultaneously with this Compact, as amended, and shall have the force of law, shall govern requirements relating to labor recruitment practices, including registration, reporting, suspension or revocation of authorization to recruit persons for employment in the United States, and enforcement for violations of such requirements.

Section 176

The Government of the Republic of the Marshall Islands confirms that final judgments in civil cases rendered by any court of the Trust Territory of the Pacific Islands shall continue in full force and effect, subject to the constitutional power of the courts of the Republic of the Marshall Islands to grant relief from judgments in appropriate cases.

Section 177

Section 177 of the Compact entered into force with respect to the Marshall Islands on October 21, 1986 as follows:

“(a) The Government of the United States accepts the responsibility for compensation owing to citizens of the Marshall Islands, or the Federated States of Micronesia, (or Palau) for loss or damage to property and person of the citizens of the Marshall Islands, or the Federated States of Micronesia, resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946, and August 18, 1958.

(b) The Government of the United States and the Government of the Marshall Islands shall set forth in a separate agreement provisions for the just and adequate settlement of all such claims which have arisen in regard to the Marshall Islands and its citizens and which have not as yet been compensated or which in the future may arise, for the continued administration by the Government of the United States of direct radiation related medical surveillance and treatment programs and radiological monitoring activities and for such additional programs and activities as may be mutually agreed, and for the assumption by the Government of the Marshall Islands of responsibility for enforcement of limitations on the utilization of affected areas developed in cooperation with the Government of the United States and for the assistance by the Government of the United States in the exercise of such responsibility as may be mutually agreed. This separate agreement shall come into effect simultaneously with this Compact and shall remain in effect in accordance with its own terms.

(c) The Government of the United States shall provide to the Government of the Marshall Islands, on a grant basis, the amount of \$150 million to be paid and distributed in accordance with the separate agreement referred to in this Section, and shall provide the services and programs set forth in this separate agreement, the language of which is incorporated into this Compact.”

The Compact, as amended, makes no changes to, and has no effect upon, Section 177 of the Compact, nor does the Compact, as amended, change or affect the separate agreement referred to in Section 177 of the Compact including Articles IX and X of that separate agreement, and measures taken by the parties thereunder.

Section 178

(a) The Federal agencies of the Government of the United States that provide services and related programs in the Republic of the Marshall Islands pursuant to Title Two are authorized to settle and pay tort claims arising in the Republic of the Marshall Islands from the activities of such agencies or from the acts or omissions of the employees of such agencies. Except as provided in section 178(b), the provisions of 28 U.S.C. 2672 and 31 U.S.C. 1304 shall apply exclusively to such administrative settlements and payments.

(b) Claims under section 178(a) that cannot be settled under section 178(a) shall be disposed of exclusively in accordance with Article II of Title Four. Arbitration awards rendered pursuant to this subsection shall be paid out of funds under 31 U.S.C. 1304.

(c) The Government of the United States and the Government of the Republic of the Marshall Islands shall, in the separate agreement referred to in section 231, provide for:

(1) the administrative settlement of claims referred to in section 178(a), including designation of local agents in each State of the Republic of the Marshall Islands; such agents to be empowered to accept, investigate and settle such claims, in a timely manner, as provided in such separate agreements; and

(2) arbitration, referred to in section 178(b), in a timely manner, at a site convenient to

the claimant, in the event a claim is not otherwise settled pursuant to section 178(a).

(d) The provisions of section 174(d) shall not apply to claims covered by this section.

(e) Except as otherwise explicitly provided by law of the United States, this Compact, as amended, or its related agreements, neither the Government of the United States, its instrumentalities, nor any person acting on behalf of the Government of the United States, shall be named a party in any action based on, or arising out of, the activity or activities of a recipient of any grant or other assistance provided by the Government of the United States (or the activity or activities of the recipient's agency or any other person or entity acting on behalf of the recipient).

Section 179

(a) The courts of the Republic of the Marshall Islands shall not exercise criminal jurisdiction over the Government of the United States, or its instrumentalities.

(b) The courts of the Republic of the Marshall Islands shall not exercise criminal jurisdiction over any person if the Government of the United States provides notification to the Government of the Republic of the Marshall Islands that such person was acting on behalf of the Government of the United States, for actions taken in furtherance of section 221 or 224 of this amended Compact, or any other provision of law authorizing financial, program, or service assistance to the Republic of the Marshall Islands.

TITLE TWO

ECONOMIC RELATIONS

Article I

Grant Assistance

Section 211 - Annual Grant Assistance

(a) In order to assist the Government of the Republic of the Marshall Islands in its efforts to promote the economic advancement and budgetary self-reliance of its people, and in recognition of the special relationship that exists between the Republic of the Marshall Islands and the United States, the Government of the United States shall provide assistance on a grant basis for a period of twenty years in the amounts set forth in section 217, commencing on the effective date of this Compact, as amended. Such grants shall be used for assistance in education, health care, the environment, public sector capacity building, and private sector development, or for other areas as mutually agreed, with priorities in the education and health care sectors. Consistent with the medium-term budget and investment framework described in subsection (f) of this section, the proposed division of this amount among the identified areas shall require the concurrence of both the Government of the United States and the Government of the Republic of the Marshall Islands, through the Joint Economic Management and Financial Accountability Committee described in section 214. The Government of the United States shall disburse the grant assistance and monitor the use of such grant assistance in accordance with the provisions of this Article and an Agreement Concerning Procedures for the Implementation of United States Economic Assistance Provided in the Compact, as Amended, of Free Association Between the Government of the United States of America and the Government of the Republic of the Marshall Islands (“Fiscal Procedures Agreement”) which shall come into effect simultaneously with this Compact, as amended.

(1) EDUCATION.—United States grant assistance shall be made available in accordance with the strategic framework described in subsection (f) of this section to support and improve the educational system of the Republic of the Marshall Islands and develop the human, financial, and material resources

necessary for the Republic of the Marshall Islands to perform these services. Emphasis should be placed on advancing a quality basic education system.

(2) **HEALTH.**—United States grant assistance shall be made available in accordance with the strategic framework described in subsection (f) of this section to support and improve the delivery of preventive, curative and environmental care and develop the human, financial, and material resources necessary for the Republic of the Marshall Islands to perform these services.

(3) **PRIVATE SECTOR DEVELOPMENT.**—United States grant assistance shall be made available in accordance with the strategic framework described in subsection (f) of this section to support the efforts of the Republic of the Marshall Islands to attract foreign investment and increase indigenous business activity by vitalizing the commercial environment, ensuring fair and equitable application of the law, promoting adherence to core labor standards, maintaining progress toward privatization of state-owned and partially state-owned enterprises, and engaging in other reforms.

(4) **CAPACITY BUILDING IN THE PUBLIC SECTOR.**—United States grant assistance shall be made available in accordance with the strategic framework described in subsection (f) of this section to support the efforts of the Republic of the Marshall Islands to build effective, accountable and transparent national and local government and other public sector institutions and systems.

(5) **ENVIRONMENT.**—United States grant assistance shall be made available in accordance with the strategic framework described in subsection (f) of this section to increase environmental protection; establish and manage conservation areas; engage in environmental infrastructure planning, design construction and operation; and to involve the citizens of the Republic of the Marshall Islands in the process of conserving their country's natural resources.

(b) **KWAJALEIN ATOLL.**—

(1) Of the total grant assistance made available under subsection (a) of this section, the amount specified herein shall be allocated annually from fiscal year 2004 through fiscal year 2023 (and thereafter in accordance with the Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights) to advance the objectives and specific priorities set forth in subsections (a) and (d) of this section and the Fiscal Procedures Agreement, to address the special needs of the community at Ebeye, Kwajalein Atoll and other Marshallese communities within Kwajalein Atoll. This United States grant assistance shall be made available, in accordance with the medium-term budget and investment framework described in subsection (f) of this section, to support and improve the infrastructure and delivery of services and develop the human and material resources necessary for the Republic of the Marshall Islands to carry out its responsibility to maintain such infrastructure and deliver such services. The amount of this assistance shall be \$3,100,000, with an inflation adjustment as provided in section 218, from fiscal year 2004 through fiscal year 2013 and the fiscal year 2013 level of funding, with an inflation adjustment as provided in section 218, will be increased by \$2 million for fiscal year 2014. The fiscal year 2014 level of funding, with an inflation adjustment as provided in section 218, will be made available from fiscal year 2015 through fiscal year 2023 (and thereafter as noted above).

(2) The Government of the United States shall also provide to the Government of the Republic of the Marshall Islands, in conjunc-

tion with section 321(a) of this Compact, as amended, an annual payment from fiscal year 2004 through fiscal year 2023 (and thereafter in accordance with the Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights) of \$1.9 million. This grant assistance will be subject to the Fiscal Procedures Agreement and will be adjusted for inflation under section 218 and used to address the special needs of the community at Ebeye, Kwajalein Atoll and other Marshallese communities within Kwajalein Atoll with emphasis on the Kwajalein landowners, as described in the Fiscal Procedures Agreement.

(3) Of the total grant assistance made available under subsection (a) of this section, and in conjunction with section 321(a) of the Compact, as amended, \$200,000, with an inflation adjustment as provided in section 218, shall be allocated annually from fiscal year 2004 through fiscal year 2023 (and thereafter as provided in the Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights) for a grant to support increased participation of the Government of the Republic of the Marshall Islands Environmental Protection Authority in the annual U.S. Army Kwajalein Atoll Environmental Standards Survey and to promote a greater Government of the Republic of the Marshall Islands capacity for independent analysis of the Survey's findings and conclusions.

(c) **HUMANITARIAN ASSISTANCE-REPUBLIC OF THE MARSHALL ISLANDS PROGRAM.**—In recognition of the special development needs of the Republic of the Marshall Islands, the Government of the United States shall make available to the Government of the Republic of the Marshall Islands, on its request and to be deducted from the grant amount made available under subsection (a) of this section, a Humanitarian Assistance - Republic of the Marshall Islands ("HARMI") Program with emphasis on health, education, and infrastructure (including transportation), projects and such other projects as mutually agreed. The terms and conditions of the HARMI shall be set forth in the Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended, which shall come into effect simultaneously with the amendments to this Compact.

(d) **PUBLIC INFRASTRUCTURE.**—

(1) Unless otherwise agreed, not less than 30 percent and not more than 50 percent of U.S. annual grant assistance provided under this section shall be made available in accordance with a list of specific projects included in the infrastructure improvement and maintenance plan prepared by the Government of the Republic of the Marshall Islands as part of the strategic framework described in subsection (f) of this section.

(2) **INFRASTRUCTURE MAINTENANCE FUND.**—Five percent of the annual public infrastructure grant made available under paragraph (1) of this subsection shall be set aside, with an equal contribution from the Government of the Republic of the Marshall Islands, as a contribution to an Infrastructure Maintenance Fund. Administration of the Infrastructure Maintenance Fund shall be governed by the Fiscal Procedures Agreement.

(e) **DISASTER ASSISTANCE EMERGENCY FUND.**—Of the total grant assistance made available under subsection (a) of this section, an amount of two hundred thousand dollars (\$200,000) shall be provided annually,

with an equal contribution from the Government of the Republic of the Marshall Islands, as a contribution to a Disaster Assistance Emergency Fund ("DAEF"). Any funds from the DAEF may be used only for assistance and rehabilitation resulting from disasters and emergencies. The funds will be accessed upon declaration of a State of Emergency by the Government of the Republic of the Marshall Islands, with the concurrence of the United States Chief of Mission to the Republic of the Marshall Islands. Administration of the DAEF shall be governed by the Fiscal Procedures Agreement.

(f) **BUDGET AND INVESTMENT FRAMEWORK.**—The Government of the Republic of the Marshall Islands shall prepare and maintain an official medium-term budget and investment framework. The framework shall be strategic in nature, shall be continuously reviewed and updated through the annual budget process, and shall make projections on a multi-year rolling basis. Each of the sectors and areas named in subsections (a), (b), and (d) of this section, or other sectors and areas as mutually agreed, shall be accorded specific treatment in the framework. Those portions of the framework that contemplate the use of United States grant funds shall require the concurrence of both the Government of the United States and the Government of the Republic of the Marshall Islands.

Section 212 - Kwajalein Impact and Use

The Government of the United States shall provide to the Government of the Republic of the Marshall Islands in conjunction with section 321(a) of the Compact, as amended, and the agreement between the Government of the United States and the Government of the Republic of the Marshall Islands regarding military use and operating rights, a payment in fiscal year 2004 of \$15,000,000, with no adjustment for inflation. In fiscal year 2005 and through fiscal year 2013, the annual payment will be the fiscal year 2004 amount (\$15,000,000) with an inflation adjustment as provided under section 218. In fiscal year 2014, the annual payment will be \$18,000,000 (with no adjustment for inflation) or the fiscal year 2013 amount with an inflation adjustment under section 218, whichever is greater. For fiscal year 2015 through fiscal year 2023 (and thereafter in accordance with the Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights) the annual payment will be the fiscal year 2014 amount, with an inflation adjustment as provided under section 218.

Section 213 - Accountability

(a) Regulations and policies normally applicable to United States financial assistance to its state and local governments, as set forth in the Fiscal Procedures Agreement, shall apply to each grant described in section 211, and to grants administered under section 221 below, except as modified in the separate agreements referred to in section 231 of this Compact, as amended, or by U.S. law. As set forth in the Fiscal Procedures Agreement, reasonable terms and conditions, including annual performance indicators that are necessary to ensure effective use of United States assistance and reasonable progress toward achieving program objectives may be attached. In addition, the United States may seek appropriate remedies for noncompliance with the terms and conditions attached to the assistance, or for failure to comply with section 234, including withholding assistance.

(b) The Government of the United States shall, for each fiscal year of the twenty years during which assistance is to be provided on a sector grant basis under section 211 (a), grant the Government of the Republic of the

Marshall Islands an amount equal to the lesser of (i) one half of the reasonable, properly documented cost incurred during such fiscal year to conduct the annual audit required under Article VIII (2) of the Fiscal Procedures Agreement or (ii) \$500,000. Such amount will not be adjusted for inflation under section 218 or otherwise.

Section 214 - Joint Economic Management and Financial Accountability Committee

The Governments of the United States and the Republic of the Marshall Islands shall establish a Joint Economic Management and Financial Accountability Committee, composed of a U.S. chair, two other members from the Government of the United States and two members from the Government of the Republic of the Marshall Islands. The Joint Economic Management and Financial Accountability Committee shall meet at least once each year to review the audits and reports required under this Title and the Fiscal Procedures Agreement, evaluate the progress made by the Republic of the Marshall Islands in meeting the objectives identified in its framework described in subsection (f) of section 211, with particular focus on those parts of the framework dealing with the sectors and areas identified in subsection (a) of section 211, identify problems encountered, and recommend ways to increase the effectiveness of U.S. assistance made available under this Title. The establishment and operations of the Joint Economic Management and Financial Accountability Committee shall be governed by the Fiscal Procedures Agreement.

Section 215 - Annual Report

The Government of the Republic of the Marshall Islands shall report annually to the

President of the United States on the use of United States sector grant assistance and other assistance and progress in meeting mutually agreed program and economic goals. The Joint Economic Management and Financial Accountability Committee shall review and comment on the report and make appropriate recommendations based thereon.

Section 216 - Trust Fund

(a) The United States shall contribute annually for twenty years from the effective date of the Compact, as amended, in the amounts set forth in section 217 into a trust fund established in accordance with the Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands Implementing Section 216 and Section 217 of the Compact, as Amended, Regarding a Trust Fund ("Trust Fund Agreement"), which shall come into effect simultaneously with this Compact, as amended. Upon termination of the annual grant assistance under section 211 (a), (d) and (e), the earnings of the fund shall thereafter be used for the purposes described in section 211 or as otherwise mutually agreed.

(b) The United States contribution into the Trust Fund described in subsection (a) of this section is conditioned on the Government of the Republic of the Marshall Islands contributing to the Trust Fund at least \$25,000,000, on the effective date of the Trust Fund Agreement or on October 1, 2003, whichever is later, \$2,500,000 prior to October 1, 2004, and \$2,500,000 prior to October 1, 2005. Any funds received by the Republic of the Marshall Islands under section 111(d) of Public Law 99-239 (January 14, 1986), or successor

provisions, would be contributed to the Trust Fund as a Republic of the Marshall Islands' contribution.

(c) The terms regarding the investment and management of funds and use of the income of the Trust Fund shall be governed by the Trust Fund Agreement. Funds derived from United States investment shall not be subject to Federal or state taxes in the United States or any taxes in the Republic of the Marshall Islands. The Trust Fund Agreement shall also provide for annual reports to the Government of the United States and to the Government of the Republic of the Marshall Islands. The Trust Fund Agreement shall provide for appropriate distributions of trust fund proceeds to the Republic of the Marshall Islands and for appropriate remedies for the failure of the Republic of the Marshall Islands to use income of the Trust Fund for the annual grant purposes set forth in section 211. These remedies may include the return to the United States of the present market value of its contributions to the Trust Fund and the present market value of any undistributed income on the contributions of the United States. If this Compact, as amended, is terminated, the provisions of sections 451-453 of the Compact, as amended, and the Trust Fund Agreement shall govern treatment of any U.S. contributions to the Trust Fund or accrued income thereon.

Section 217 - Annual Grant Funding and Trust Fund Contributions

The funds described in sections 211, 212, 213(b), and 216 shall be made available as follows:

[In millions of dollars]

Fiscal year	Annual Grants Section 211	Audit Grant Sec- tion 213(b)	Trust Fund Sec- tion 216 (a&c)	Kwajalein Impact Sec- tion 212	Total
2004	35.2	.5	7	15.0	57.7
2005	34.7	.5	7.5	15.0	57.7
2006	34.2	.5	8	15.0	57.7
2007	33.7	.5	8.5	15.0	57.7
2008	33.2	.5	9	15.0	57.7
2009	32.7	.5	9.5	15.0	57.7
2010	32.2	.5	10	15.0	57.7
2011	31.7	.5	10.5	15.0	57.7
2012	31.2	.5	11	15.0	57.7
2013	30.7	.5	11.5	15.0	57.7
2014	32.2	.5	12	18.0	62.7
2015	31.7	.5	12.5	18.0	62.7
2016	31.2	.5	13	18.0	62.7
2017	30.7	.5	13.5	18.0	62.7
2018	30.2	.5	14	18.0	62.7
2019	29.7	.5	14.5	18.0	62.7
2020	29.2	.5	15	18.0	62.7
2021	28.7	.5	15.5	18.0	62.7
2022	28.2	.5	16	18.0	62.7
2023	27.7	.5	16.5	18.0	62.7

Section 218 - Inflation Adjustment

Except as otherwise provided, the amounts stated in this Title shall be adjusted for each United States Fiscal Year by the percent that equals two-thirds of the percent change in the United States Gross Domestic Product Implicit Price Deflator, or 5 percent, whichever is less in any one year, using the beginning of Fiscal Year 2004 as a base.

Section 219 - Carry-Over of Unused Funds

If in any year the funds made available by the Government of the United States for that year pursuant to this Article are not completely obligated by the Government of the Republic of the Marshall Islands, the unobligated balances shall remain available in addition to the funds to be provided in subsequent years.

Article II

Services and Program Assistance

Section 221

(a) SERVICES.—The Government of the United States shall make available to the Republic of the Marshall Islands, in accordance with and to the extent provided in the Federal Programs and Services Agreement referred to in Section 231, the services and related programs of:

- (1) the United States Weather Service;
- (2) the United States Postal Service;
- (3) the United States Federal Aviation Administration;
- (4) the United States Department of Transportation; and
- (5) the Department of Homeland Security, and the United States Agency for International Development, Office of Foreign Disaster Assistance.

Upon the effective date of this Compact, as amended, the United States Departments and Agencies named or having responsibility to provide these services and related programs shall have the authority to implement

the relevant provisions of the Federal Programs and Services Agreement referred to in section 231.

(b) PROGRAMS.—

(1) Other than the services and programs covered by subsection (a) of this section, and to the extent authorized by the Congress of the United States, the Government of the United States shall make available to the Republic of the Marshall Islands the services and programs that were available to the Republic of the Marshall Islands on the effective date of this Compact, as amended, to the extent that such services and programs continue to be available to State and local governments of the United States. As set forth in the Fiscal Procedures Agreement, funds provided under subsection (a) of section 211 shall be considered to be local revenues of

the Government of the Republic of the Marshall Islands when used as the local share required to obtain Federal programs and services.

(2) Unless provided otherwise by U.S. law, the services and programs described in paragraph (1) of this subsection shall be extended in accordance with the terms of the Federal Programs and Services Agreement.

(c) The Government of the United States shall have and exercise such authority as is necessary to carry out its responsibilities under this Title and the Federal Programs and Services Agreement, including the authority to monitor and administer all service and program assistance provided by the United States to the Republic of the Marshall Islands. The Federal Programs and Services Agreement shall also set forth the extent to which services and programs shall be provided to the Republic of the Marshall Islands.

(d) Except as provided elsewhere in this Compact, as amended, under any separate agreement entered into under this Compact, as amended, or otherwise under U.S. law, all Federal domestic programs extended to or operating in the Republic of the Marshall Islands shall be subject to all applicable criteria, standards, reporting requirements, auditing procedures, and other rules and regulations applicable to such programs and services when operating in the United States.

(e) The Government of the United States shall make available to the Republic of the Marshall Islands alternate energy development projects, studies, and conservation measures to the extent provided for the Freely Associated States in the laws of the United States.

Section 222

The Government of the United States and the Government of the Republic of the Marshall Islands may agree from time to time to extend to the Republic of the Marshall Islands additional United States grant assistance, services and programs, as provided under the laws of the United States. Unless inconsistent with such laws, or otherwise specifically precluded by the Government of the United States at the time such additional grant assistance, services, or programs are extended, the Federal Programs and Services Agreement shall apply to any such assistance, services or programs.

Section 223

The Government of the Republic of the Marshall Islands shall make available to the Government of the United States at no cost such land as may be necessary for the operations of the services and programs provided pursuant to this Article, and such facilities as are provided by the Government of the Republic of the Marshall Islands at no cost to the Government of the United States as of the effective date of this Compact, as amended, or as may be mutually agreed thereafter.

Section 224

The Government of the Republic of the Marshall Islands may request, from the time to time, technical assistance from the Federal agencies and institutions of the Government of the United States, which are authorized to grant such technical assistance in accordance with its laws. If technical assistance is granted pursuant to such a request, the Government of the United States shall provide the technical assistance in a manner which gives priority consideration to the Republic of the Marshall Islands over other recipients not a part of the United States, its territories or possessions, and equivalent consideration to the Republic of the Marshall Islands with respect to other states in Free Association with the United States. Such assistance shall be made available on a reimbursable or non-reimbursable basis to the extent provided by United States law.

Article III

Administrative Provisions

Section 231

The specific nature, extent and contractual arrangements of the services and programs provided for in section 221 of this Compact, as amended, as well as the legal status of agencies of the Government of the United States, their civilian employees and contractors, and the dependents of such personnel while present in the Republic of the Marshall Islands, and other arrangements in connection with the assistance, services, or programs furnished by the Government of the United States, are set forth in a Federal Programs and Services Agreement which shall come into effect simultaneously with this Compact, as amended.

Section 232

The Government of the United States, in consultation with the Government of the Republic of the Marshall Islands, shall determine and implement procedures for the periodic audit of all grants and other assistance made under Article I of this Title and of all funds expended for the services and programs provided under Article II of this Title. Further, in accordance with the Fiscal Procedures Agreement described in subsection (a) of section 211, the Comptroller General of the United States shall have such powers and authorities as described in sections 103(m) and 110(c) of Public Law 99-239, 99 Stat. 1777-78, and 99 Stat. 1799 (January 14, 1986).

Section 233

Approval of this Compact, as amended, by the Government of the United States, in accordance with its constitutional processes, shall constitute a pledge by the United States that the sums and amounts specified as grants in section 211 of this Compact, as amended, shall be appropriated and paid to the Republic of the Marshall Islands for such period as those provisions of this Compact, as amended, remain in force, provided that the Republic of the Marshall Islands complies with the terms and conditions of this Title and related subsidiary agreements.

Section 234

The Government of the Republic of the Marshall Islands pledges to cooperate with, permit, and assist if reasonably requested, designated and authorized representatives of the Government of the United States charged with investigating whether Compact funds, or any other assistance authorized under this Compact, as amended, have, or are being, used for purposes other than those set forth in this Compact, as amended, or its subsidiary agreements. In carrying out this investigative authority, such United States Government representatives may request that the Government of the Republic of the Marshall Islands subpoena documents and records and compel testimony in accordance with the laws and Constitution of the Republic of the Marshall Islands. Such assistance by the Government of the Republic of the Marshall Islands to the Government of the United States shall not be unreasonably withheld. The obligation of the Government of the Marshall Islands to fulfill its pledge herein is a condition to its receiving payment of such funds or other assistance authorized under this Compact, as amended. The Government of the United States shall pay any reasonable costs for extraordinary services executed by the Government of the Marshall Islands in carrying out the provisions of this section.

Article IV

Trade

Section 241

The Republic of the Marshall Islands is not included in the customs territory of the United States.

Section 242

The President shall proclaim the following tariff treatment for articles imported from the Republic of the Marshall Islands which shall apply during the period of effectiveness of this title:

(a) Unless otherwise excluded, articles imported from the Republic of the Marshall Islands, subject to the limitations imposed under section 503(b) of title V of the Trade Act of 1974 (19 U.S.C. 2463(b)), shall be exempt from duty.

(b) Only tuna in airtight containers provided for in heading 1604.14.22 of the Harmonized Tariff Schedule of the United States that is imported from the Republic of the Marshall Islands and the Federated States of Micronesia during any calendar year not to exceed 10 percent of apparent United States consumption of tuna in airtight containers during the immediately preceding calendar year, as reported by the National Marine Fisheries Service, shall be exempt from duty; but the quantity of tuna given duty-free treatment under this paragraph for any calendar year shall be counted against the aggregated quantity of tuna in airtight containers that is dutiable under rate column numbered 1 of such heading 1604.14.22 for that calendar year.

(c) The duty-free treatment provided under subsection (a) shall not apply to:

(1) watches, clocks, and timing apparatus provided for in Chapter 91, excluding heading 9113, of the Harmonized Tariff Schedule of the United States;

(2) buttons (whether finished or not finished) provided for in items 9606.21.40 and 9606.29.20 of such Schedule;

(3) textile and apparel articles which are subject to textile agreements; and

(4) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel which were not eligible articles for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461, et seq.) on April 1, 1984.

(d) If the cost or value of materials produced in the customs territory of the United States is included with respect to an eligible article which is a product of the Republic of the Marshall Islands, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributable to such United States cost or value may be applied for duty assessment purposes toward determining the percentage referred to in section 503(a)(2) of title V of the Trade Act of 1974.

Section 243

Articles imported from the Republic of the Marshall Islands which are not exempt from duty under subsections (a), (b), (c), and

(d) of section 242 shall be subject to the rates of duty set forth in column numbered 1-general of the Harmonized Tariff Schedule of the United States (HTSUS).

Section 244

(a) All products of the United States imported into the Republic of the Marshall Islands shall receive treatment no less favorable than that accorded like products of any foreign country with respect to customs duties or charges of a similar nature and with respect to laws and regulations relating to importation, exportation, taxation, sale, distribution, storage or use.

(b) The provisions of subsection (a) shall not apply to advantages accorded by the Republic of the Marshall Islands by virtue of their full membership in the Pacific Island Countries Trade Agreement (PICTA), done on August, 18, 2001, to those governments listed in Article 26 of PICTA, as of the date the Compact, as amended, is signed.

(c) Prior to entering into consultations on, or concluding, a free trade agreement with governments not listed in Article 26 of PICTA, the Republic of the Marshall Islands

shall consult with the United States regarding whether or how subsection (a) of section 244 shall be applied.

Article V

Finance and Taxation

Section 251

The currency of the United States is the official circulating legal tender of the Republic of the Marshall Islands. Should the Government of the Republic of the Marshall Islands act to institute another currency, the terms of an appropriate currency transitional period shall be as agreed with the Government of the United States.

Section 252

The Government of the Republic of the Marshall Islands may, with respect to United States persons, tax income derived from sources within its respective jurisdiction, property situated therein, including transfers of such property by gift or at death, and products consumed therein, in such manner as the Government of the Republic of the Marshall Islands deems appropriate. The determination of the source of any income, or the situs of any property, shall for purposes of this Compact, as amended, be made according to the United States Internal Revenue Code.

Section 253

A citizen of the Republic of the Marshall Islands, domiciled therein, shall be exempt from estate, gift, and generation-skipping transfer taxes imposed by the Government of the United States, provided that such citizen of the Republic of the Marshall Islands is neither a citizen nor a resident of the United States.

Section 254

(a) In determining any income tax imposed by the Government of the Republic of the Marshall Islands, the Government of the Republic of the Marshall Islands shall have authority to impose tax upon income derived by a resident of the Republic of the Marshall Islands from sources without the Republic of the Marshall Islands, in the same manner and to the same extent as the Government of the Republic of the Marshall Islands imposes tax upon income derived from within its own jurisdiction. If the Government of the Republic of the Marshall Islands exercises such authority as provided in this subsection, any individual resident of the Republic of the Marshall Islands who is subject to tax by the Government of the United States on income which is also taxed by the Government of the Republic of the Marshall Islands shall be relieved of liability to the Government of the United States for the tax which, but for this subsection, would otherwise be imposed by the Government of the United States on such income. However, the relief from liability to the United States Government referred to in the preceding sentence means only relief in the form of the foreign tax credit (or deduction in lieu thereof) available with respect to the income taxes of a possession of the United States, and relief in the form of the exclusion under section 911 of the Internal Revenue Code of 1986. For purposes of this section, the term "resident of the Republic of the Marshall Islands" shall be deemed to include any person who was physically present in the Republic of the Marshall Islands for a period of 183 or more days during any taxable year.

(b) If the Government of the Republic of the Marshall Islands subjects income to taxation substantially similar to that which was imposed by the Trust Territory Code in effect on January 1, 1980, such Government shall be deemed to have exercised the authority described in section 254(a).

Section 255

For purposes of section 274(h)(3)(A) of the U.S. Internal Revenue Code of 1986, the term

"North American Area" shall include the Republic of the Marshall Islands.

TITLE THREE

SECURITY AND DEFENSE RELATIONS

Article I

Authority and Responsibility

Section 311

(a) The Government of the United States has full authority and responsibility for security and defense matters in or relating to the Republic of the Marshall Islands.

(b) This authority and responsibility includes:

(1) the obligation to defend the Republic of the Marshall Islands and its people from attack or threats thereof as the United States and its citizens are defended;

(2) the option to foreclose access to or use of the Republic of the Marshall Islands by military personnel or for the military purposes of any third country; and

(3) the option to establish and use military areas and facilities in the Republic of the Marshall Islands, subject to the terms of the separate agreements referred to in sections 321 and 323.

(c) The Government of the United States confirms that it shall act in accordance with the principles of international law and the Charter of the United Nations in the exercise of this authority and responsibility.

Section 312

Subject to the terms of any agreements negotiated in accordance with sections 321 and 323, the Government of the United States may conduct within the lands, waters and airspace of the Republic of the Marshall Islands the activities and operations necessary for the exercise of its authority and responsibility under this Title.

Section 313

(a) The Government of the Republic of the Marshall Islands shall refrain from actions that the Government of the United States determines, after appropriate consultation with that Government, to be incompatible with its authority and responsibility for security and defense matters in or relating to the Republic of the Marshall Islands.

(b) The consultations referred to in this section shall be conducted expeditiously at senior levels of the two Governments, and the subsequent determination by the Government of the United States referred to in this section shall be made only at senior interagency levels of the Government of the United States.

(c) The Government of the Republic of the Marshall Islands shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of State personally and the United States Secretary of Defense personally regarding any determination made in accordance with this section.

Section 314

(a) Unless otherwise agreed, the Government of the United States shall not, in the Republic of the Marshall Islands:

(1) test by detonation or dispose of any nuclear weapon, nor test, dispose of, or discharge any toxic chemical or biological weapon; or

(2) test, dispose of, or discharge any other radioactive, toxic chemical or biological materials in an amount or manner that would be hazardous to public health or safety.

(b) Unless otherwise agreed, other than for transit or overflight purposes or during time of a national emergency declared by the President of the United States, a state of war declared by the Congress of the United States or as necessary to defend against an actual or impending armed attack on the United States, the Republic of the Marshall Islands or the Federated States of Micro-

nesia, the Government of the United States shall not store in the Republic of the Marshall Islands or the Federated States of Micronesia any toxic chemical weapon, nor any radioactive materials nor any toxic chemical materials intended for weapons use.

(c) Radioactive, toxic chemical, or biological materials not intended for weapons use shall not be affected by section 314(b).

(d) No material or substance referred to in this section shall be stored in the Republic of the Marshall Islands except in an amount and manner which would not be hazardous to public health or safety. In determining what shall be an amount or manner which would be hazardous to public health or safety under this section, the Government of the United States shall comply with any applicable mutual agreement, international guidelines accepted by the Government of the United States, and the laws of the United States and their implementing regulations.

(e) Any exercise of the exemption authority set forth in section 161(e) shall have no effect on the obligations of the Government of the United States under this section or on the application of this subsection.

(f) The provisions of this section shall apply in the areas in which the Government of the Republic of the Marshall Islands exercises jurisdiction over the living resources of the seabed, subsoil or water column adjacent to its coasts.

Section 315

The Government of the United States may invite members of the armed forces of other countries to use military areas and facilities in the Republic of the Marshall Islands, in conjunction with and under the control of United States Armed Forces. Use by units of the armed forces of other countries of such military areas and facilities, other than for transit and overflight purposes, shall be subject to consultation with and, in the case of major units, approval of the Government of the Republic of the Marshall Islands.

Section 316

The authority and responsibility of the Government of the United States under this Title may not be transferred or otherwise assigned.

Article II

Defense Facilities and Operating Rights

Section 321

(a) Specific arrangements for the establishment and use by the Government of the United States of military areas and facilities in the Republic of the Marshall Islands are set forth in separate agreements, which shall remain in effect in accordance with the terms of such agreements.

(b) If, in the exercise of its authority and responsibility under this Title, the Government of the United States requires the use of areas within the Republic of the Marshall Islands in addition to those for which specific arrangements are concluded pursuant to section 321(a), it may request the Government of the Republic of the Marshall Islands to satisfy those requirements through leases or other arrangements. The Government of the Republic of the Marshall Islands shall sympathetically consider any such request and shall establish suitable procedures to discuss it with and provide a prompt response to the Government of the United States.

(c) The Government of the United States recognizes and respects the scarcity and special importance of land in the Republic of the Marshall Islands. In making any requests pursuant to section 321(b), the Government of the United States shall follow the policy of requesting the minimum area necessary to accomplish the required security and defense purpose, of requesting only the minimum interest in real property necessary to support such purpose, and of requesting first to satisfy its requirement through public real

property, where available, rather than through private real property.
Section 322

The Government of the United States shall provide and maintain fixed and floating aids to navigation in the Republic of the Marshall Islands at least to the extent necessary for the exercise of its authority and responsibility under this Title.
Section 323

The military operating rights of the Government of the United States and the legal status and contractual arrangements of the United States Armed Forces, their members, and associated civilians, while present in the Republic of the Marshall Islands are set forth in separate agreements, which shall remain in effect in accordance with the terms of such agreements.

Article III

Defense Treaties and International Security Agreements

Section 331

Subject to the terms of this Compact, as amended, and its related agreements, the Government of the United States, exclusively, has assumed and enjoys, as to the Republic of the Marshall Islands, all obligations, responsibilities, rights and benefits of:

(a) Any defense treaty or other international security agreement applied by the Government of the United States as Administering Authority of the Trust Territory of the Pacific Islands as of October 20, 1986.

(b) Any defense treaty or other international security agreement to which the Government of the United States is or may become a party which it determines to be applicable in the Republic of the Marshall Islands. Such a determination by the Government of the United States shall be preceded by appropriate consultation with the Government of the Republic of the Marshall Islands.

Article IV

Service in Armed Forces of the United States

Section 341

Any person entitled to the privileges set forth in Section 141 (with the exception of any person described in section 141(a)(5) who is not a citizen of the Republic of the Marshall Islands) shall be eligible to volunteer for service in the Armed Forces of the United States, but shall not be subject to involuntary induction into military service of the United States as long as such person has resided in the United States for a period of less than one year, provided that no time shall count towards this one year while a person admitted to the United States under the Compact, or the Compact, as amended, is engaged in full-time study in the United States. Any person described in section 141(a)(5) who is not a citizen of the Republic of the Marshall Islands shall be subject to United States laws relating to selective service.

Section 342

The Government of the United States shall have enrolled, at any one time, at least one qualified student from the Republic of the Marshall Islands, as may be nominated by the Government of the Republic of the Marshall Islands, in each of:

(a) The United States Coast Guard Academy pursuant to 14 U.S.C. 195.

(b) The United States Merchant Marine Academy pursuant to 46 U.S.C. 1295(b)(6), provided that the provisions of 46 U.S.C. 1295b(b)(6)(C) shall not apply to the enrollment of students pursuant to section 342(b) of this Compact, as amended.

Article V

General Provisions

Section 351

(a) The Government of the United States and the Government of the Republic of the Marshall Islands shall continue to maintain a Joint Committee empowered to consider disputes arising under the implementation of this Title and its related agreements.

(b) The membership of the Joint Committee shall comprise selected senior officials of the two Governments. The senior United States military commander in the Pacific area shall be the senior United States member of the Joint Committee. For the meetings of the Joint Committee, each of the two Governments may designate additional or alternate representatives as appropriate for the subject matter under consideration.

(c) Unless otherwise mutually agreed, the Joint Committee shall meet annually at a time and place to be designated, after appropriate consultation, by the Government of the United States. The Joint Committee also shall meet promptly upon request of either of its members. The Joint Committee shall follow such procedures, including the establishment of functional subcommittees, as the members may from time to time agree. Upon notification by the Government of the United States, the Joint Committee of the United States and the Republic of the Marshall Islands shall meet promptly in a combined session with the Joint Committee established and maintained by the Government of the United States and the Government of the Federated States of Micronesia to consider matters within the jurisdiction of the two Joint Committees.

(d) Unresolved issues in the Joint Committee shall be referred to the Governments for resolution, and the Government of the Republic of the Marshall Islands shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of Defense personally regarding any unresolved issue which threatens its continued association with the Government of the United States.
Section 352

In the exercise of its authority and responsibility under Title Three, the Government of the United States shall accord due respect to the authority and responsibility of the Government of the Republic of the Marshall Islands under Titles One, Two and Four and to the responsibility of the Government of the Republic of the Marshall Islands to assure the well-being of its people.

Section 353

(a) The Government of the United States shall not include the Government of the Republic of the Marshall Islands as a named party to a formal declaration of war, without that Government's consent.

(b) Absent such consent, this Compact, as amended, is without prejudice, on the ground of belligerence or the existence of a state of war, to any claims for damages which are advanced by the citizens, nationals or Government of the Republic of the Marshall Islands, which arise out of armed conflict subsequent to October 21, 1986, and which are:

(5) petitions to the Government of the United States for redress; or

(6) claims in any manner against the government, citizens, nationals or entities of any third country.

(c) Petitions under section 353(b)(1) shall be treated as if they were made by citizens of the United States.
Section 354

(a) The Government of the United States and the Government of the Republic of the Marshall Islands are jointly committed to continue their security and defense relations, as set forth in this Title. Accordingly, it is the intention of the two countries that the provisions of this Title shall remain binding as long as this Compact, as amended,

remains in effect, and thereafter as mutually agreed, unless earlier terminated by mutual agreement pursuant to section 441, or amended pursuant to Article III of Title Four. If at any time the Government of the United States, or the Government of the Republic of the Marshall Islands, acting unilaterally, terminates this Title, such unilateral termination shall be considered to be termination of the entire Compact, as amended, in which case the provisions of section 442 and 452 (in the case of termination by the Government of the United States) or sections 443 and 453 (in the case of termination by the Government of the Republic of the Marshall Islands), with the exception of paragraph (3) of subsection (a) of section 452 or paragraph (3) of subsection (a) of section 453, as the case may be, shall apply.

(b) The Government of the United States recognizes, in view of the special relationship between the Government of the United States and the Government of the Republic of the Marshall Islands, and in view of the existence of the separate agreement regarding mutual security concluded with the Government of the Republic of the Marshall Islands pursuant to sections 321 and 323, that, even if this Title should terminate, any attack on the Republic of the Marshall Islands during the period in which such separate agreement is in effect, would constitute a threat to the peace and security of the entire region and a danger to the United States. In the event of such an attack, the Government of the United States would take action to meet the danger to the United States and to the Republic of the Marshall Islands in accordance with its constitutional processes.

(c) As reflected in Article 21(1)(b) of the Trust Fund Agreement, the Government of the United States and the Government of the Republic of the Marshall Islands further recognize, in view of the special relationship between their countries, that even if this Title should terminate, the Government of the Republic of the Marshall Islands shall refrain from actions which the Government of the United States determines, after appropriate consultation with that Government, to be incompatible with its authority and responsibility for security and defense matters in or relating to the Republic of the Marshall Islands or the Federated States of Micronesia.

TITLE FOUR

GENERAL PROVISIONS

Article I

Approval and Effective Date

Section 411

Pursuant to section 432 of the Compact and subject to subsection (e) of section 461 of the Compact, as amended, the Compact, as amended, shall come into effect upon mutual agreement between the Government of the United States and the Government of the Republic of the Marshall Islands subsequent to completion of the following:

(a) Approval by the Government of the Republic of the Marshall Islands in accordance with its constitutional processes.

(b) Approval by the Government of the United States in accordance with its constitutional processes.

Article II

Conference and Dispute Resolution

Section 421

The Government of the United States shall confer promptly at the request of the Government of the Republic of the Marshall Islands and that Government shall confer promptly at the request of the Government of the United States on matters relating to the provisions of this Compact, as amended, or of its related agreements.
Section 422

In the event the Government of the United States or the Government of the Republic of

the Marshall Islands, after conferring pursuant to section 421, determines that there is a dispute and gives written notice thereof, the two Governments shall make a good faith effort to resolve the dispute between themselves.

Section 423

If a dispute between the Government of the United States and the Government of the Republic of the Marshall Islands cannot be resolved within 90 days of written notification in the manner provided in section 422, either party to the dispute may refer it to arbitration in accordance with section 424.

Section 424

Should a dispute be referred to arbitration as provided for in section 423, an Arbitration Board shall be established for the purpose of hearing the dispute and rendering a decision which shall be binding upon the two parties to the dispute unless the two parties mutually agree that the decision shall be advisory. Arbitration shall occur according to the following terms:

(a) An Arbitration Board shall consist of a Chairman and two other members, each of whom shall be a citizen of a party to the dispute. Each of the two Governments that is a party to the dispute shall appoint one member to the Arbitration Board. If either party to the dispute does not fulfill the appointment requirements of this section within 30 days of referral of the dispute to arbitration pursuant to section 423, its member on the Arbitration Board shall be selected from its own standing list by the other party to the dispute. Each Government shall maintain a standing list of 10 candidates. The parties to the dispute shall jointly appoint a Chairman within 15 days after selection of the other members of the Arbitration Board. Failing agreement on a Chairman, the Chairman shall be chosen by lot from the standing lists of the parties to the dispute within 5 days after such failure.

(b) Unless otherwise provided in this Compact, as amended, or its related agreements, the Arbitration Board shall have jurisdiction to hear and render its final determination on all disputes arising exclusively under Articles I, II, III, IV and V of Title One, Title Two, Title Four, and their related agreements.

(c) Each member of the Arbitration Board shall have one vote. Each decision of the Arbitration Board shall be reached by majority vote.

(d) In determining any legal issue, the Arbitration Board may have reference to international law and, in such reference, shall apply as guidelines the provisions set forth in Article 38 of the Statute of the International Court of Justice.

(e) The Arbitration Board shall adopt such rules for its proceedings as it may deem appropriate and necessary, but such rules shall not contravene the provisions of this Compact, as amended. Unless the parties provide otherwise by mutual agreement, the Arbitration Board shall endeavor to render its decision within 30 days after the conclusion of arguments. The Arbitration Board shall make findings of fact and conclusions of law and its members may issue dissenting or individual opinions. Except as may be otherwise decided by the Arbitration Board, one-half of all costs of the arbitration shall be borne by the Government of the United States and the remainder shall be borne by the Government of the Republic of the Marshall Islands.

Article III Amendment

Section 431

The provisions of this Compact, as amended, may be further amended by mutual agreement of the Government of the United

States and the Government of the Republic of the Marshall Islands, in accordance with their respective constitutional processes.

Article IV Termination

Section 441

This Compact, as amended, may be terminated by mutual agreement of the Government of the Republic of the Marshall Islands and the Government of the United States, in accordance with their respective constitutional processes. Such mutual termination of this Compact, as amended, shall be without prejudice to the continued application of section 451 of this Compact, as amended, and the provisions of the Compact, as amended, set forth therein.

Section 442

Subject to section 452, this Compact, as amended, may be terminated by the Government of the United States in accordance with its constitutional processes. Such termination shall be effective on the date specified in the notice of termination by the Government of the United States but not earlier than six months following delivery of such notice. The time specified in the notice of termination may be extended. Such termination of this Compact, as amended, shall be without prejudice to the continued application of section 452 of this Compact, as amended, and the provisions of the Compact, as amended, set forth therein.

Section 443

This Compact, as amended, shall be terminated by the Government of the Republic of the Marshall Islands, pursuant to its constitutional processes, subject to section 453 if the people represented by that Government vote in a plebiscite to terminate the Compact. The Government of the Republic of the Marshall Islands shall notify the Government of the United States of its intention to call such a plebiscite, which shall take place not earlier than three months after delivery of such notice. The plebiscite shall be administered by the Government of the Republic of the Marshall Islands in accordance with its constitutional and legislative processes, but the Government of the United States may send its own observers and invite observers from a mutually agreed party. If a majority of the valid ballots cast in the plebiscite favors termination, the Government of the Republic of the Marshall Islands shall, upon certification of the results of the plebiscite, give notice of termination to the Government of the United States, such termination to be effective on the date specified in such notice but not earlier than three months following the date of delivery of such notice. The time specified in the notice of termination may be extended.

Article V Survivability

Section 451

(a) Should termination occur pursuant to section 441, economic and other assistance by the Government of the United States shall continue only if and as mutually agreed by the Governments of the United States and the Republic of the Marshall Islands, and in accordance with the countries' respective constitutional processes.

(b) In view of the special relationship of the United States and the Republic of the Marshall Islands, as reflected in subsections (b) and (c) of section 354 of this Compact, as amended, and the separate agreement entered into consistent with those subsections, if termination occurs pursuant to section 441 prior to the twentieth anniversary of the effective date of this Compact, as amended, the United States shall continue to make contributions to the Trust Fund described in section 216 of this Compact, as amended.

(c) In view of the special relationship of the United States and the Republic of the Marshall Islands described in subsection (b) of this section, if termination occurs pursuant to section 441 following the twentieth anniversary of the effective date of this Compact, as amended, the Republic of the Marshall Islands shall be entitled to receive proceeds from the Trust Fund described in section 216 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement.

Section 452

(a) Should termination occur pursuant to section 442 prior to the twentieth anniversary of the effective date of this Compact, as amended, the following provisions of this amended Compact shall remain in full force and effect until the twentieth anniversary of the effective date of this Compact, as amended, and thereafter as mutually agreed:

(1) Article VI and sections 172, 173, 176 and 177 of Title One;

(2) Article One and sections 232 and 234 of Title Two;

(3) Title Three; and

(4) Articles II, III, V and VI of Title Four.

(b) Should termination occur pursuant to section 442 before the twentieth anniversary of the effective date of this Compact, as amended:

(1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, economic and other assistance by the United States shall continue only if and as mutually agreed by the Governments of the United States and the Republic of the Marshall Islands.

(2) In view of the special relationship of the United States and the Republic of the Marshall Islands, as reflected in subsections (b) and (c) of section 354 of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, the United States shall continue to make contributions to the Trust Fund described in section 216 of this Compact, as amended, in the manner described in the Trust Fund Agreement.

(c) In view of the special relationship of the United States and the Republic of the Marshall Islands, as reflected in subsections 354(b) and (c) of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 442 following the twentieth anniversary of the effective date of this Compact, as amended, the Republic of the Marshall Islands shall continue to be eligible to receive proceeds from the Trust Fund described in section 216 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement.

Section 453

(a) Should termination occur pursuant to section 443 prior to the twentieth anniversary of the effective date of this Compact, as amended, the following provisions of this Compact, as amended, shall remain in full force and effect until the twentieth anniversary of the effective date of this Compact, as amended, and thereafter as mutually agreed:

(1) Article VI and sections 172, 173, 176 and 177 of Title One;

(2) Sections 232 and 234 of Title Two;

(3) Title Three; and

(4) Articles II, III, V and VI of Title Four.

(b) Upon receipt of notice of termination pursuant to section 443, the Government of the United States and the Government of the Republic of the Marshall Islands shall promptly consult with regard to their future relationship. Except as provided in subsections (c) and (d) of this section, these consultations shall determine the level of economic and other assistance, if any, which the Government of the United States shall provide to the Government of the Republic of

the Marshall Islands for the period ending on the twentieth anniversary of the effective date of this Compact, as amended, and for any period thereafter, if mutually agreed.

(c) In view of the special relationship of the United States and the Republic of the Marshall Islands, as reflected in subsections 354(b) and (c) of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 443 prior to the twentieth anniversary of the effective date of this Compact, as amended, the United States shall continue to make contributions to the Trust Fund described in section 216 of this Compact, as amended.

(d) In view of the special relationship of the United States and the Republic of the Marshall Islands, as reflected in subsections 354(b) and (c) of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 443 following the twentieth anniversary of the effective date of this Compact, as amended, the Republic of the Marshall Islands shall continue to be eligible to receive proceeds from the Trust Fund described in section 216 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement.

Section 454

Notwithstanding any other provision of this Compact, as amended:

(a) The Government of the United States reaffirms its continuing interest in promoting the economic advancement and budgetary self-reliance of the people of the Republic of the Marshall Islands.

(b) The separate agreements referred to in Article II of Title Three shall remain in effect in accordance with their terms.

Article VI

Definition of Terms

Section 461

For the purpose of this Compact, as amended, only, and without prejudice to the views of the Government of the United States or the Government of the Republic of the Marshall Islands as to the nature and extent of the jurisdiction of either of them under international law, the following terms shall have the following meanings:

(a) "Trust Territory of the Pacific Islands" means the area established in the Trusteeship Agreement consisting of the former administrative districts of Kosrae, Yap, Ponape, the Marshall Islands and Truk as described in Title One, Trust Territory Code, section 1, in force on January 1, 1979. This term does not include the area of Palau or the Northern Mariana Islands.

(b) "Trusteeship Agreement" means the agreement setting forth the terms of trusteeship for the Trust Territory of the Pacific Islands, approved by the Security Council of the United Nations April 2, 1947, and by the United States July 18, 1947, entered into force July 18, 1947, 61 Stat. 3301, T.I.A.S. 1665, 8 U.N.T.S. 189.

(c) "The Republic of the Marshall Islands" and "the Federated States of Micronesia" are used in a geographic sense and include the land and water areas to the outer limits of the territorial sea and the air space above such areas as now or hereafter recognized by the Government of the United States.

(d) "Compact" means the Compact of Free Association Between the United States and the Federated States of Micronesia and the Marshall Islands, that was approved by the United States Congress in section 201 of Public Law 99-239 (Jan. 14, 1986) and went into effect with respect to the Republic of the Marshall Islands on October 21, 1986.

(e) "Compact, as amended" means the Compact of Free Association Between the

United States and the Republic of the Marshall Islands, as amended. The effective date of the Compact, as amended, shall be on a date to be determined by the President of the United States, and agreed to by the Government of the Republic of the Marshall Islands, following formal approval of the Compact, as amended, in accordance with section 411 of this Compact, as amended.

(f) "Government of the Republic of the Marshall Islands" means the Government established and organized by the Constitution of the Republic of the Marshall Islands including all the political subdivisions and entities comprising that Government.

(g) "Government of the Federated States of Micronesia" means the Government established and organized by the Constitution of the Federated States of Micronesia including all the political subdivisions and entities comprising that Government.

(h) The following terms shall be defined consistent with the 1978 Edition of the Radio Regulations of the International Telecommunications as follows:

(1) "Radiocommunication" means telecommunication by means of radio waves.

(2) "Station" means one or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radiocommunication service, or the radio astronomy service.

(3) "Broadcasting Service" means a radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmission.

(4) "Broadcasting Station" means a station in the broadcasting service.

(5) "Assignment (of a radio frequency or radio frequency channel)" means an authorization given by an administration for a radio station to use a radio frequency or radio frequency channel under specified conditions.

(6) "Telecommunication" means any transmission, emission or reception of signs, signals, writings, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

(i) "Military Areas and Facilities" means those areas and facilities in the Republic of the Marshall Islands reserved or acquired by the Government of the Republic of the Marshall Islands for use by the Government of the United States, as set forth in the separate agreements referred to in section 321.

(j) "Tariff Schedules of the United States" means the Tariff Schedules of the United States as amended from time to time and as promulgated pursuant to United States law and includes the Tariff Schedules of the United States Annotated (TSUSA), as amended.

(k) "Vienna Convention on Diplomatic Relations" means the Vienna Convention on Diplomatic Relations, done April 18, 1961, 23 U.S.T. 3227, T.I.A.S. 7502, 500 U.N.T.S. 95.

(a) The Government of the United States and the Government of the Republic of the Marshall Islands previously have concluded agreements, which shall remain in effect and shall survive in accordance with their terms, as follows:

(1) Agreement Between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact of Free Association;

(2) Agreement Between the Government of the United States and the Government of the Marshall Islands by Persons Displaced as a Result of the United States Nuclear Testing Program in the Marshall Islands;

(3) Agreement Between the Government of the United States and the Government of the Marshall Islands Regarding the Resettlement of Enjebi Island;

(4) Agreement Concluded Pursuant to Section 234 of the Compact; and

(5) Agreement Between the Government of the United States and the Government of the Marshall Islands Regarding Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association.

(b) The Government of the United States and the Government of the Republic of the Marshall Islands shall conclude prior to the date of submission of this Compact to the legislatures of the two countries, the following related agreements which shall come into effect on the effective date of this Compact, as amended, and shall survive in accordance with their terms, as follows:

(1) Federal Programs and Services Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands Concluded Pursuant to Article III of Title One, Article II of Title Two (including Section 222), and Section 231 of the Compact of Free Association, as Amended, which include:

(i) Postal Services and Related Programs;

(ii) Weather Services and Related Programs;

(iii) Civil Aviation Safety Service and Related Programs;

(iv) Civil Aviation Economic Services and Related Programs;

(v) United States Disaster Preparedness and Response Services and Related Programs; and

(vi) Telecommunications Services and Related Programs.

(2) Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands on Extradition, Mutual Assistance in Law Enforcement Matters and Penal Sanctions Concluded Pursuant to Section 175 (a) of the Compact of Free Association, as Amended;

(3) Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands on Labor Recruitment Concluded Pursuant to Section 175 (b) of the Compact of Free Association, as Amended;

(4) Agreement Concerning Procedures for the Implementation of United States Economic Assistance Provided in the Compact, as Amended, of Free Association Between the Government of the United States of America and the Government of the Republic of the Marshall Islands;

(5) Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands Implementing Section 216 and Section 217 of the Compact, as Amended, Regarding a Trust Fund;

(6) Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended; and,

(7) Status of Forces Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands Concluded Pursuant to Section 323 of the Compact of Free Association, as Amended.

Section 463

(a) Except as set forth in subsection (b) of this section, any reference in this Compact, as amended, to a provision of the United States Code or the Statutes at Large of the United States constitutes the incorporation of the language of such provision into this Compact, as amended, as such provision was

in force on the effective date of this Compact, as amended.

(b) Any reference in Article IV and VI of Title One, and Sections 174, 175, 178 and 342 to a provision of the United States Code or the Statutes at Large of the United States or to the Privacy Act, the Freedom of Information Act, the Administrative Procedure Act or the Immigration and Nationality Act constitutes the incorporation of the language of such provision into this Compact, as amended, as such provision was in force on the effective date of this Compact, as amended, or as it may be amended thereafter on a non-discriminatory basis according to the constitutional processes of the United States.

Article VII

Concluding Provisions

Section 471

Both the Government of the United States and the Government of the Republic of the Marshall Islands shall take all necessary steps, of a general or particular character, to ensure, no later than the entry into force date of this Compact, as amended, the conformity of its laws, regulations and administrative procedures with the provisions of this Compact, as amended, or, in the case of subsection (d) of section 141, as soon as reasonably possible thereafter.

Section 472

This Compact, as amended, may be accepted, by signature or otherwise, by the Government of the United States and the Government of the Republic of the Marshall Islands.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Compact of Free Association, as amended, which shall enter into force upon the exchange of diplomatic notes by which the Government of the United States of America and the Government of the Republic of the Marshall Islands inform each other about the fulfillment of their respective requirements for entry into force.

DONE at Majuro, Republic of the Marshall Islands, in duplicate, this thirtieth (30) day of April, 2003, each text being equally authentic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

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

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

There was no objection.

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

I rise today to present to the House joint resolution 63, legislation that reauthorizes the Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands.

Because of the unique relationship between the United States and the Freely Associated States, the legislation before us today involves an extraordinary array of Federal programs, agencies, and policies.

□ 1700

As a consequence, this joint resolution is the product of intensive bipartisan consultations between a panoply of different committees of jurisdictions, all of which have contributed to making this a compelling legislative product.

In this regard, I would like to thank, in particular, the leadership of the chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE) and our ranking member, the gentleman from California (Mr. LANTOS), as well as the distinguished ranking member of the Committee on International Relations Subcommittee on Asia and the Pacific, the gentleman from American Samoa (Mr. FALEOMAVAEGA) whose expertise in island affairs has been invaluable to this Member and to our entire committee.

Let me also acknowledge the exceptional leadership of the Committee on Resources, specifically the chairman, the gentleman from California (Mr. POMBO) and the ranking member, the gentleman from West Virginia (Mr. RAHALL) and their staff for working so closely with us to ensure that the amended compacts would not only be considered on an expeditious basis, but enjoy the support of Members as well as the administration and the Freely Associated States.

We also are appreciative of the prompt consideration of this bill by the Committee on the Judiciary, as well as the input of the Committee on Ways and Means.

In addition, we are most appreciative of the cooperation of the Committee on Education and the Workforce, as well as the Committee on Appropriations working closely with us on education funding issues of keen interest and concern to many Members as well as the people of the FSM and RMI.

Madam Speaker, here I note that under general leave, the gentleman from Illinois (Mr. HYDE) intends to insert into the record a letter to the Committee on International Relations from the Subcommittee on Appropriations for Labor, Health, and Human Services regarding funding for certain supplemental education programs as well as an exchange of letters confirming certain understandings on this joint resolution with the Committee on Ways and Means.

Madam Chairman, as my colleagues may be aware, the economic assistance provisions of the current Compact with Micronesia and the Marshall Islands expired in 2001, but were extended for 2 years while the United States renegotiated the expiring provisions with these island countries, also known as the Freely Associated States.

H.J. Res. 63, which is before us, is the authorizing and implementing legislation for the Amended Compacts of Free Association. Unless this resolution becomes law, critical portions of the original Compact of Free Association will expire with serious consequences

for those nations and for United States' interests in the Pacific.

By background, the United States has shared a uniquely close and mutually beneficial relationship with the people of the Marshall Islands, as well as Micronesia, for the past half-century. For nearly 40 years after the Second World War, the United States administered both islands as United Nations Trust Territories. In 1986, Micronesia and the Marshall Islands chose to become sovereign states and entered into a Compact of Free Association with the United States. The Compact was intended to ensure self-government for the new island nations, to assist them in their economic development towards self-sufficiency, and to advance mutual security objectives.

It is my strong view that the interests of the people of the U.S. and these specific islands have been well-served by the Compact. Our former Trust Territories have emerged as sovereign democracies; America's strategic interest in the Western Pacific has been protected; and the bonds of friendship forged during World War II have only strengthened with the passage of time. Indeed, a significant number of Compact citizens have served honorably in the United States Armed Forces, including in the war on Iraq.

Among other things H.J. Res. 63: one, secures expiring U.S. defense interests and extends U.S. access to the geographically unique Kwajalein Atoll Range, the key U.S. missile and missile defense testing site for up to an additional 70 years; two, it continues U.S. assistance to the FSM and RMI for 20 years, but fundamentally restructures the way it is provided to increase fiscal accountability and move it towards budgetary self-sufficiency; three, it prepares for the end of U.S. grant assistance in 2023 by capitalizing a U.S.-controlled trust fund for each nation; and, four, it modifies the unique U.S. immigration status enjoyed by FSM and RMI citizens, to address concerns primarily related to the United States homeland security.

With respect to FEMA, the bill before us provides Compact countries continued access to FEMA programs through 2013, including essential public infrastructure rehabilitation programs. The Office of Foreign Disaster Assistance, which is part of U.S. Agency for International Development, is also authorized to provide emergency assistance to the FAS.

In an agreement reached with the Committee on Education and the Workforce H.J. Res. 63 would continue student eligibility under the Pell Grant program of the Higher Education Act, continue institution eligibility for certain competitive grant programs administered by the Secretary of Education, and create a new discretionary grant program for education in lieu of receipt of several current discretionary domestic education programs.

This amount of roughly \$20 million annually is in addition to the grant assistance otherwise provided through

the Compact and would replace current Federal programs such as Head Start, Special Education, and others.

Finally, let me just conclude by thanking Jamie McCormick and Douglas Anderson, counsels to the Subcommittee on Asia and Pacific for their exceptional assistance to me and the committee in helping to shepherd this complex measure through the legislative process.

Again, before yielding to my distinguished friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA), let me stress to the House what an honor it has been to serve with him and what a great addition his judgment has made to the committee and to the Congress on this particular issue, as well as so many others.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. FALEOMAVAEGA. Madam Speaker, I would like to extend my gratitude to the chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), and the senior ranking member of the Committee on International Relations, the gentleman from California (Mr. LANTOS), my good friend, the chairman of the Committee on Resources, the gentleman from California (Mr. POMBO), and our senior ranking member of the Committee on Resources, the gentleman from West Virginia (Mr. RAHALL), and the chairman of the Committee on International Relations Subcommittee on Asia and the Pacific, the gentleman from Iowa (Mr. LEACH), my good friend, for working so diligently these past several months to address some of the very important concerns raised by the leaders of the Republic of the Marshall Islands and the Federated States of Micronesia as it relates to the proposed Compact of Free Association or H.J. Res. 63.

Madam Speaker, the Compacts of Free Association commenced in 1986 between the Federated States of Micronesia and the Republic of the Marshall Islands and the United States. In brief, the United States agrees to provide Federal funding to the FSM and the RMI and, in turn, both agree to provide the United States with certain defense rights, now including use of 11 defense sites on Kwajalein Atoll, where the U.S. Department of Defense has established a multibillion dollar antiballistic missile testing facility.

In October 2001, portions of the Compact expired and representatives from the FSM, the RMI, and the Department of the Interior began negotiating an extension of these provisions, including also the Department of State. Earlier this year, the Department of the Interior sent Congress a negotiated product to be considered as a reauthorization of the Compact of Free Association. How-

ever, key provisions, including the funding of the Pell Grants and FEMA assistance, were excluded from the agreement. And over the last several months, my colleagues and I have been working closely with representatives from both the FSM and RMI to address these concerns.

Madam Speaker, the good people of the Federated States of Micronesia and the Republic of the Marshall Islands are in need of, and indeed deserve, U.S. support in assistance in building local capacity. As my colleagues know, education is invaluable to building self-sufficiency and local capacity, and, ultimately, will contribute to bolstering the economy of these developing nations. This is why I am pleased that the bill before us today now provides the Freely Associated States with Pell Grant assistance, hopefully, and also to recognize the importance of FEMA assistance to these islands.

The truth is, Madam Speaker, the Freely Associated States have made many sacrifices and contributions on behalf of the United States. In fact, the U.S. used the Marshall Islands as a nuclear testing ground and detonated more than 67 nuclear bombs, including the first hydrogen bomb which was one thousand times more powerful than the bombs dropped in Hiroshima and Nagasaki during World War II. The results were, and continue to be, devastating to the residents of the Marshall Islands.

As a Pacific Islander, I am pleased that H.J. Res. 63 acknowledges the contributions and sacrifices made by the Federated Associated States and also addresses the needs and concerns of the people of Federated States of Micronesia and the Republic of the Marshall Islands. I am also pleased that my colleagues have worked closely with me to make sure that American Samoa's tuna industry was protected in the process of these negotiations.

The outcome of H.J. Res. 63 will determine our relationship with the FSM and RMI for the next 20 years and will also affect American Samoa's tuna industry for generations to come.

With the approval of these Compacts, the United States will further solidify our relationship with these Western Pacific nations, both of which are close allies, and make an ongoing contribution to America's national defense.

To understand the importance of renewing the Compacts we must remember our Nation's history in the region. During World War II, American soldiers liberated the Pacific island by island in brutal and bloody battles. After the war, the United States administered Micronesia, and we have maintained a vitally important military installation on Kwajalein Atoll.

In the 1940s and 1950s, the United States conducted both underwater and atmospheric nuclear tests in the Marshalls. And as I indicated earlier, some 67 nuclear detonations were held during that period. I remember distinctly, in 1954, when we detonated the first hy-

drogen bomb, I indicated earlier that that nuclear detonation was a thousand times more powerful than the nuclear bombs that we dropped in Hiroshima and Nagasaki.

One of the serious issues that we still have not properly addressed, and, hopefully, in the coming months, that we will address seriously, the needs of some several hundred Marshallese men, women, and children who were directly exposed to nuclear contamination at the time of detonation of this hydrogen bomb in the 1950s.

Madam Speaker, since the independence of the Marshalls and Micronesia in 1986, the ties between our nations have grown even stronger. When Congress approved the Compact of Free Association in 1986, we received a good bargain. Funds would flow to the island nations in return for a "strategic denial" and a "defense veto." The Kwajalein Army Base is vitally important to America's missile tests and as a listening post to the world.

Hundreds of Marshallese and Micronesians are currently defending American interests even in Iraq. I believe approximately 1,000 of our fellow Micronesians are in the military. Several have sacrificed their lives in the war in Iraq, even at this point in time as I speak. Just the other day Mr. Hilario Bermanis, a Micronesian, became an American citizen after losing a left arm and both legs while serving in the Army in Iraq.

While we undoubtedly furthered our national security interests with approval of the Compact, the United States insufficiently monitored expenditure of funds and did little to promote economic development in the islands.

The Compacts before the House today ensure that funds will be better spent in the future, will promote sound economic development and will focus on education and health care. They also establish trust funds for both nations to ensure that they can become self-sufficient in 20 years.

Madam Speaker, H.J. Res. 63 promotes our Nation's national security interests and furthers our relationship with the Marshalls and Micronesia. This is a bipartisan effort. And, again, I extend my gratitude and appreciation to the gentleman from Iowa (Mr. LEACH), my good friend, for his tremendous support and leadership in bringing this piece of legislation to the floor.

Madam Speaker, I yield such time she might consume to the gentlewoman from Guam (Ms. BORDALLO), my good friend.

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

Ms. BORDALLO. Madam Speaker, 56 years ago the United States assumed an international obligation to protect and promote the development of two island groups that straddle much of the vast Pacific Ocean: The Federated States of Micronesia and the Republic of the Marshall Islands.

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As strategic battle grounds in World War II, these islands were liberated from enemy occupation by U.S. forces. In the aftermath of that pivotal period in world history, they emerged from a League of Nations mandate administered by Japan to become a United Nations' Trust Territory with the United States as trustee. Over the next 40 years their socio-economic status improved and their developing economies would begin to take root.

Then, in 1986, Congress passed, and President Reagan signed, a Compact of Free Association with them. The compact allowed for a new relationship to be cultivated, and it afforded the FSM and the RMI the ability to become sovereign nation states in their own right. In the years since, they have been welcome to the international table in their own name and their alliance with the United States today could not be stronger.

While other nations who receive foreign aid consistently oppose us in the United Nations, the FSM and the RMI have been among our most steadfast of allies. Seventeen years after the original agreement, we are here today, Madam Speaker, to renew the compact. It is in the spirit of friendship that we renew an agreement that seeks to honor and build upon the benefits our respective countries have derived from the original compact.

So I rise today to support H.J. Res. 63 for four principal reasons: first, because it advances U.S. defense interests by providing a 50-year lease extension for U.S. access to Kwajalein Atoll in the RMI, home of the Ronald Reagan Missile Testing Facility and grants the U.S. the right of strategic denial.

Second, because it reaffirms the right of FSM and RMI citizens to migrate freely to the United States for work, education, and residence and improves the means by which the Federal Government addresses the impact of migration in affected U.S. jurisdictions, including Guam, the Commonwealth of the Northern Mariana Islands, and the State of Hawaii.

Third, because it continues for the next 20 years critical financial assistance to facilitate capacity-building and self-sufficiency in the FSM and the RMI while ensuring greater accountability oversight and effectiveness, as well as it be continuous Pell grant eligibility.

Finally, and most importantly, because it fulfills our moral obligation to the people of Micronesia and the Marshalls.

Guam is the closest American neighbor to the FSM and RMI, and we have seen the progress that they have made under the original compact. Guam has welcomed and embraced those FSM and RMI citizens who have availed themselves of their compact-provided right to migrate freely to the United States for the pursuit out of educational and other opportunities. This migration has come at a financial cost

to the Government of Guam. As in many cases, migrating FSM and RMI citizens do not directly contribute to the local revenue base that sustains the education, the health, housing and other social services which they have sought.

Guam has been impacted significantly more than any other jurisdictions by this federally negotiated and internationally implemented agreement. As impact costs have increased, Guam has sought greater and improved assistance from the Federal Government. And that is why I am pleased that H.J. Res. 63 includes provisions based upon legislation that I introduced, namely H.R. 2522, and H.R. 2716 to address compact impact needs.

Madam Speaker, I want to go on record this afternoon to commend the gentleman from Illinois (Mr. HYDE), the gentleman from Iowa (Mr. LEACH), the gentleman from California (Mr. LANTOS), and my friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA), for shepherding this legislation through this challenging process. I also want to express my gratitude to our chairman of the Committee on Resources, the gentleman from California (Mr. POMBO), and the ranking member, the gentleman from West Virginia (Mr. RAHALL), for their bipartisan leadership in addressing those matters important to myself and other members of the Committee on Resources. I also want to thank all of the staff in all the different offices who worked so hard so that we could realize this day today.

Madam Speaker, I urge my colleagues to vote for H.J. Res. 63, vote "yes" for our national defense, vote "yes" to fulfill our moral obligations to the people of the Pacific, vote "yes" to help develop their economies, and vote "yes" to advance our relationship in this new century.

Guam is the closest American neighbor to the FSM and the RMI, and we have seen the progress that they have made under the original Compact. Guam has welcomed and embraced those FSM and RMI citizens who have availed themselves of their Compact-provided right to migrate freely to the United States for the pursuit of educational and other opportunities. This migration has come at a financial cost to the Government of Guam, as in many cases, migrating FSM and RMI citizens do not directly contribute to the local revenue base that sustains the educational, health, and other social services on Guam. Guam has been impacted more significantly than any other jurisdiction by this Federally-negotiated and internationally-implemented agreement. As impact costs have increased, Guam has sought greater and improved assistance from the Federal Government. Congress has responded with some assistance, termed Compact-impact aid, and appropriated such aid from time to time over the past seventeen years in varying amounts, but never at levels to cover the costs actually realized or with the consistency to adequately help shoulder the adverse financial consequences. This is why I strongly advocated for amending the Compact law (Public Law 99-239) during this reauthor-

ization process to ensure the immigration policy goes hand-in-hand with an adequate reimbursement policy for Compact-impact costs.

Among the first pieces of legislation I introduced as a new Member of Congress was H.R. 2522, a bill that would authorize the reduction, release, or waiving of amounts owed by the Government of Guam to the United States to offset past unreimbursed Compact-impact expenses, and H.R. 2716, a bill that proposes new methods and more reliable means to provide for adequate Compact-impact aid in the future. H.R. 2522 was heard in the Resources Committee in July, and the Governor of Guam, Felix Camacho, and the Speaker of the Guam Legislature, Ben Pangelinan, traveled to Washington, D.C. to testify about the Compact-impact costs in Guam.

In enacting the original Compact law in 1986, Congress stated that these adverse consequences would be reimbursed by Compact-impact aid. The General Accounting Office and a previous report by Ernst and Young indicate that the unreimbursed costs accrued to date in Guam are approximately \$187 million. I am pleased that H.R. 2522, in a modified form, has been agreed to by the Resources Committee and has been incorporated into H.J. Res. 63. Section 104(e)(1) of this legislation would provide for a process by which the President could use debt relief as a means to reconcile past unreimbursed impact expenses for Guam and the Commonwealth of the Northern Mariana Islands.

I believe that such authority could be exercised by the President in the public interest. One of the examples of debts owed by Guam which was brought to my attention is the amounts owed by the Guam Telephone Authority (GTA) for infrastructure improvements to Guam's telephone system in the 1970s and 1980s. GTA currently owes \$105 million to the Rural Utilities Service. This debt has been an impediment to recent efforts by Guam to privatize the telephone authority, which now has the distinction of being the last government-owned telephone utility in the nation. The existing debt has caused potential buyers to avoid GTA due to its debt service ratio of 0.70 to 1, a ratio well below the 1 to 1 ratio preferred by investors. Furthermore, the annual debt service costs for GTA's loans make it difficult to attract buyers.

The reforms passed by Congress in the 1996 Telecommunications Reform Act eroded GTA's ability to compete in the marketplace. Telephone deregulation opened up the industry to competition, and in Guam, GTA was constrained by local and federal laws from competing while losing its own advantages as a local monopoly.

Debt relief for GTA to offset unreimbursed impact expenses would make it possible to privatize the utility and to end further Federal subsidies. The Federal investment in infrastructure has already paid off in debt service payments by Guam and in minimal Federal reconstruction costs for GTA after typhoons in the past two decades. Moreover, without the debt relief that Guam seeks, it may be more difficult to privatize the utility because the net return from the sale of GTA may not be substantial enough to make it an attractive option. Due to the economic recession in Guam, some opponents of privatization have already likened this effort to unloading GTA at fire sale prices and have argued that the Guam taxpayers have invested too much in this utility to

let it go for too little, irrespective of the actual market value of this depreciated telephone utility.

The authority for debt relief contained within H.J. Res. 63 may be prudently exercised by the President to set appropriate conditions for the relief in order to make the previous Federal investment and the Federal relief sought worthwhile. In this regard, the relief for GTA's debts could be made contingent on the Government of Guam's commitment to privatize the utility and use the proceeds from the sale of GTA for other capital improvement needs on Guam such as schools, water and power infrastructure, and health facilities. The debt relief contemplated by this provision is not intended to exacerbate the economic situation of Guam rather it is intended to promote good public policy and stimulate the economy.

Guam has suffered from a series of typhoons dating back to 1997. Any amounts owed by the Government of Guam to the Federal Government for Federal Emergency Management Agency (FEMA) assistance can be considered an offset for unreimbursed Compact-impact costs. In addition, the Government of Guam continues to request a reconciliation of FEMA assistance for Supertyphoon Paka, which struck Guam in December 1997, and for which the Government of Guam believes a significant amount of money is owed to cover debris collection, removal and disposal work in the aftermath of the storm.

Examples of other debts that could be retired or reduced to offset unreimbursed impact expenses for Guam are the \$9 million owed by the Guam Waterworks Authority to the Department of the Navy for water consumption and \$3 million owed by the Guam Community College to the Department of Education for construction of a student housing facility.

Beyond this reconciliation provision, I am also pleased that the Resources Committee agreed to provisions contained within H.R. 2716, and incorporated them into H.J. Res. 63, so that for the next twenty years we avoid the great disparity between impact costs and realized reimbursement. Providing for \$30 million in annual mandatory Compact-impact aid for the affected jurisdictions is a significant improvement over the current mechanism for Compact-impact reimbursement. Although I continue to question the Federal obligation to the affected jurisdictions, I am pleased that H.J. Res. 63 includes authorizing language that would allow for additional Compact-impact aid, above and beyond the \$30 million, in future years to address reimbursement needs. Further, to help Congress accurately assess actual Compact-impact costs, I am pleased the Resources Committee restored a reporting requirement. I am equally pleased the Resources Committee retained referral authority for medical facilities of the Department of Defense. Together, these provisions should set us on the right course for the next twenty years.

My colleagues, Mr. ABERCROMBIE, Mr. CASE, Mr. GALLEGLY, Mr. REHBERG, Mr. ACEVEDO-VILÁ, Mr. GRIJALVA, and Mr. PALLONE, along with Mr. FALEOMAVAEGA, were also there for Guam throughout this process and helped me to ensure the Guam Compact-impact reconciliation provision was included. I thank them as well for their support.

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

Madam Speaker, as I do not have any further speakers, I would like to express a few sentiments. It is very easy for those of us managing pieces of legislation and somewhat proclaiming our own sense of expertise by commenting or making speeches. As my good friend, the gentleman from Iowa (Mr. LEACH), had given an indication earlier, there has been tremendous support from members of the professional staff of the two committees who have done an outstanding job in helping putting this piece of legislation together. Again, I would be remiss if I do not express my sense of appreciation to Mr. Doug Anderson and also Mr. Jamie McCormick on the majority side on the Committee on International Relations, as well as Mr. Peter Yeo and Dr. Lisa Williams, and also Dr. Bob King. Also on the Committee on Resources we have Mr. Tony Babauta and Mr. Chris Fluhr of the Committee on Resources, and also Mr. Chris Foster from the gentleman from California's (Mr. POMBO) office, and the outstanding contributions they have made as professional members of both committees in putting this legislation and certainly giving us positive advice now that we find ourselves agreeing to some of the important elements of this bill that is now before us.

We sincerely hope that our colleagues will lend their support to this important legislation.

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

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

First, I want to concur in the sentiments of my good friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA) with regard to the professionalism of the staff on Capitol Hill.

Prior to yielding back my time, I would like to specifically recognize the exceptional contribution of the chairman of the Committee on Resources, the gentleman from California (Mr. POMBO). The cooperation of his committee was crucial to our putting together this resolution.

Madam Speaker, finally, consideration of this resolution is historically significant for the Pacific region. It provides a moment for the people of the United States and the Freely Associated States to celebrate our warm friendship and look to an enhanced and mutually respectful relationship.

Mr. FALEOMAVAEGA. Madam Speaker, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Madam Speaker, I also want to note to the benefit of our colleagues that just this last weekend our President visited the State of Hawaii and he had an opportunity to meet with the leaders of these island nations at the East-West Center and the concerns expressed collectively by these leaders regarding homeland security. The security issues now of terrorism and issues of this nature are vitally important to this re-

gion of the world; and, again, this is all in concert with the efforts that we are making to make sure that we continue to establish good relations with our friends from Micronesia. I again thank my good friend, the gentleman from Iowa (Mr. LEACH), for his tremendous support and leadership in bringing this legislation to the floor, again, sincerely hoping our colleagues will support this legislation.

Mr. LEACH. Reclaiming my time, Madam Speaker, let me stress again the importance of this resolution. It has strong bipartisan support, I urge our colleagues to give this their unanimous support. This renewed compact is critical to the region.

Ms. WATSON. Madam Speaker, President Clinton gave me the privilege to represent the American people as Ambassador to the Federated States of Micronesia. I have a deep respect for the Island nations, and I am pleased that we have passed the new compact legislation out of the House.

Although most of the contentious issues in the compact have been addressed, the funding allocated for education concerns me. The RMI and FSM children have only just begun to benefit from the establishment of an integrated education system. I urge Congress to monitor education appropriations for the compact and stay intent on our obligations.

In my former profession of teaching I have witnessed the impact of early structured education. Young students are much better equipped to enter the educational system when they are exposed to education at an early age. The educational funding that Chairman REGULA has offered to support is critical to keep effective programs in place.

I strongly support those provisions in this compact that provide for continued Pell Grant eligibility for the FAS. It will bolster the ability of the FAS to cultivate education. The elimination of Pell Grant assistance would have decimated the college system in the FAS altogether. A large portion of the operating funds for the College of Micronesia are obtained through Pell Grants.

One other important area that I would like to point out is the reinstatement of FEMA assistance. It has been placed back into the Compact for infrastructure purposes and major catastrophes. USAID is not equipped to deal with all of the problems that arise on small islands nor do they have the ready response to help in a timely fashion. As we move forward with our unique relationship with the FAS I hope the United States Congress will be supportive and receptive to the needs of our friends.

In conclusion, with a few minor adjustments, this Congress will produce long lasting legislation to be proud of. I urge my colleagues to understand the importance of the FAS. I support this bill and look to endorse the final product as the other body considers the Compact.

Mr. BEREUTER. Madam Speaker, this Member rises in strong support for H.J. Res. 63, the Compacts of Free Association Amendments Act of 2003. Additionally, this Member would like to extend thanks to the very distinguished gentleman from Iowa, the Chairman of the International Relations Subcommittee on Asia and the Pacific, (Mr. LEACH) for his efforts to conduct oversight of the Compact negotiations and ultimately to bring this measure

to the Floor today. Both the gentleman and his staff on the Subcommittee are to be commended for their vigilance. Furthermore, this Member would like to thank the distinguished gentleman from California (Mr. POMBO), the Chairman of the Resources Committee, which also has jurisdiction over the Compacts of Free Association for his efforts in guiding this resolution through the legislative process.

When this Member served as Chairman of the International Relations Subcommittee on Asia and the Pacific, he requested a Government Accounting Office (GAO) investigation into the use of Compact of Free Association funds. Indeed, this Member traveled to the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM) many years ago and was disturbed by the conditions of schools, roads, and public buildings despite the infusion of U.S. aid. Unfortunately, the GAO reports certainly corroborated this Member's grave concerns about pervasive fraud, corruption, and waste of funds by the RMI Government and the poor planning and construction of infrastructure in both the RMI and the FSM.

This resolution would approve the amended Compact of Free Association, the agreement through which the United States provides assistance to the people of the RMI and the FSM. Overall, the revised Compact addresses many of the concerns which this Member has expressed for many years about this assistance and development programs for these two island groups which are two of the four Trust Territories for which the United States assumed responsibility after World War II. Of course, Congress must continue its oversight role to ensure that the people of RMI and FSM get the aid and services which they deserve and that the funds are not diverted for misuse by government officials in those countries.

In closing, Madam Speaker, this Member encourages his colleagues to vote for H.J. Res. 63.

Mr. BOEHNER. Madam Speaker, I rise in support of H.J. Res. 63 which will renew the Compact of Free Association with both the Federated States of Micronesia (FSM) and the Republic of the Marshall Islands (RMI). I am pleased that Chairman Hyde and Chairman Pombo worked with me to find a solution to continue funding for education programs in the Federated States of Micronesia and the Republic of the Marshall Islands.

H.J. Res. 63 provides a new supplemental education discretionary grant for the FSM and the RMI to receive funding from one source. This supplemental education grant provides funds for the FSM and RMI to use for education programs under Title 1 of the Elementary and Secondary Education Act, part B of IDEA, Title 1 of the Workforce Investment Act, the Adult Education and Family Literacy Act, Title 1 of the Carl D. Perkins Vocational and Technical Education Act and the Head Start Act. These funds will be subject to the Fiscal Procedures Act negotiated by the U.S. government and the FSM and the RMI. Specifically, the U.S. Department of Education, as a member of the Joint Economic Management Team, will ensure that academic performance measures are developed for standards and assessments appropriate for the FSM and RMI in order to increase academic achievement for the children receiving educational services under this grant. H.J. Res. 63 also continues

eligibility for the FSM and RMI under the Pell Grant program and continues to allow the FSM and RMI to compete for competitive grants at the U.S. Department of Education.

Madam Speaker, I want to be clear. This new discretionary supplemental education grant is the source, and only source, for funds for education programs for the FSM and RMI. They are no longer eligible to receive separate funding from any formula grant run by the Department of Education, the Department of Labor or the Head Start Act administered by the Department of Health and Human Services. In my view, this new supplemental education grant is a signal that funds for the FSM and RMI should be addressed within the Compact, rather than through a disjointed system of domestic formula grants. The United States owes an enormous debt to these nations and efforts to improve their educational system should be a top priority.

I urge my colleagues to support this Compact.

Mr. SENSENBRENNER. Madam Speaker, H.J. Res. 63 amends the Compacts of Free Association between the United States and the Federated States of Micronesia and the Marshall Islands. The Compacts, agreed to in the 1980s, provide that the United States will support the new island nations economically and that we can establish, by agreement, military bases in their territories and foreclose access to the nations by military personnel of third countries. As to the Marshall Islands, a major subsidiary agreement allows the United States continued use of the Kwajalein missile test range. Deputy Assistant Secretary of Defense for Asian and Pacific Affairs Peter Brookes testified last year that "it is in our best interest to maintain the full range of military access, use, and security cooperation options and rights that the Compact[s] provide[.]"

The Compacts grant citizens of the Federated States of Micronesia and the Marshall Islands the right to enter the U.S. without passports or visas, as nonimmigrants and lawfully engage in occupations. In recent years, the U.S. government has expressed a number of concerns regarding these immigration provisions.

First, the ability of aliens claiming to be citizens of the two nations without having to pass passports is an open invitation for abuse by terrorists. In addition, the government of the Marshall Islands has in the past been found to have sold passports.

Second, some Americans have taken advantage of the ability of islanders to enter the U.S. to bring in adopted children without having to meet the requirements of the Immigration and Nationality Act regarding foreign adoptions that are designed to safeguard the interests of the adopted children and their biological parents.

Finally, labor recruiters who arrange jobs in the United States for islanders have been abusing these unsophisticated workers, such as by not revealing the real nature of the jobs to be performed and charging prohibitive liquidated damages should the workers leave employment prematurely.

The State Department utilized the looming expiration of the economic assistance provisions of the Compacts to persuade the nations to agree to needed modifications to the Compacts addressing these immigration concerns and other matters. These changes are contained in H.J. Res. 63.

In order to address our security concerns, a number of changes have been made including barring entry to the U.S. under the Compacts of persons who were sold passports, limiting those naturalized citizens who can enter the U.S. pursuant to the Compacts, and requiring passports for entry to the U.S.

As to adoptions, any child who is coming to the U.S. pursuant to an adoption outside the country or for the purpose of adoption in the United States, is ineligible for admission as a nonimmigrant under the Compacts. The child must be brought to the U.S. pursuant to the applicable provisions of the Immigration and Nationality Act.

Separate agreements, which shall come into effect simultaneously with the Compacts, shall incorporate minimum obligations that labor recruiters will have to meet in order to protect Micronesians and Marshall Islanders who are recruited for work in the U.S.

H.J. Res. 63 also includes a number of provisions within the claims, courts, criminal law and administrative law jurisdiction of the Committee. For instance, the Compacts are amended to provide that the governments of the nations are immune from the jurisdiction of U.S. courts and that the U.S. shall not be liable in their courts, and federal agencies are authorized to settle and pay tort claims arising from acts or omissions of their employees within the two nations.

As to criminal law jurisdiction, provisions of the amended Compacts allow the United States to provide technical and training assistance to the governments of the Federated States of Micronesia and the Republic of the Marshall Islands. This assistance will facilitate the development and enforcement of their respective laws and allow for cooperation with the United States in the enforcement of U.S. laws. The postal inspection of contraband, extradition of fugitives, and the transfer of prisoners are among the mutual assistance in law enforcement matters addressed by the Compact. These issues are important not only in addressing the reality of the increased translational nature of general crime, but also are vitally important when confronting the issue of global terrorism.

H.J. Res. 63 contains numerous beneficial changes to the Compacts of Free Association. I urge my colleagues to support this legislation.

Mr. RAHALL. Madam Speaker, I rise in support of H.J. Res. 63, the Compacts of Free Association Amendments Act of 2003. These amendments to the existing Compact, extends and refines the official relationship between the United States and our friends and allies, the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM).

For the next 20 years, we can only hope that these changes will result in continuing economic opportunity, social development, and improvements to the quality of life of these island nations as well as serve the interests of the United States.

The RMI and FSM's contribution to our Nation's history is unique. Beginning in the mid-1940s, after World War II, their people sacrificed both land and culture to help preserve peace.

Then under U.S. Trusteeship, atolls in the RMI were used as sites to test the effectiveness and power of U.S. nuclear weaponry. Islands comprising the FSM and also the Republic of Palau became our "line in the sand"

in the middle of the Pacific Ocean from which we staved off the spread of communism.

Though their role has largely gone unnoticed by the American public, the relationship we have since established with them to become emerging self-governing and self-sufficient democracies reflects how important we view their contributions to our Nation.

Seventeen years have passed since the RMI and FSM became freely associated with the United States. The relationship has been successful and yet imperfect.

The Compact amendments we are considering today will not make the relationship perfect, or guarantee success. There is no clear legislative path to accomplish such goals. However, all the tools are within this legislation for both the RMI and FSM to continue developing, as well as for the United States to continue to foster their growth.

H.J. Res. 63 preserves education opportunities, advances economic activity, safeguards infrastructure investments, and adequately addressed the consequences of immigration to Hawaii, Guam and the Northern Marianas from the freely associated states.

In that regard, I want to make note of the great amount of work NEIL ABERCROMBIE and MADELEINE BORDALLO put into this issue. With justification, they should be proud of their work on behalf of Hawaii and Guam as it relates to the matter of impact aid.

Let me state that this legislation is the product of bipartisan support and multiple Committee collaboration. Bringing this legislation to the floor would not have been possible without the leadership of International Relations Chairman HENRY HYDE and the Ranking Democrat TOM LANTOS, as well as Chairman LEACH and our colleague from American Samoa, from the Subcommittee on East Asia and the Pacific.

Finally, I also want to thank Resources Chairman RICHARD POMBO for the bipartisan manner to which he worked with us on the Committee. His willingness to address important Compact issues in a meaningful and responsive manner gave us the opportunity to move this legislation expeditiously.

I urge my colleagues to favorably pass H.J. Res. 63.

Mr. ABERCROMBIE. Madam Speaker, I would like to express my wholehearted support for this legislation being considered today. For the past 17 years, the United States has had a successful relationship with the Freely Associated States (FAS). The Federated States of Micronesia (FSM) and the Republic of the Marshall Islands (RMI) have been able to transition from a United Nations trusteeship to sovereign governments. At the same time, the United States has had its security and defense interests in the Pacific fulfilled. H.J. Res. 63 will improve this vital economic and military relationship by allowing our nations to continue the successes in our agreement while helping to resolve some of our differences.

One of the issues which required a resolution is the impact that the Compacts of Free Association has had on U.S. areas in the Pacific. The Compacts allow FSM and RMI citizens to freely enter the U.S. and its territories to live, seek an education, obtain healthcare and find employment. For the State of Hawaii alone, more than \$32 million was expended in 2002 in order to support Compact migrants and help ensure their health and well-being. These costs have been borne by Hawaii since the Compacts were first implemented in 1986.

For the past seventeen years, the state has provided Compact migrants with the care and benefits that were promised to them by the first Compact, expending more than \$140 million. In that time, the federal government has reimbursed a mere five percent of that amount. As a signatory to the Compacts of Free Association, I believe it is the United States, not the State of Hawaii that should bear its costs.

For the first time ever, the Administration recognized this hardship and proposed a mandatory funding stream of \$15 million a year for Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa. H.J. Res. 63 has been amended to go even further to address this vast shortcoming by increasing the mandatory appropriations to \$30 million a year. Although these funds will be divided among the four jurisdictions, it will be the largest compensation any of these jurisdictions has received to date. While these funds will surely cover only a portion of the total impact cost, its yearly distribution will undoubtedly have a great effect on the state departments and agencies that have spent untold resources and labor in providing for the compact migrants.

The legislation has also been amended to include many other improvements. The inclusion of language authorizing discretionary appropriations, the extension of Pell Grant eligibility, the inclusion of a trigger for full inflation adjustment, and the restoration of language authorizing compensation for health institutions are a few of these changes. I am also gratified to see these provisions, as they will help the Federated States of Micronesia and the Republic of the Marshall Islands in their quest to become fully independent countries.

At this time I would also like to thank Chairman RICHARD POMBO, Chairman HENRY HYDE, Chairman JIM NUSSLE, and Chairman JOHN BOEHNER for all of their hard work in bringing this bill to the floor. Thanks to their efforts, I have no doubt that our relationship with these Pacific nations will continue to be productive and mutually beneficial. I urge my colleagues to support this important measure.

Mr. HYDE. Madam Speaker, I submit for printing in the CONGRESSIONAL RECORD the following correspondence concerning H.J. Res. 63: (1) an exchange of letters between Chairman THOMAS and myself; (2) a letter from Chairman REGULA to me; (3) a letter from Chairman POMBO to Chairman NUSSLE; and (4) a letter from me to Chairman NUSSLE.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 24, 2003.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations,
Rayburn House Office Building,
Washington, DC.

DEAR CHAIRMAN HYDE: I am writing concerning H.J. Res. 63, the "Compact of Free Association Amendments Act of 2003," which was referred to the Committees on International Relations, Resources and Judiciary. I understand that a short-term extension of the compacts may be included in a Continuing Resolution to be considered by the House.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning trade. H.J. Res. 63, which incorporates Article IV of the agreements with the Federated States of Micronesia and the Republic of the Marshall Islands, contains several provisions involving tariffs and im-

ports, which fall squarely within the jurisdiction of the Committee on Ways and Means.

However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.J. Res. 63, and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES, COM-
MITTEE ON INTERNATIONAL RELA-
TIONS,

Washington, DC, September 24, 2003.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means,
House of Representatives, Longworth House
Office Building, Washington, DC.

DEAR BILL: Thank you for your letter concerning H.J. Res. 63, the "Compact of Free Association Amendments Act of 2003" which was referred to this Committee among others.

I concur with your statements concerning the jurisdiction of the Ways and Means Committee over certain matters contained in this legislation. H.J. Res. 63, which incorporates Article IV of the agreements with the Federated States of Micronesia and the Republic of the Marshall Islands, contains several provisions involving tariffs and imports, which fall squarely within the jurisdiction of the Committee on Ways and Means. I appreciate your willingness to forgo consideration of the bill.

I also understand that this action on your part does not in any way prejudice your Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
Washington, DC, October 27, 2003.

Hon. HENRY HYDE,
Chairman, Committee on International Relations,
House of Representatives, Rayburn
House Office Building, Washington, DC.

DEAR CHAIRMAN HYDE: This letter is to confirm the agreement regarding H.J. Res. 63, "Compact of Free Association Amendments Act of 2003." I thank you for working with me on amendments affecting education programs for the Federated States of Micronesia and the Republic of the Marshall Islands, specifically Section 105(g), Supplemental Education Grants, as you have currently proposed to be included in your Substitute during Floor consideration. In addition to you, I very much appreciate the work and cooperation of Chairman John Boehner, Chairman Jim Nussle, and Chairman Richard Pombo in finding an excellent solution.

While eligibility under most domestic education programs will terminate with ratification of this Compact Agreement, your Substitute to H.J. Res. 63 would continue student eligibility under the Pell Grant program of the Higher Education Act of 1965, continue institutional eligibility for certain competitive grant programs administered by the Secretary of Education, and create a new discretionary grant program for education in lieu of receipt of certain discretionary domestic education programs.

As you know, the Subcommittee on Appropriations for Labor, Health and Human Services, Education and Related Agencies has consistently funded education programs for the Federated States of Micronesia and the Republic of the Marshall Islands under Title I of the Elementary and Secondary Education Act, part B of the Individuals with Disabilities Education Act, Titles I and II of the Workforce Investment Act of 1998, Title I of the Carl D. Perkins Vocational and Technical Education Act and the Head Start Act. I assure you that I will continue to fund these programs through the newly created supplemental education grants authorized in your substitute to H.J. Res. 63.

I do have concerns that these provisions remain intact throughout the legislative process and will work with you to ensure that this new discretionary authority for supplemental education grants is maintained through a conference agreement.

I thank you for working with me regarding this matter. If you have questions regarding this matter, please do not hesitate to call me.

Sincerely,

RALPH REGULA,
Chairman, House Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, September 29, 2003.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget, Cannon House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I understand that the Committee on the Budget objected to consideration of H.J. Res. 63 on the Floor of the House of Representatives last week due to funding levels that were inconsistent with the most recent budget resolution. H.J. Res. 63 was referred primarily to the Committee on International Relations and additionally to the Committee on Resources. The bill was also sequentially referred to the Committee on the Judiciary. After extensive negotiations with the Department of State, the Department of the Interior, other committees of jurisdiction and our Members, the Committee on Resources reported an amended bill on September 15, 2003 (H. Rept. 108-262, Part II). It is this amended text, with modifications, that Chairman Henry Hyde of the International Relations Committee desires to schedule for Floor consideration.

H.J. Res. 63 approves the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia," and the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands," and otherwise to amend Public Law 99-239, and to appropriate for the purposes of amended Public Law 99-239 for fiscal years ending on or before September 30, 2023. The version reported from the Committee on Resources authorizes funding for various assistance programs to the Marshall Islands and Micronesia. It also provides "impact aid" to the U.S. Pacific territories and the State of Hawaii associated with the two Freely Associated States.

I acknowledge that the Committee on Resources has slightly exceeded its budget allocation attributed to the approval and implementation of the Compacts of Free Association with the Marshall Islands and Micronesia. For example, for those programs within the Committee on Resources' jurisdiction

contained in the bill, the budget resolution provided \$19M for Fiscal Year (FY) 2004, but H.J. Res. 63 authorizes \$28M. For FY 2004 through FY 2008, the budget resolution provided \$105M; the bill has a \$159M cost for that same period.

To expedite consideration of the resolution, the Committee on Resources will agree to absorb the additional budget authority and outlays contained in H.J. Res. 63 as reported within the overall Committee allocation under the budget resolution. This represents a total of \$54M in both budget authority and outlays for FY 2004 through FY 2008.

Obviously, this decision will affect other programs within the Committee on Resources' jurisdiction, but I believe that enactment of the compact bill and the aid it provides to the two freely associated states, as well as the U.S. Pacific territories and the State of Hawaii, justifies this shift in our priorities. However, as you know, the Committee on Resources has only limited outlay and budget authority under the current budget resolution. Given the time remaining in the 108th Congress, we would not be unable to absorb any additional funding associated with this bill or a Senate counterpart given other legislative initiatives expected to be enacted.

Thank you for this opportunity to clarify our position. I hope it will enable Chairman Hyde and Congressman Leach, the author of the measure, to move forward with this important legislation.

Sincerely,

RICHARD W. POMBO,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, October 23, 2003.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget, House of Representatives, Cannon House Office Building, Washington, DC.

DEAR JIM: I am writing to memorialize and confirm an understanding regarding a new, proposed suspension version of H.J. Res. 63, the Compact of Free Association Amendment Act of 2003, which has been worked out between the Committee on Resources, the Committee on Education and the Workforce, and the Committee on International Relations.

This new text is intended to address your Committee's cost-related objection to the originally proposed suspension version of H.J. Res. 63 while also addressing the concerns of numerous Members that adequate education assistance be provided to the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM) under the new Compacts of Free Association. The language in Section 105(g)(1)(B) of the original suspension text would have created approximately \$29 million in new, annual direct spending for targeted education grants intended to replace the benefits that those countries currently receive as participants in certain U.S. formula-grant education programs.

The new, consensus text: (1) replaces that mandatory spending language with language authorizing new, discretionary grant assistance from the Department of Education to the RMI and FSM, in lieu of (and in an amount generally commensurate with) certain educational programs that currently receive; and (2) is premised upon an explicit assurance from the relevant appropriators that they will work to fund those new authorities in the years ahead. I understand that this change, together with the Resources Committee's willingness to absorb the \$54 million in five-year costs above what was allocated

for Compact assistance in the FY04 budget resolution, will satisfy your objections to H.J. Res. 63 and allow this legislation to move forward on the suspension calendar.

I support this arrangement and will endeavor in good faith, as we move it forward through the legislative process, to actively work against any version of this bill (i.e., free-standing Senate legislation, attachment to an appropriations bill, etc.) that may exceed a total cost of \$28 million in 2004 and \$159 million over five years. It is my hope that this commitment will suffice to address your Committee's understandable concerns. As you are likely aware, there are a number of reasons why it is critical for the House to act promptly on this important resolution. Please do not hesitate to call if I or my staff can be of any assistance on this matter.

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. POMBO. Madam Speaker, I rise in support of H.J. Res. 63, the "Compact of Free Association Amendments Act of 2003." The House Resources Committee has a unique understanding of the issues that affect the insular areas, and this legislation received strong support within our Committee.

For over 50 years, the United States has enjoyed a very unique relationship with citizens of Micronesia and the Marshall Islands. In 1984, President Ronald Reagan proposed a new status for the trust territories of the Pacific through negotiated Compacts of Free Association. After having status as a United Nations Trust Territory for many years, in 1986, these islands chose to become sovereign states.

Starting in 1986, when Congress passed "The Compact Act," we made the agreement to strive to continue to maintain both economic and political stability in this region, including working to advance economic self-reliance in these islands.

With the passage of time and implementation of the original Compact, it is very encouraging to see the results achieved that were aided by this legislation. We can now consider the connection we have with the Federated States of Micronesia (FSM) and the Republic of the Marshall Islands (RMI) to be one of the United States' closest bilateral relationships.

The administration submitted to Congress a large agreement that reflected many hours of hard work from individuals primarily within the U.S. State Department and the U.S. Department of the Interior. These individuals deserve recognition for the time which they dedicated to the people and governments of the Freely Associated States. Multiple Committees have an interest in this legislation, as the Compacts cover everything from immigration to health care and continuing education programs. It is encouraging to see how closely so many Members were able to work closely over the last few months to ensure bipartisan support and passage of this legislation.

I wanted to thank the Members of the House Resources Committee for their thoughtful input throughout the process of amending this legislation. The openness with which our Committee was able to work with the Chairmen and Ranking Members of the House International Relations Committee, the House Education and Workforce Committee, and the House Judiciary Committee was also essential to bringing H.J. Res. 63 to the floor today.

Through the work of multiple Members, the House has been able to make numerous changes that should create more beneficial results for not only those living in the FSM and

RMI, but also for those citizens from the Free-ly Associated States living in areas like American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and Hawaii.

We were able to craft legislation that incorporates components such as the strong accountability reforms agreed upon by the Administration, the FSM, and the RMI, while pushing to empower these citizens to maintain strong health care advances, education programs and general infrastructure. Chairman BOEHNER was particularly helpful in working with multiple Committees to ensure we worked to address the issue of funding education programs in the FSM and the RMI to a necessary level, and it is important to note that Congress will now ensure that this funding can be provided within the Compact for the next 20 years.

Further, through the direct input of Members from those areas affected by the migration of FAS citizens, we doubled the level of what is commonly referred to as "Compact Impact" funding. This will greatly assist areas in their ability to allow FAS citizens to continue to migrate to their islands while also fortifying the spending by their own respective governments on students and others that utilize the social resources of these areas.

Finally, the hard work over numerous years put into what is now H.J. Res. 63 should not be ignored and this legislation needs to move forward as quickly as possible. The timing is critical for these islands, and important to maintaining a relationship that has brought us the strong U.S. defense and strategic interests that exist in this area of the Pacific Ocean.

The ability for Congress to act thoughtfully and expeditiously is shown in the interest of multiple Members working to ensure we got this legislation to the Floor for a vote today. I appreciate again the leadership of Mr. HYDE and Mr. LEACH, as well as Mr. LANTOS from the International Relations Committee. My colleague from West Virginia, Mr. RAHALL, was also very engaged throughout the process of moving this legislation, which helped to allow the Resources Committee to move forward with a unified voice concerning this legislation.

I thus strongly support the passage of H.J. Res. 63 and encourage the bipartisan support of this measure by my colleagues.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the joint resolution, H.J. Res. 63, as amended.

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

A motion to reconsider was laid on the table.

REPUDIATING ANTI-SEMITIC SENTIMENTS EXPRESSED BY DR. MAHATHIR MOHAMAD, OUTGOING PRIME MINISTER OF MALAYSIA

Mr. LEACH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 409) repudiating the recent anti-Semitic sentiments expressed by Dr. Mahathir Mohamad, the

outgoing prime minister of Malaysia, which makes peace in the Middle East and around the world more elusive.

The Clerk read as follows:

H. RES. 409

Whereas the outgoing prime minister of Malaysia, Dr. Mahathir Mohamad, has become notorious over the years for his overt anti-Semitism and opposition to the State of Israel;

Whereas Dr. Mahathir opened the 57-nation, October 2003 summit of the Organization of the Islamic Conference in Malaysia by characterizing Israel and Jews around the world as "the enemy" who "rule the world by proxy";

Whereas incendiary rhetoric of this nature can be neither excused nor rationalized;

Whereas Dr. Mahathir's anti-Semitic remarks are despicable and could serve to incite further sectarian violence;

Whereas, among the 57 national representatives in attendance, none raised their voice in protest and many applauded Dr. Mahathir's statements; and

Whereas President George W. Bush traveled to Thailand to attend the October 20-21, 2003, meeting in Bangkok of the leaders of Asia-Pacific Economic Cooperation (APEC) and rebuked Dr. Mahathir for his "wrong and divisive" remarks: Now, therefore, be it

Resolved, That the House of Representatives—

(1) thoroughly repudiates the damaging rhetoric of the outgoing prime minister of Malaysia, Dr. Mahathir Mohamad, which embodies age-old stereotypes of Jewish global domination and grotesque anti-Semitism on an international scale;

(2) reaffirms the rebuke made by President George W. Bush of Dr. Mahathir and his injurious sentiments on October 20, 2003, stating that the remarks "stand squarely against what I believe";

(3) calls upon other governments and international bodies, notably the European Union, to condemn these remarks as dangerous incitement; and

(4) deplores the tacit acquiescence of those national representatives in attendance at the October 2003 Organization of the Islamic Conference as willing complicity in spreading a message of hate and incitement against Jews.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentlewoman from Nevada (Ms. BERKLEY) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 409.

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

There was no objection.

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

Madam Speaker, I rise today in support of a resolution repudiating the recent anti-Semitic sentiments expressed by Dr. Mahathir Mohamad, the outgoing Prime Minister of Malaysia.

At the outset, let me thank the majority whip, the gentleman from Missouri (Mr. BLUNT), as well as the distinguished minority whip, the gentleman

from Maryland (Mr. HOYER), for their introduction of this thoroughly appropriate and timely resolution.

On October 16, Dr. Mahathir, the outgoing Prime Minister of Malaysia gave an address before the summit of the Organization of Islamic Countries in Kuala Lumpur which has drawn the condemnation of decent citizens throughout the world. In a speech, the Prime Minister made the widely reported comment, "Today the Jews rule the world by proxy. They get others to fight and die for them."

Dr. Mahathir chose to repeat Jewish conspiracy theories of world domination that first surfaced with the infamous anti-Semitic screed published in Russia by the Tsar's secret police back in 1905 known as "The Protocols of the Elders of Zion."

While in the same speech the Prime Minister properly rejected terrorism and urged Muslims to embrace modern knowledge and technology, he nevertheless strongly implied that he viewed Islam and the West to be in fundamental historical conflict. While the totality of the remarks might have been intended to reflect some sort of ill-perceived leadership balancing act, the fact that they were uttered, premeditatedly crafted, by a modern head of state, makes them particularly irresponsible and reprehensible. They deserve the strongest condemnation. Nothing can be more damaging to peace on this fragile planet than to perpetrate the most invidious myths about any ethnic or religious group. Particularly at this time when the Middle East is a seething cauldron of tension, it is imperative that thoughtful leaders underscore the need for understanding, rather than foment thoughts that lead to conflict.

Madam Speaker, it is with the deepest regret and concern that I urge passage of this resolution.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise today in strong support for House Resolution 409, repudiating the recent damaging rhetoric of the outgoing Prime Minister of Malaysia, Dr. Mahathir.

Despite my steadfast and unequivocal support for this resolution, I rise today with a heavy heart. I am heavy-hearted not because I question the necessity of such a resolution, but because its necessity exists at all. I am heavy-hearted because in the year 2003 overt prejudice, racism and virulent anti-Semitism still exist. And I am heavy-hearted because I must take to the floor of the United States House of Representatives to condemn what should be an unfortunate relic of our past. To the contrary, anti-Semitism seems to grow stronger with every passing day. But I am not only heavy-hearted; I am outraged by this.

Madam Speaker, there are problems to be solved, world-wide problems, and

problems at home, homelessness, joblessness, poverty, famine, drought, flood, disasters. There are people that need our help and challenges we need to confront. But instead, today we take to the floor of the House not to confront these problems, but to confront a moral outrage and an affront to world civilization, overt racism and anti-Semitism on a massive scale.

This past week, Malaysian Prime Minister, Dr. Mohamad, opened a 57-nation Summit of the Organization of Islamic Conference by characterizing Israel and Jews as the enemy who rule the world by proxy. He continued by calling worldwide Jewry an arrogant people who forget to think and will continue to spread oppression and domination.

□ 1730

Prime Minister Mohamad has made what amounts to a call for a global war against the Jewish people and a holy war against the State of Israel. This is incendiary rhetoric of the worst kind. It is scapegoating, and it is racist, and it serves only as an incitement to violence and death and destruction. Not only are the comments of this nature dangerous and morally repugnant, they are beyond the pale of civilized dialogue.

Nine decades ago, my grandparents walked across Europe to come to this great country. They sought a better life for their family and a better future for their children and their grandchildren. They came with nothing more than the clothes on their back, fleeing prejudice and hardship and oppression and, had they remained, almost certain death by the hands of the Nazis.

It has been 90 years since my grandparents came to this great country. In those 90 years, we have won two world wars, conquered the evil of totalitarianism, and congratulated ourselves for a new era of globalism and plurality in which we celebrate our differences and embrace our diversity.

Americans believed that the rest of the world have been celebrating with us. How wrong we have been. The senseless, mindless hatred and prejudice that my grandparents experienced in Europe still exists today. It exists in the burning of synagogues worldwide. It exists in the attacks on Holocaust memorials in Europe, and it exists in remarks made by a head of state at a conference, remarks that not one of the 57 nations in attendance, not one, raised a voice of protest over or left the room in disapproval or disgust.

As world leaders and elected officials, we share a great responsibility. We are looked to for wisdom and guidance. In times of crisis, we are called upon to lead with fortitude and courage. In times of sadness, we are called to lead with strength and conviction, and in times of joy, we are called to lead with our hearts, but never, never are we called to lead with hatred.

Words and actions by an elected leader have far-reaching consequences.

They have the power to make policy, and they have the power to change hearts and minds. National leaders must set an example. Not only are the unconscionable statements of the Prime Minister damaging in their own right, and they are, they are damaging at this critical time as the Palestinians and the people of Israel struggle to form a lasting peace.

By inflaming tensions between the Islamic and the Jewish world with hatred-filled bigotry, he has only helped to make an all-too-elusive peace more difficult to achieve. Once again, he has attempted to delegitimize Israel's right to exist as a Jewish State and demonize the Jewish people.

I am pleased that we will be voting today to condemn the offensive and damaging rhetoric of the Prime Minister. His words and the thoughts behind them are inexcusable. I am also pleased that we will be condemning the violence of other world leaders, silence that in the past has been deadly to millions.

I call upon my colleagues to join us in taking this strong stand against bigotry and intolerance, racism and anti-Semitism.

Madam Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY), the ranking member of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mrs. LOWEY. Madam Speaker, I thank the gentlewoman for her very strong, important statement and for offering this resolution.

I join my colleagues in condemning the hate-filled speech given by Prime Minister Mahathir Mohamad at the opening of the 10th Organization of the Islamic Conference in Malaysia on October 16. Many of my colleagues and I signed the letter that was sent to the Prime Minister directly, and today, we pass this resolution to make clear that the House of Representatives repudiates the Prime Minister's message of hate and intolerance.

In my judgment, the Malaysian Prime Minister's speech was a failure of leadership. At a conference focused on issues confronting Islamic Nations around the world, Dr. Mahathir Mohamad missed the chance to set a positive and constructive tone by talking about how more Islamic Nations can achieve prosperity and development and what those achievements would mean for the Islamic people around the world.

But, sadly, the Prime Minister did not take the opportunity to call for better educational opportunities or greater investment in Islamic countries or better trade, health care and economic development, all essential elements when creating stability and prosperity. The Prime Minister could have done such good, set an example, as Malaysia has done before, by discussing the Arab Human Development Reports, which place strong emphasis on increasing freedom, knowledge and

women's empowerment. The Prime Minister's speech should have been a call for tremendous improvements in these areas. Instead, he gave a caustic, intolerant, hateful statement against Jews and Israel. What a tragic, missed opportunity. Following the negative sentiments of the Prime Minister will lead to more years of poverty, oppression and hate.

I urge all my colleagues to support this resolution, and I urge the leaders of the world who support economic development and educational opportunities as the best way to a secure future to make themselves heard in opposition to the Prime Minister's speech.

Ms. BERKLEY. Madam Speaker, I yield 4½ minutes to the gentleman from Maryland (Mr. HOYER), our Democratic whip and an original cosponsor of H. Res. 409.

Mr. HOYER. Madam Speaker, I thank the gentlewoman from Nevada for yielding me the time, and I congratulate her for her leadership on this critically important issue. She is the principal author of this resolution, and the gentleman from Missouri (Mr. BLUNT) and I are pleased to join her in this important statement.

Mr. Speaker, I also want to associate myself with the very thoughtful remarks of the gentleman from Iowa (Mr. LEACH) on this issue.

I rise to also thank the gentleman from Missouri (Mr. BLUNT), my friend and counterpart on the Republican side of the aisle, the majority whip, for working with us closely and ensuring that this resolution, which is nothing less than a shared expression of our American values, receives prompt consideration tonight.

Madam Speaker, intolerance based on one's religious belief, ethnicity and race is a poison that has coursed throughout the body of human history, and it has caused untold suffering, pain and strife. This great Nation itself, Madam Speaker, was settled by people who fled religious persecution, and I submit that we, the elected Representatives of the strongest and freest Nation on earth and the progeny of that proud legacy, have a moral responsibility to expose and combat such intolerance and prejudice wherever and whenever it rears its head.

On Thursday, October 16, as has been said, Malaysian Prime Minister Mahathir Mohamad made hateful and repugnant anti-Semitic remarks at the Islamic Summit Conference, and those remarks deserve and demand our condemnation in this resolution today.

Among other things, the Prime Minister stated, "The Europeans killed 6 million Jews out of 12 million, but today, the Jews rule the world by proxy. They get others to fight and die for them."

He added that, "They," referring to the Jews, "have now gained control of the most powerful countries, and they, this tiny community, have become a world power." He urged Islamic Nations to unite against being "defeated

by a few million Jews.” And throughout his remarks, he referred to Jews as the enemy.

Madam Speaker, these anti-Semitic comments are not simply outrageous and hateful, they are divisive and dangerous. They serve only to foment the destructive lie preyed upon by Hitler and other anti-Semites throughout history, the baseless accusation of a Jewish conspiracy to control the world, to which the gentleman from Iowa (Mr. LEACH) referred to earlier, and we, without question, must emphatically and without reservation, and in the strongest possible terms we can summon, reject these toxic untruths.

But let me add, Madam Speaker, that what is perhaps even more disturbing, as the gentlewoman from Nevada has so correctly pointed out, more disturbing than one man's malignant invective and his ignorance of the Jewish people's persecution today and throughout history, more disturbing is the fact that he received a standing ovation from many of the leaders of Muslim Nations in attendance. Not only as the gentlewoman from Nevada (Ms. BERKLEY) pointed out did they not walk out, they applauded. They applauded approval.

Madam Speaker, that must be unacceptable, not just in this land but throughout the world. Agreeing with or acquiescing in such religious and ethnic bigotry is every bit as dangerous as an incitement to it, and neither the acquiescence nor the incitement can go unchallenged in the civilized world.

As the British politician Edmund Burke wrote more than 200 years ago, “The only thing necessary for the triumph of evil is for good men to do nothing.” We must not do that.

I thank the gentlewoman for her time.

Ms. BERKLEY. Madam Speaker, I thank the gentleman from Maryland for those poignant remarks, and I yield 5 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA), the ranking member on the Subcommittee on Asia and the Pacific.

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

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

I want to thank the gentlewoman from Nevada (Ms. BERKLEY), my good friend, the gentleman from Missouri (Mr. BLUNT) and the gentleman from Maryland (Mr. HOYER), my good friend, as chief sponsors of this legislation, and I also want to thank my colleague and good friend the gentleman from Iowa (Mr. LEACH), the chairman of our the Subcommittee on Asia and the Pacific of the Committee on International Relations.

Madam Speaker, I rise to lend my support to the provisions of H. Res. 409 to repudiate the comments made recently by Prime Minister Dr. Mahathir Mohamad of the Republic of Malaysia. The prime minister's speech was given

on October 16, about 2 weeks ago, at a meeting of the Organization of Islamic Nations. The conference was held in Malaysia and was attended by heads of states and government leaders and other political leaders from some 57 nations whose majority populations are followers of Islam.

Madam Speaker, Prime Minister Mohamad claimed that his speech was taken out of context. So I thought perhaps, in fairness to him, I would read his speech in its entirety, which I did, but I thought perhaps we also needed to examine the Prime Minister's prior statements, this very issue of anti-Semitic, this hatred of the people who are of Jewish ancestry. What I found out was a consistent pattern of anti-Semitic statements.

There was a great article in the Boston Globe written recently by Mr. Jeff Jacoby, who did some research on Prime Minister Mahathir Mohamad's utterances as a political leader of Malaysia. Thirty years ago, Prime Minister Mohamad wrote, “The Jews are not merely hook-nosed, but understand money instinctively.” The same Prime Minister, Madam Speaker, described the Jewish people as monsters.

In 1994, this same Prime Minister issued a ban in Malaysia not to show the movie Schindler's List because it showed too much favoritism towards the Jewish people, and in 1997, the same Prime Minister also accused an American businessman, an investor by the name of Mr. George Soros, as the cause of Malaysia's economic instability and currency collapse, specifically citing Mr. Soros as the “Jew who triggered the currency plunge” and coincidentally citing that he is Jewish.

Madam Speaker, this is not the first time Prime Minister Mohamad has made hateful and bigoted statements against the Jewish people. How convenient it is for a Muslim political leader like Prime Minister Mohamad to always blame the Jewish people for the failures of Muslim political leaders to solve the many socioeconomic problems that concurrently confront the needs of some 1.3 billion people who are associated with Islam or the Muslim religion.

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Prime Minister Mahathir claims that the Jews rule this world by proxy. I say, in response to such an outrageous statement by the Prime Minister, the contributions over the years by those of the Jewish ancestry have been truly a blessing to our world community. In the fields of medicine, of law and of physics, literature, and social sciences, I need only to mention the name of Dr. Jonas Salk, who discovered the cure for the dreaded disease of polio, the names of Dr. Albert Einstein, Dr. Tellur, and Dr. Oppenheimer as the founding fathers of modern nuclear physics and the theory of relativity.

Time will not allow me to elaborate further the many positive contributions made for the benefit of mankind

by those in the Jewish community given generously to the world community. Suffice it to say to political leaders like Prime Minister Mahathir, if it was your intention to tell your fellow Muslims that the sacred writings contained in the Koran have been misinterpreted by your own Muslim scholars, and partly the reason why there is so much divisiveness among your own adherers to Islam, then say so; but do not blame the Jewish community for your own failures.

Madam Speaker, I sincerely hope as we contemplate the beginning of this sacred month called Ramadan among the adherents of Islam as a period of fasting and prayer and for greater patience and greater love towards all mankind, which in my humble opinion is the essence and the heart and soul of the religion of Islam as taught by the prophet Mohammed some 400 years ago, I do not believe, Madam Speaker, that Prime Minister Mahathir's statement reflects the real meaning and teachings of Islam.

This resolution will announce to the world that this institution, the Congress of the United States of America, will not tolerate and does not support the Prime Minister's statement. And I also reflect upon statements made earlier by my colleague, that I too remember what was said by Martin Luther King, Jr., years ago: “At the end, we will not remember the words of our enemies but the silence of our friends.”

Mr. LEACH. Madam Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Speaker, I thank the chairman for yielding me this time, and I want to raise my voice in opposition to what Prime Minister Mahathir said. He is a racist, a bigot, and an anti-Semite who represents his country very poorly, a country which depends on international trade.

Madam Speaker, let me read some of the names of Malaysian companies who depend on U.S. trade. It is these companies whose livelihoods are now threatened by the remarks of their own Prime Minister: Telekom Malaysia, Maxis, Celcom, Digi, Time dotCom, Jaring, Celcom Berhad, Mimos Berhad, and Proton, all of whose business in the United States is now threatened by the remarks of the Malaysian Prime Minister.

If the Malaysian Prime Minister continues, he threatens Malaysian jobs in Kuala Lumpur, Penang, Seremban, Ipoh and Kuching. It is something that he should think very clearly about, understanding that so many people in his country depend on trade with the United States.

We have been very disappointed by this speech and very disappointed also by the reaction of one of our friends in the Middle East, Egypt, and the comments of their foreign minister, who, when he read Prime Minister Mahathir's statement, said, “I saw nothing controversial in the statement.”

Now, we are subjecting Malaysian exporters to a withering analysis, and their dependence on the U.S. market is now in jeopardy. I would hope that the Government of Egypt would think twice before that same kind of analysis applies to their own exports. For us here, the message should go forth to the Malaysian Government: Your exports are now at risk, and jobs which depend on the U.S. market are in jeopardy. Continue down this road, and you continue down a road of unemployment for Malaysian jobs.

Ms. BERKLEY. Madam Speaker, I yield 30 seconds to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Madam Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of House Resolution 409. I too want to associate myself with the remarks of my colleagues. We should speak out against anti-Semitic and prejudice comments made by any leader of the world, or anyone for that matter.

Just this past weekend, I met with the Jewish community of Guam and shared with them my wonderful impressions of my recent visit to Israel. Guam is located in the Asia-Pacific area, and I am very concerned, Madam Speaker, with intolerance or any kind of racism in our region of the world.

Ms. BERKLEY. Madam Speaker, I yield myself such time as I may consume, and before I yield time back to the majority to close, I would like to thank the majority whip, the gentleman from Missouri (Mr. BLUNT), the minority whip, the gentleman from Maryland (Mr. HOYER), as well as the gentleman from Virginia (Mr. CANTOR), the gentleman from Iowa (Mr. LEACH), the gentleman from Illinois (Mr. HYDE), and the gentleman from California (Mr. LANTOS) for helping to move this legislation to the floor and helping to ensure its quick passage.

I am pleased this was handled in a bipartisan manner, and I thank my colleagues from both sides of the aisle for their assistance. I also want to thank the gentleman from Illinois (Mr. KIRK) as well.

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

Mr. LEACH. Madam Speaker, I yield myself such time as I may consume. In conclusion, let me first thank the gentlewoman from Nevada for her tremendous leadership on this issue. Second, let me, in a broad way, stress that philosophically the three great monotheistic religions of the world, Christianity, Judaism, and Islam are each rooted in the Ten Commandments. They embrace the Ten Commandments. And the Ten Commandments, above anything else, outline how we should live together in society; and they are doctrines of love and compassion, not hatred and revenge.

One of the things we are all going to have to think through in all societies is how we emphasize what brings us together and not what tears us apart. Fundamentally, what is of deep con-

cern to this body is that a leader of a great Muslim country, a country with which we are very close, a leader who is considered one of the most modern leaders in the Muslim world, has uttered words that, from an American perspective, seem out of context with the times, with good judgment, and with decency.

What we have to emphasize to our friends, as well as to ourselves, is that we are going to have to think through differences in the world in such ways that we can reach compromise, based on a set of feelings that bring us together. Unfortunately, these remarks seem to move in the other direction.

It is extremely unusual—not unprecedented but virtually unprecedented—that the Congress of the United States would deal with a resolution about the words of a head of state of another democracy, a country which we admire, yet we are obligated to do just that today because we want to bring the world together.

So we say to Dr. Mahathir, we hope you repent and think through these words. We also say that we are willing to listen to differences of judgment, but we want to listen to differences of judgment that are based on decency in values, not in intolerance of views. It is this decency of values that we want to emphasize at this time.

Mr. PAUL. Madam Speaker, I rise with great concerns over this legislation—both over its content and what it represents. First, I think it is absurd that the U.S. Congress believes it has the responsibility and authority to rectify the inappropriate statements of individuals in foreign countries. Have we moved beyond meddling in the internal affairs of foreign countries—as bad as that is—to even meddling in the very thoughts and words of foreign leaders and citizens? It is the obligation of the U.S. Congress to correct the “wrong thoughts” of others that have nothing to do with the United States? Additionally, is it our place to demand that other sovereign states, such as the members of the European Union, react as we say they must to certain international events?

More troubling than what is stated in this legislation, however, is the kind of thinking that this approach represents. The purpose of this legislation is to punish inappropriate thoughts and speech—to free debate on difficult topics and issues. In this, it contains a whiff of totalitarian thinking. This legislation advances the disturbing idea that condemnatory speech that does not explicitly incite violence is nevertheless inherently dangerous. It asserts that even debating controversial topics inevitably leads to violence. This is absurd on its face: it is only debate that leads us to come to understandings over controversial topics without violence. That is why nations engage in diplomacy.

Those who feel aggrieved over an issue can either broach the issue through discussion and debate or they can attempt to address the grievance through the barrel of a gun. Which is preferable? I think the answer is self-evident. Once persuasion is taken from the realm of possibility, the only approach left to address grievances is violence.

Is the prime minister of Malaysia wrong in his statements? Debate him. Invite him to one

of the various multilateral gatherings with someone who disagrees with him and have a debate and discussion over the issue. This approach is much more likely to result in a peaceful resolution of the dispute than what we are doing here: a blanket condemnation and a notice that certain difficult issues are not subject to any inappropriate thoughts or statements. This is chilling for a nation that prides itself on its tradition of protecting even the most distasteful of speech.

Dr. Mahathir has long been known for his statements on the Middle East. His views are no secret. Yet even President Bush, who invited Prime Minister Mahathir to Washington in May, 2003, chose the path of debate over blanket condemnation. President Bush said at a joint press conference that, “we’ll also talk about the Middle East, and I look forward to hearing from the Prime Minister on the Middle East. So we’ll have a good discussion.” Abandoning our beliefs and traditions—especially those regarding the right to hold and express even abhorrent thoughts and ideas—when it comes to our foreign relations is hardly the best way to show the rest of the world the strength of our system and way of life.

A careful reading of the prime minister’s speech did not find any explicit calls for violence. Actually, Dr. Mahathir called for Muslims around the world to cease using violence to seek their goals. He stated, “is there no other way than to ask our young people to blow themselves up and kill people and invite the massacre of more of our own people?” Also, he advises against “revenge” attacks and urges Muslims to “win [the] hearts and minds” of non-Muslims including “Jews...who do not approve of what the Israelis are doing.” While we may agree or disagree with the cause that Dr. Mahathir espouses, the fact that he calls for non-violent means to achieve his goals is to be commended rather than condemned. This is not to agree with every aspect of his address—and certainly not to agree with some of the ridiculous statements contained therein—but rather to caution against the kind of blanket condemnation that this legislation represents. Do we not also agree with his words that Muslim violence in the Middle East has been counterproductive? President Bush himself in May invited Dr. Mahathir to the White House to, in the president’s words, “publicly thank the Prime Minister for his strong support in the war against terror.”

I strongly believe that we need to get out of the business of threatening people over what they think and say and instead trust that our own principles, freedom and liberty, can win out in the marketplace of ideas over bigotry and hate. When the possibility of persuasion is abandoned, the only recourse for the aggrieved is violence. Haven’t we seen enough of this already?

Mr. VAN HOLLEN. Madam Speaker, I rise to strongly condemn the hateful anti-Semitic slurs made by Malaysian Prime Minister Mahathir Mohammad in his October 16 address to the Organization of the Islamic Conference.

In his address, Prime Minister Mohammad called Israel, and I quote, “the enemy allied with the most powerful nations.” He also said, and again I quote, that “the Jews rule the world by proxy” and that “the Muslims will forever be oppressed and dominated by the Europeans and the Jews.”

Madam Speaker, there is no place in international diplomacy for this baseless and hateful rhetoric.

World leaders have a great responsibility to avoid the use of such incendiary rhetoric that could incite further hatred or violence against any racial or ethnic minority. This kind of hatred and scapegoating, including the blaming of Jews for all the ills of the Muslim world, has no place in civilized society, especially by elected officials. Words and actions, especially at a conference such as this, have far reaching consequences—they not only have the power to make policy, they have the power to change hearts and minds. To blame Israel and the Jewish people for problems and difficulties experienced by other cultures is wrong and has led to senseless bloodshed and violence, including the atrocities committed by the Nazi regime in the 1930s and 1940s.

These words are especially damaging at a crucial time when the Palestinian people and Israel struggle to reach a lasting peace. Actions that inflame tensions between the Islamic and Jewish worlds serve only to make that struggle become complicated and the all-too-elusive peace more difficult to achieve.

Mr. WAXMAN. Madam Speaker, I rise in strong support of H. Res. 409, which condemns the appalling anti-Semitic remarks made by Malaysian Prime Minister Mahathir Mohamad during his keynote address at the recent Islamic Summit Conference.

Sadly, Dr. Mahathir's remarks were only a culmination of years of bitter anti-Semitic and anti-Israel rhetoric that have been hallmarks of his political career. Only months ago, he handed out the Protocols of the Elders of Zion during his political party's annual meeting. When the Asian financial crisis caused the collapse of the Malaysian currency, Dr. Mahathir often used Jews as scapegoats for political and economic setbacks claiming that they were the result of a Jewish conspiracy. In a 1986 speech he stated that "the expulsion of Jews from the Holy Land 2,000 years ago and the Nazi oppression of Jews have taught them nothing. If anything at all, it has transformed the Jews into the very monsters that they condemn."

While Dr. Mahathir's outrageous comments have caused fury in the past, the reaction to this speech by the leaders of the Islamic world dangerously signals the mainstream acceptance of his hateful and extremist views. In the days following the conference Dr. Mahathir's remarks were glorified in the Saudi newspaper *Ar-Riyadh*, deemed "brilliant" by the supposedly moderate President Mohammad Khatami of Iran, affirmed by Afghan President Hamid Karzai, admired by the Foreign Minister of Egypt, and defended by the Foreign Minister of Yemen.

Just as troubling as this effusive praise was the silence that followed from the leaders of most Western European nations. These countries have seen first-hand an alarming rise of anti-Semitic attacks because of the explosion of anti-Semitic hatred and intolerance in European Muslim communities. They lived through the Holocaust and World War II and should know they must not repeat the mistake again of silence and/or participation in anti-Semitism.

Although Dr. Mahathir's reign is thankfully coming to an end, the international community must recognize the pervasive growth of anti-Semitic and anti-Western literature, television shows, and political platforms in Arab and

Muslim countries and take action. If not, the world will suffer the consequences for generations to come.

Mr. CROWLEY. Madam Speaker, I rise today in strong support of this resolution. The statements made by the Prime Minister of Malaysia are shocking and show the anti-Semitism that exists around the world and is unfortunately growing at a frightening rate. Even after nations from around the world condemned his remarks, Dr. Mahathir continued to make anti-Semitic statements claiming that our condemnations of his remarks proved his statements to be true. That is just simply ridiculous.

Madam Speaker, his statements only poison the thoughts of people, and incite hatred toward the Jewish people. While I would like to say that his remarks were unusual or surprising, the fact of the matter is that these sort of inflammatory remarks have become standard for the Malaysian Prime Minister. It is truly disheartening that the tremendous economic success of the Malaysian people is being overshadowed by the outrageous comments of its Prime Minister. It is sad but fitting that these forceful comments will be the most recent and strongest of memories of Dr. Mahathir as he begins his retirement.

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today in support of H. Res. 409, and to join my colleagues in repudiating Dr. Mahathir Mohamad for his recent comments made to the Organization of the Islamic Conference.

It is distressing to me that an individual such as Dr. Mohamad—often portrayed as a moderate Muslim leader—would feel the need to issue what I view as a call to arms to the Muslim world. In doing so, his characterization of Jews as vast cabal that "rules the world by proxy" serves no constructive purpose whatsoever. Rather, it merely perpetuates hateful and destructive millennia-old stereotypes that have long made Jewish people scapegoats for any number of societal ills.

I call upon my colleagues to join me in condemning the anti-Semitic comments of Dr. Mohamad, and I echo the language of H. Res. 409 in calling on the European Union to also repudiate these remarks. I thank Mr. BLUNT for his leadership in bringing this timely resolution to the floor, and urge my fellow members to give it their full support.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Res. 409 that condemns the anti-Semitic remarks made by outgoing Malaysian Prime Minister Dr. Mahathir Mohamad. As a Member who is actively trying to support understanding between the Islamic world and the West, I am disturbed by the Prime Minister's derogatory comments. There can be no room for anti-Semitic or bigoted speech by any head of state.

The Prime Minister's speech touting the idea that "Jews rule the world by proxy" was inappropriate and deserves the reprimand of this body. Such comments cannot be justified; they only serve to fulfill a hateful myth about the Jewish people. Furthermore, his allusion to the Holocaust and the 6 million Jews who died in Europe is deeply disturbing. The fact that the Jewish people survived the horror of the Holocaust should not be looked upon as proof of a global conspiracy, but instead as a story of hope for people who have suffered through oppression.

Prime Minister Mahathir's speech marked the opening of the 57-nation Islamic Summit being

held in Malaysia. Had he not made his anti-Semitic remarks, many in this body would have considered his speech monumental. I welcomed his call for Muslims to end the use of suicide bombing. Furthermore, his comments that strict theological interpretations of the Koran had tainted its message showed that he could be a progressive leader. However, any progress made in his speech was crushed by this blatantly anti-Jewish remarks. The Muslim world will not be able to flourish if it holds the Jewish people responsible for all its ills. The Islamic Summit provided an opportunity for Islamic nations to condemn terrorism and open dialogue with the Jewish people; instead Prime Minister Mahathir's speech only furthered ignorance.

The continued dissemination of anti-Semitic rhetoric by leaders of Islamic nations can only weaken the chances for peace between the Palestinians and the Israelis. Comments such as those made by Prime Minister Mahathir taint the minds of both the Palestinians and Israelis. We cannot hope to achieve peace when both sides are continually made to believe they are mortal enemies. Nations such as Malaysia should act as intermediary promoting dialogue and understanding between both the Palestinians and Israelis. This is why it is important that the new Malaysian government distance itself from the comments made by the outgoing prime minister. In fact all Islamic nations need to take this opportunity to condemn all forms of hatred against the Jewish people.

I welcomed President Bush's condemnation of Prime Minister Mahathir's remarks made at the Islamic Summit in Malaysia. However, President Bush must also take this opportunity to censure and reassign Lieutenant General William Boykin for the derogatory remarks he made against Muslims. General Boykin's assertion that this war against terrorism is a war between Christians and Muslims must not be allowed to stand. We must condemn all forms of bigoted speech especially when they are made by a high-ranking member of our military. President Bush must take this action in part to demonstrate to people like Prime Minister Mahathir that their skewed view of the United States is wrong.

It is due to my dismay over Prime Minister Mahathir's speech that I recently signed on to a letter with a number of my colleagues asking him to apologize for his anti-Semitic remarks. Unfortunately, he has not apologized and in fact has defended his outrageous remarks. It is due to this stance that this entire body must support H. Res. 409.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 409.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LEACH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

BASIC PILOT EXTENSION ACT OF 2003

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2359) to extend the basic pilot program for employment eligibility verification, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2359

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 "Basic Pilot Extension Act of 2003".

SEC. 2. EXTENSION OF PROGRAMS.

(a) IN GENERAL.—Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking "6-year period" and inserting "11-year period".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 3. USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM FOR STATUS INQUIRIES BY GOVERNMENT AGENCIES.

(a) IN GENERAL.—Section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)) is amended by adding at the end the following: "An inquiry described in the preceding sentence may be submitted and responded to using the confirmation system established under section 404.".

(b) CONFORMING AMENDMENT.—Section 404(h) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by adding at the end the following:

"(3) STATUS INQUIRIES BY GOVERNMENT AGENCIES.—Notwithstanding any other provision of this section, the confirmation system may be used to submit, and to respond to, inquiries described in section 642(c). In the case of such an inquiry, citizenship or immigration status information may be provided in addition to the identity and employment eligibility information provided under subsections (b) and (c)."

SEC. 4. OPERATION OF BASIC PILOT PROGRAM IN ALL STATES.

(a) IN GENERAL.—Section 401(c)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking "in, at" and all that follows through the semicolon at the end and inserting "in all States;".

(b) CONFORMING AMENDMENTS.—Section 402(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended—

(1) in paragraph (2)(B), by striking "electing—" and all that follows through "(ii) the citizen" and inserting "electing the citizen"; and

(2) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

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

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

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that

all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2359, the bill currently under consideration.

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

There was no objection.

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

Madam Speaker, the Immigration Reform and Control Act of 1986 made it unlawful for employers to knowingly hire or employ illegal aliens and required employers to check the identity and work eligibility documents of all new employees. Unfortunately, illegal aliens have used the easy and cheap availability of counterfeit documents to make a mockery of IRCA. Today's document-based verification system just does not work, and it frustrates employers who do not want to hire illegal aliens, but have no choice other than to accept documents that have a high likelihood of being counterfeit.

In 1996, Congress created a pilot program to help employers verify worker eligibility. Under this program, the employers who elect to participate in the pilot program may submit Social Security numbers and alien identification numbers of newly hired employees to be checked against Social Security Administration and INS records. This weeds out bogus numbers provided by illegal aliens and thus helps to ensure that new hires are genuinely eligible to work.

The pilot program has been a great success over its 6 years of operation. A recent study conducted by the Institute for Survey Research at Temple University, in conjunction with Westat, found that 96 percent of participating employers believe the pilot to be an effective and reliable tool for employment verification; 94 percent believed it to be more reliable than the IRCA-required document check; and 83 percent believed that participating in the pilot reduced uncertainty regarding work authorization. The study recommended the continuation of the pilot.

Several participating employers indicated in a recent letter to the gentleman from Indiana (Mr. HOSTETTLER), the chairman of the Subcommittee on Immigration, Border Security, and Claims of the Committee on the Judiciary, that "the pilot is the best tool employers have to make sure they are not hiring unauthorized aliens. Employers have embraced the tools granted by Congress and Congress should grant a continuation of the pilot employment verification program."

H.R. 2359, introduced by the gentleman from California (Mr. CALVERT), would extend the pilot program for an additional 5 years. It would also allow volunteer employers throughout the Nation to participate in the pilot. Currently, the Department of Homeland

Security is required to operate the pilot in at least five of the seven States with the highest estimated number of illegal aliens. There is no reason why employers elsewhere in the Nation should not be allowed to participate and reap the same rewards as the current participants.

The study of the pilot found that now is not the time to require all businesses in the United States to participate. However, all this bill does is to open the pilot program to additional volunteer employers. The study explicitly found that "the Social Security Administration and INS are currently capable of handling" a nationwide voluntary program. That is all H.R. 2359 does. The study did indicate that the pilot could be improved.

However, as chairman of the Subcommittee on Immigration, Border Security, and Claims will elaborate, in the years since the time the study reviewed the pilot, the INS and the Department of Homeland Security have been successfully making these improvements. At the request of the Department of Homeland Security, H.R. 2359 would also provide that inquiries by Federal, State, and local government agencies seeking to verify or ascertain the citizen or immigration status of any individual for any purpose authorized by law may be made using the mechanism of the pilot program.

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Under current law, DHS must already respond to these agencies' request. The bill merely allows DHS to utilize the pilot program in responding. And, the pilot program contains no new databases. It merely relies on current Social Security Administration and Department of Homeland Security records system.

I urge my colleagues to support this bill. This legislation will provide willing employers throughout the Nation the tools they need to hire a legal workforce and comply with the law.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in strong opposition to H.R. 2359, the Basic Pilot Extension Act of 2003. While proponents of this bill claim it is a simple extension of the basic pilot program for employment eligibility verification, this bill actually comes dangerously close to threatening the privacy of U.S. citizens and noncitizens alike.

H.R. 2359 would permit any government agency to use the basic pilot confirmation system to check the immigration or citizenship status of U.S. citizens and immigrants who come within their purview. This would include those who seek drivers' licenses, it would include professional licenses, or any person who is subject to an inquiry of a Federal, State, or local government agency.

My own home State of Texas is one of the sites for the current pilot program. Although the program was set

up with the best of intentions, a recent independent study conducted for the U.S. Department of Justice concluded that the basic pilot program is not ready for larger scale implementation at this time. The study identified problems such as inaccurate and outdated immigration databases. It brought out the civil rights violations by employers and insufficient privacy protections.

Although the program is not supposed to be used as a prescreening mechanism before employment is offered, many employers are basing hiring decisions on these checks. As a result, eligible workers are being denied employment opportunities because an outdated database says they are not eligible to work. The study concluded that these problems could become insurmountable if the program were to be expanded dramatically in scope.

Despite the findings of this study, this bill would expand a flawed program to every State of the Union. I can only conclude that this legislation is a veiled attempt to put in place the mechanism for eventual adoption of a controversial national identification program. The expansion of the pilot program would effectively create a single database, with no privacy protections, that would make it much easier for the government to track its own citizens.

Madam Speaker, it leads me to believe that such a vast invasion of a citizen's privacy must be carefully examined and debated by Congress. However, this broad expansion of government power has been attached to a seemingly benign program extension circumventing any committee hearings or subcommittee markup.

We all agree that we need to find ways to ensure employers hire workers that are legally authorized to work in the United States; however, the Basic Pilot Extension Act does nothing to take us closer to this goal. Instead, this legislation expands a currently imperfect program and creates a new and controversial identification database that could threaten the privacy of all U.S. citizens and immigrants. I urge my colleagues to oppose H.R. 2359.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, Halloween is coming up, and I am afraid that the argument used by the gentleman from Texas (Mr. HINOJOSA) is designed to scare people into doing something that this bill does not do. First of all, the bill creates no new databases. The basic pilot program relies on both the Social Security Administration and INS database, and there is nothing added to these databases by this bill whatsoever.

Secondly, the bill does expand this voluntary program nationwide so that employers in other States may volunteer to participate in the verification of employment eligibility. Because the

problem of illegal aliens taking jobs away from Americans is a problem that exists in more than the 45 States that are not covered by this program, there is nothing wrong with giving these employers the opportunity to volunteer to participate in the program.

Thirdly, the gentleman from Texas (Mr. HINOJOSA) seems to argue against this legislation in that it will allow government agencies to be able to find out the employment and Social Security status and immigration status of people whose names are in an existing database.

The only change in the law is to allow the other government agencies to utilize the pilot program database, which contains information that is already available to the other government agencies through existing law. I think if anybody is to be scared by this bill, it is people who are trafficking in illegal and counterfeit documents which will be the sole source of employment verification should this bill go down and the pilot program be allowed to expire.

Madam Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Madam Speaker, I want to emphasize two points about the Basic Pilot Extension Act of 2003. First, employers participating in the pilot program find it of immense help in the day-to-day operations of their businesses.

Second, despite some of what we have heard today already, the pilot is working extraordinarily well and will only get better in the future. The report commissioned by the INS to evaluate the program found that "an overwhelming majority of employers participating found the basic pilot program to be an effective and reliable tool for employment verification."

Participating employers appreciate the pilot because it reduces uncertainty. The pilot ensures that their operations will not be disrupted by the mass dismissal of employees after the Department of Homeland Security or the Social Security Administration questions the status of their employees. The pilot ensures that they will not be put in a position of hiring illegal aliens, investing hundreds or thousands of hours in training them, and then losing the benefits of this investment years down the road when they are forced to dismiss illegal aliens who were employees.

As Paul Weyrich has said in support of this bill, "If we are really serious about enforcing the immigration laws we have on the books, then we must provide the means for employers to quickly determine the validity of the documents with which they are presented. The way the pilot program works is simple and reflects plain common sense."

The report indicated that the pilot program could be improved in a few areas. Some employers had taken adverse actions against new employees

tentatively found ineligible to work, and INS databases had to be improved, especially in the context of adding data for persons recently issued a work authorization document and for new immigrants and refugees. However, remember that the report evaluated operations of the pilot in the 1990s. Since that time, INS and now the Department of Homeland Security have been actively making any needed improvements. DHS believes there has been "an overwhelming improvement in the timeliness of data entry, particularly in response to the events of September 11."

In fact, DHS now requires that all new data regarding an immigrant be entered into the system within 3 days and all new information regarding temporary visitors be entered within 14 days. As to employer responsibilities, "greater emphasis on pilot procedures has been added to training materials, and safeguards have been added to pilot software to increase compliance with required procedures. For instance, employers will be required to certify that they have talked with their employees and advised them of their rights if they cannot immediately be confirmed."

Finally, DHS reports that the soon to be implemented Internet-based version of the pilot will greatly reduce or eliminate any remaining problems.

In only about 4 percent of total cases did new hires contact the Social Security Administration or INS to resolve problems with their work authorization status. Of those employees who did contact the government, 99 percent were found to be work-authorized. Thus, employees who carried out their obligations under the verification system, as it is today, were almost always found to be work-authorized. It is not the verification system's fault when a new hire is tentatively found ineligible to work, and then that new hire fails to contact the Social Security Administration or the Department of Homeland Security. It most likely means the employee does it because he or she knows they are ineligible.

Madam Speaker, all this bill does is give willing employers nationwide the voluntary opportunity to benefit from the pilot program just the way participating employers have been benefiting for the last 6 years. I urge my colleagues to vote for H.R. 2359.

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

Madam Speaker, the gentleman from Wisconsin (Mr. SENSENBRENNER) just said that this bill does not create a new database, and I disagree with the gentleman. I disagree with the gentleman, and for the first time since I have been in Congress do I agree with the organizations called Americans for Tax Reform and the American Conservative Union.

In their report to H.R. 2359, they say that the Basic Pilot Extension Act of 2003, that the undersigned organizations write to ask Members to vote

against H.R. 2359 because this bill puts in place the mechanism for eventual adoption of a national identification system.

They say, perhaps more importantly, section 3 of this proposed bill establishes the precursor of a national identification system by amalgamating data of citizens and immigrants into what is effectively a single database that would be used for multiple purposes.

It is quite interesting if it is not going to do what the gentleman says, why they do not just put it through the regular process and let the committees debate it and discuss it and vote on it in committee instead of attaching it to another bill. All of this to say that it is alarming to see what is being done here by a group that is circumventing the process that has worked here for years and years in the House of Representatives.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I rise in support of H.R. 2359, the Basic Pilot Extension Act of 2003. The basic pilot employment verification system is the only system offered to employers to verify employment eligibility for new employees.

In 1994, I spoke with a Border Patrol agent who identified a key need in the enforcement of immigration laws: Employers need a simple and reliable tool to verify the worker status of new employees.

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In response, I introduced a bill to create the basic pilot program to do just that, operate in six of the most problematic States on a voluntary basis. The basic pilot program has proven to be an overwhelming success.

The basic pilot program is the best tool available for employers to comply with immigration laws which prohibit hiring undocumented immigrants. Recently, a contract cleaning service for Wal-Mart was raided by the Bureau of Immigration and Customs Enforcement and over 250 employees were arrested. If Wal-Mart's cleaning service contractors had used the basic pilot program and verified the I-9 documents provided by their workers, this could have been avoided. We must provide companies the option of using this employment verification program and assist them in complying with Federal immigration law. Without this system, employers have no means of verifying legal work status for immigrants, causing many employers to discriminate against legal workers. This program gives employers the confidence to hire legal immigrants, reducing discrimination in the workplace.

Additionally, H.R. 2359 allows employers from any State to voluntarily use this program. Many of my colleagues expressed concerns that this

will expand the program too far, too fast. The reality is that the current program States are home to 80 percent of illegal immigrants, which means the impact on the system will be relatively small. After 7 successful years, it is time to give all employers the option of verifying their workforce and avoiding entanglements with Immigration and Customs Enforcement.

As a former restaurant owner, I tried to do the right thing. When I filed those forms, that I-9, and put two identifications in the back of that form, I hoped that they were legal. But many times you cannot tell the difference. The only chance that an employer has today to try to do the right thing is verifying the legitimacy of that Social Security number against the name of the potential employee that is coming in for employment. This is the only way they can do it, Madam Speaker. If we take this away, there will be no other options for employers.

I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Indiana (Mr. HOSTETTLER) for their work on this important bill. I hope that we keep this program intact in this country. We need it desperately as employers.

Mr. HINOJOSA. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. BERMAN), ranking member of the Subcommittee on Courts, the Internet, and Intellectual Property.

Mr. BERMAN. Madam Speaker, I rise in opposition to H.R. 2359. I think it is important to point out a few facts. First of all, the people on this side of the aisle would be speaking in favor of this bill if it were simply to extend the sunset date on this pilot program to allow the pilot program to continue to work out the weaknesses and deficiencies that the INS study found in the program.

But this program does far more than that. This program goes from a pilot program in 5 States to a nationwide program. While my friend from California, the sponsor of the bill, may be correct, although I am not quite sure how he knows where 80 percent of the illegal immigrants are located, but let us assume that for a second the fact is 80 percent of the employers are not located in those 5 States. This is a massive expansion of the pilot program.

In 1996, we created the pilot program. In the law in 1996 we told the INS to get people to study how the program was working. The INS went and did that. They commissioned two different groups, organizations, to study the program and what was happening with those employers who were voluntarily participating. The study came back. What did the study say? The study said, based on the evaluation findings, the basic pilot program should not be expanded to a mandatory program, and this does not do that, or a large-scale program. I would suggest that opening it up to every employer in America on a voluntary basis constitutes that kind

of large-scale expansion which the study commissioned by the INS and required by the Congress said we should not do.

Why did they say that? They talked about the problems and the deficiencies in this program. It would have been nice if the Immigration Subcommittee of Judiciary had had a hearing on this bill where the authors of the study could have come forward and answered questions and developed it; but we had no hearing, we had no markup, the bill was taken directly to a markup in the full committee and put on the floor, not with a rule to allow amendments to address specific deficiencies in the operation of this pilot program, not with a rule that allowed any kind of amendments, but on suspension where no amendments can be made.

What the study found about the program, I think, is very important. The program was hindered by inaccuracies, inaccuracies and outdated information in the INS databases. The program did not consistently provide timely immigration status data which delayed the confirmation of a worker's employment authorization in one-third of the cases. The employer has decided to hire somebody. He participates in this program. He asks Social Security and INS to verify that person. In one-third of the cases he does not get an answer and then does not hire that person but goes to another person. A person who was fully authorized to work, who was in this country legally, is denied a job because of inaccuracies and a slow-to-respond operation from the INS and the Social Security Administration.

A sizable number of workers who were not confirmed, who were rejected, it turned out were work authorized, but there was something wrong in the processing of their papers. There was a mistake in the database. When they went out and checked who these people were, it turned out well over 42 percent of the sample that they used were work-authorized, but were told by the people operating the pilot program that they were not. Forty-two percent of that sample did not get a job. In some cases, the employer did not follow the rules and the guidelines of the pilot program. In other words, the program was riddled with deficiencies.

Theoretically, I have to say, if we could get an accurate, quick employee identification system where employers could know they were getting accurate information and workers who were authorized to work in this country, who were here legally, who had a right to work could get the right answer, then I would say let us talk about expansion and let us pursue that by continuing this program. But I urge this body to reject an effort to expand this nationwide to add not simply employers but State, local and Federal Government agencies to the list of people who will be using a program when that program by the INS's own study was riddled with deficiencies and weaknesses which

delayed responses, which kept people who are here legally from getting jobs or rights they would otherwise get, or be entitled to get simply because of inaccuracies in the database. This is not the kind of a program to expand at this time.

I urge a "no" vote.

Mr. HINOJOSA. Madam Speaker, I yield myself such time as I may consume. I agree with much of what the gentleman from California pointed out.

I want to summarize my comments and say that this bill provides for the extension and expansion of a program to verify if employees are legally authorized to work in the U.S. But we have Representatives on both sides of the aisle who oppose this bill because it expands this current pilot program to all 50 States, when today the pilot program is currently covering only six States. That includes California, Texas, Florida, New York, Illinois, and Nebraska. They are the ones who have these pilot programs. This legislation would allow all the States then to have access to what is existent right now in the database.

Again, I urge my colleagues to vote "no" on H.R. 2359.

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

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

Madam Speaker, I think we ought to put this legislation into its proper perspective. First, yes, this bill expands the pilot program voluntarily to the 44 States where employers cannot get this information. But it is a voluntary program, and only those employers who choose to participate will participate. No employer will be forced to participate under this piece of legislation either in the 44 new States that are opened up or in the six existing States.

Secondly, there is nothing in this bill that expands the database or which is the precursor for a national identification card. Nothing whatsoever. I personally am strongly opposed to a national ID card and will not support any legislation that establishes a national ID card either through the front door or through the back door.

Thirdly, this legislation allows State and local governments to use the basic pilot program to access information that they can get from the Department of Homeland Security or the Social Security Administration through other means. It just makes it easier when a State and local government needs to get this information for them to get it. If we do not include this change in the law, then a private sector employer will be able to get the information in a much easier manner than our State and local governments. That does not make any sense at all.

Finally, let us look at what will happen if this bill is voted down. The basic pilot program will expire next month in the six States that have been using it for the last 6 years. That means that when it expires, those employers that

have been using the basic pilot program for verification of the legal employment status of those people that they wish to hire will be forced to go back to paper documents. There are a lot of counterfeit paper documents out there. You can get them on the Internet, and you can get them on the street corner. But now in the State of California, an illegal alien can get a driver's license, which is one of the documents that is acceptable for employment verification status under the Immigration Reform Act of 1986. Thus, even a legitimate California driver's license would not verify the employment status of someone who presents that document, whether that person be a U.S. citizen, a permanent resident alien who has employment status, or an illegal alien who obtained a legal California driver's license as a result of the law that was signed by Governor Davis just a few weeks ago.

If this bill is voted down, we would go back to the bad old system of using documents as the exclusive way of establishing an applicant for a job's legal ability to be able to get that job under our immigration law. That would be a terrible tragedy.

I urge an "aye" vote.

Mr. UDALL of Colorado. Madam Speaker, I cannot vote for this bill in the manner in which it has been brought to the floor.

The Basic Pilot program was intended to streamline the process of identifying employees eligible for work in the United States. Though the Basic Pilot program has been successful for many employers in the six participating States, there are enough serious questions about its workings that I do not believe it is ready to be implemented in all fifty States.

The bill will open up the database used in this program to all government agencies, including local and state governments. This is far more than a simple extension. There are no privacy protections for individuals in this bill. The database can be used for a plethora of reasons, not limited to the verification for employment by local, State, and federal governments across the country. This will open the door to abuse.

The database has proven to have out of date information specifically in regard to visa status. Before this program is used nationwide it is imperative that the system be purged of these inaccuracies. This poses threats that both hinder a person's legal ability to work, as well as allow ineligible individuals to obtain employment.

The program itself is not the issue at hand. The intentions of the Basic Pilot program are good for employers, employees and our economy in general. It modernizes and speeds the ability of Americans to start working. However, these intentions are fruitless if the program is not effective or efficient. Before we open this program up to the rest of the country we must ensure that it is free of the kinks that have come up since its beginning. Then and only then, should this system be available for employers throughout the country.

This bill clearly goes beyond a simple extension. It is controversial. The Basic Pilot Extension Act deserves hearings, debates, and amendments to be offered. Thus, I must vote against suspending the rule and passing this

bill and I urge my colleagues to do the same so that H.R. 2359 can be considered under normal procedures.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise in opposition to The Basic Pilot Extension Act of 2003 (H.R. 2359) and urge all of my colleagues to vote against this bill.

The Basic Pilot Program is a new, more reliable way for employers to verify that employees are legally eligible to work in the United States. I support the Basic Pilot Program and I support an extension of the program for an additional five years.

However, I oppose the Basic Pilot Extension Act because this bill goes well beyond just extending the program for an additional five years.

This bill makes the Basic Pilot Program a national employee verification system available in all 50 states. Currently, the Basic Pilot Program is being tested in only 6 states so that flaws in the program can be addressed. Those flaws were detailed in a report by the Institute for Survey Research at Temple University. The report concluded that the Basic Pilot Program is not ready for larger-scale implementation at this time, and that the Program should remain available in only 6 states until the many problems with the program are addressed.

The problems described in the report include inaccurate and outdated information in the INS databases used to verify employment eligibility. The report also describes problems with the reliability of the training and system software, hardware, and telephone systems used in the Basic Pilot Program. The report also described how employees had their privacy violated, were not fully informed of their rights under the Basic Pilot Program, and that employers failed to submit forms in the required time deadlines.

Despite these problems and despite the explicit recommendation of the Institute for Survey Research for needed improvements, this bill expands the Basic Pilot nationwide and includes provisions that go well beyond merely verifying employment eligibility.

This bill adds a new provision that allows federal, state, or local governments, not employers, to use the pilot program to access the databases to obtain citizenship and immigration status information on anyone for any reason they wish. This includes both citizens and non-citizens, and unlike other regulations that control the use of federal databases, there are no limitations that protect the employees against discrimination, privacy violations, or other misuse. This new provision is very close to the establishment of a national register of all immigrants or a national identification card program.

Madam Speaker, the Basic Pilot Extension Act should be opposed for all of the reasons I have described. Another serious concern is that the Judiciary Committee did not hold any hearings on the changes to the information sharing provisions of this bill, and the Subcommittee on Immigration did not consider this bill at all. The Basic Pilot Extension Act of 2003 will threaten the privacy of all Americans and is riddled with flaws. I urge all of my colleagues to oppose this bill.

Mr. REYES. Madam Speaker, I rise today in opposition to H.R. 2359, the Basic Pilot Extension Act. The existing Basic Pilot Verification

Program assists employers in verifying the authenticity of new employee's eligibility information. The program operates in six States, including my state of Texas. Authorization for the program expires next month.

The bill before us today would go a great deal further than extending the pilot program in its current form. It would expand the program to all 50 states, despite the fact that a recent Immigration and Naturalization Service-funded report concluded that the Basic Pilot Program is not ready for nationwide implementation. The report cited concerns about invasions of privacy and factual inaccuracies. We need to address these problems before we extend the program to the rest of the United States.

Also, the bill expands the program beyond the area of employment, allowing any government agency to use the system to verify the immigration status of any individual for any purpose authorized by law. Expanding the program in this way would only magnify privacy concerns with the current Basic Pilot Program.

Finally, it is unfortunate that this bill is being brought before the House under suspension of the rules. Legislation of this magnitude requires far more than careful consideration that we have been afforded the time to have here today.

Madam Speaker, for all of these reasons, I urge my colleagues to vote no on H.R. 2359, the Basic Pilot Extension Act.

Mr. BACA. Madam Speaker, I rise in opposition of H.R. 2359, the Basic Pilot Extension Act. H.R. 2359 will create a new and controversial identification database that will threaten the privacy of all Americans.

The program allows employers to verify the legal status of newly hired employees by using immigration databases. Although well intentioned, the program is severely flawed. Over 40 percent of the employees denied by this program, were authorized to work. We need a program that works, not one that unjustly denies families the ability to put food on the table.

Some employers that have used this program as a screening tool, have not allowed workers to contest incorrect information, and have even refused to let employees know of their rights under the program.

Madam Speaker, the information being reported by this database is flawed and it is a result of the inaccurate and outdated information contained in the databases of the Bureau of Citizenship and Immigration Services. We cannot continue to support a program that denies workers the ability to earn a living just because a computer in Washington, D.C. has bad information. But, the most troubling part of this bill is that it allows any local or state government to look up the immigration status of any American citizen or immigrant for virtually any reason.

It is clear that H.R. 2359 will place all workers, and especially minority and immigrant workers, at risk of discrimination, mistreatment and labor rights violations. Immigration experts, civil rights advocates, and even a Congressionally mandated study of the program all say that—the Basic Pilot should not expand nationwide.

Madam Speaker, I urge my colleagues to oppose this legislation.

Mr. SHERMAN. Madam Speaker, today H.R. 2359, the Basic Pilot Extension Act, was brought to this floor on the suspension cal-

endar. The suspension calendar should be used to pass bills which are not controversial. Given the issues involved with this legislation, the leadership should not have brought this bill to the floor as a "suspension." This is but the most recent example of abuse of the suspension calendar during the 108th Congress.

Ms. WOOLSEY. Madam Speaker, I rise in opposition to the H.R. 2359, The Basic Pilot Extension Act, because this program has not demonstrated a record strong enough to be extended across the country. I know first hand that this pilot program has not lived up to its expectations because my home state of California is one of the test areas.

Madam Speaker, as you know, many employers in the counties I represent, Marin and Sonoma counties, just over the Golden Gate Bridge from S.F., depend on immigrant workers to staff their vineyards, dairies and businesses. I certainly support providing employers the tools they need to hire only those workers authorized to work in the United States. While the intent of this pilot program was a good one, it has not lived up to its promises. Now it is plagued with problems including new hires being denied by the program when they were actually authorized to work and employers abusing the program to engage in prohibited employment practices. These anti-worker practices include pre-employment screening, denying eligible workers jobs or the opportunity to contest inaccuracies in the database. Creating more loopholes for bad employers to conduct unfair labor practices was not the intent of this pilot project.

Madam Speaker, until these and other abuses are fixed, we should not be quick to expand the program. That's why I am asking my colleagues to join me in opposing this legislation, so that we can that the basic pilot program is friendly to workers as well as employers before expanding the program.

Mr. BEREUTER. Madam Speaker, this Member rises in strong support of H.R. 2359, the Basic Pilot Extension Act of 2003. This Member, who is a co-sponsor of the measure, would like to thank the distinguished gentleman from California (Mr. CALVERT) for introducing the measure and the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), the Chairman of the Judiciary Committee, for his efforts in bringing H.R. 2359 to the Floor.

Under H.R. 2359, the Basic Pilot Program, which is an employment verification program, would be extended through 2008 and, indeed, would expand access to the program for the entire U.S.

Madam Speaker, the Immigration Reform and Control Act (IRCA) of 1986 correctly prohibited employers from knowingly hiring illegal aliens or people with non-immigrant visas. Unfortunately, at that time, Congress did not give employers the corresponding tools with which to comply with this Act.

For example, due to concerns regarding discrimination, employers are limited in the questions they may ask of potential employees to verify if those individuals are authorized to work in the U.S. If the employment verification documents that potential employees produce appear to be legitimate, then employers must accept the documents as legitimate without further inquiry of the potential employee.

During Immigration and Naturalization Service (INS) enforcement raids, certain employers were found to have hired large numbers of il-

legal aliens, either knowingly or unintentionally, and subsequently they were subject to penalties. As technology has progressed to allow for the cheap and quick production of legitimate-looking fraudulent documents, the inability of employers to distinguish between valid documents and fraudulent documents has significantly increased. It became clear that businesses dedicated to complying with the IRCA needed new tools to assist with the endeavor.

When the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 was enacted, it authorized the creation of three employment verification tools, including the Basic Pilot Program. Initially, employers in California, Florida, Texas, Illinois, Florida, New York, and Iowa could voluntarily use the Basic Pilot Program to compare the information received from potential employees with Immigration and Naturalization Service (INS) databases to determine if potential employees could be employed legally in the U.S.

Madam Speaker, throughout the 1990's, many legal immigrants and illegal aliens moved to Nebraska seeking jobs in the meatpacking industry. Subsequently, this Member began to receive contacts from businesses in his district concerned about their capacity to comply with the IRCA. Therefore, on November 30, 1999, this Member joined his House and Senate colleagues in the Nebraska Congressional Delegation in a letter to then-INS Commissioner Doris Meissner requesting the extension of the Basic Pilot Program to Nebraska. This Member continues to firmly believe that providing Nebraska businesses with the tools to hire a legal workforce is an important component in maintaining a stable economy in the state and in meeting needs to effectively enforce immigration laws in this country's interior. On March 19, 1999, the U.S. Department of Justice granted Nebraska businesses access to the Basic Pilot Program. Currently, about eight Nebraska businesses actively utilize the program.

Madam Speaker, for Congress to allow the Basic Pilot Program to lapse following the horrific and unspeakable terrorist attacks of September 11, 2001, would demonstrate true negligence. More than ever, the U.S. must fully enforce its immigration laws to protect its citizens from future attacks. In its capacity to identify document fraud and illegal aliens, the Basic Pilot Program can indeed play a role in the fight against terrorism.

In conclusion, this Member encourages his colleagues to vote for H.R. 2359.

Mr. OSBORNE. Madam Speaker, I am pleased to be an original cosponsor of H.R. 2359, the Basic Pilot Extension Act of 2003, which passed the House Judiciary Committee on September 24, 2003. The Basic Pilot Verification Program is a voluntary program that employers use in conjunction with the Bureau of Immigration and Citizenship Services (BCIS) and the Social Security Administration (SSA) to confirm employment eligibility in my home State of Nebraska, among others. This pilot, which started in November 1997, involves verification checks of the SSA and the BCIS databases of all newly hired employees regardless of citizenship. Unfortunately, the Basic Pilot program is scheduled to terminate on November 30 of this year.

The agricultural economy of Nebraska's Third District relies heavily on immigrant labor. Employers across my district have told me

that they want to comply with the Immigration Reform and Control Act of 1986, which made it unlawful for employers to knowingly hire or employ aliens not eligible to work, and required employers to verify documents of new workers. However, a simply visual check of these documents by employers will not tell them if these are in fact counterfeit documents, and that this potential new hire is in fact an illegal alien.

I have heard from many business people in the Third District about their need for the Basic Pilot program. Employers need the appropriate tools to ensure that they are indeed hiring eligible workers. By checking the new hire's documents against the BCIS and SSA databases, the Basic Pilot program allows employers to feel more confident about their new hire.

H.R. 2359 will extend the Basic Pilot program for employers in Nebraska and all other states for five years. I thank my colleague, Representative CALVERT, for introducing this much needed extension, and I urge all my colleagues to support H.R. 2359.

Mr. SMITH of Texas. Madam Speaker, the Basic Pilot Program was originally authorized in the 1996 Immigration Act. It allows employers in six states to verify the validity of the Social Security numbers of new hires. H.R. 2359 reauthorizes this program, and expands it to allow employers in all fifty states to voluntarily participate in the Basic Pilot Program.

The program offers employers the opportunity to ensure that the individuals they hire are eligible to work in the United States. Illegal immigrants drive down wages and take jobs from American workers. Recent studies show immigration has depressed the wages of American workers by more than \$2,500 per year. Our education systems spend millions of dollars educating illegal immigrant children. And hospitals spend millions of dollars providing health care to illegal aliens.

Ninety percent of the American people believe that we should reduce illegal immigration. Seventy-nine percent of individuals polled recently agree that the Federal government should require employers to verify the work status of potential employees.

The main attraction for the 10 to 20 million illegal aliens who have crossed our borders is work. If we want to stop illegal immigration—and its negative impacts—we must reduce the availability of jobs for illegal aliens. This pilot program combats illegal immigration because it allows employers to make sure they are hiring someone who is eligible to work in the United States.

Everyone who is concerned about lost jobs and unemployment should support the expansion of the Basic Pilot Program. If we are serious about saving jobs for citizens and legal immigrants, we should pass H.R. 2359.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2359, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HINOJOSA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONFERENCE REPORT ON H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. YOUNG of Florida (during consideration of H.R. 2359) submitted the following conference report and statement on 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:

CONFERENCE REPORT (H. REPT. 108-330)

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

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

In lieu of the matter stricken and inserted by said amendment, insert:

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

TITLE I—DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$850,321,000, to remain available until expended, of which \$1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; \$2,484,000 is for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487; (16 U.S.C. 3150); and of which not to exceed \$1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)); and of which \$3,000,000 shall be available in fiscal year 2004 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, \$32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim

fees so as to result in a final appropriation estimated at not more than \$850,321,000; and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, \$792,725,000, to remain available until expended, of which not to exceed \$12,374,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That of the funds provided, \$99,000,000 is to repay prior year advances from other appropriations from which funds were transferred for wildfire suppression and emergency rehabilitation activities: Provided further, That this additional amount is 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: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (A) local private, nonprofit, or cooperative entities; (B) Youth Conservation Corps crews or related partnerships with state, local, or non-profit youth groups; (C) small or micro-businesses; or (D) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair

market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), \$9,978,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$13,976,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94-579, including administrative expenses and acquisition of lands or waters, or interests therein, \$18,600,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; \$106,672,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102-381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and re-

covery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f-1 et seq., and Public Law 106-393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,000,000, to remain available until expended: Provided, That not to exceed \$600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94-579, as amended, and Public Law 93-153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94-579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed \$10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership

arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That section 28 of title 30, United States Code, is amended: (1) in section 28(a), by striking "for years 2002 through 2003" and inserting in lieu thereof "for years 2004 through 2008"; and (2) in section 28g, by striking "and before September 30, 2003" and inserting in lieu thereof "and before September 30, 2008".

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, \$963,352,000, to remain available until September 30, 2005, except as otherwise provided herein: Provided, That not less than \$2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: Provided further, That \$2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed \$12,286,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed \$8,900,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment this Act: Provided further, That of the amount available for law enforcement, up to \$400,000 to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to \$1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; \$60,554,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$43,628,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, \$30,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate, or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, \$7,500,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That the amount provided herein is for a Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), as amended, \$82,614,000, of which \$32,614,000 is to be derived from the Cooperative Endangered Species Conservation Fund and \$50,000,000 is to be derived from the Land and Water Conservation Fund and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, as amended, \$38,000,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106-247 (16 U.S.C. 6101-6109), \$4,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4213, 4221-4225, 4241-4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105-96; 16 U.S.C. 4261-4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301-5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), \$5,600,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished,

\$70,000,000 to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That of the amount provided herein, \$6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting said \$6,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That any amount apportioned in 2004 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2005, shall be reapportioned, together with funds appropriated in 2006, in the manner provided herein: Provided further, That balances from amounts previously appropriated under the heading "State Wildlife Grants" shall be transferred to and merged with this appropriation and shall remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 157 passenger motor vehicles, of which 142 are for replacement only (including 33 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the co-operators share at least one-half the cost of

printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, \$1,629,641,000, of which \$10,887,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which \$96,480,000, to remain available until September 30, 2005, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which \$2,000,000 is for the Youth Conservation Corps for high priority projects: Provided, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed \$10,000 per event subject to the review and concurrence of the Washington headquarters office: Provided further, That notwithstanding sections 5(b)(7)(c) and 7(a)(2) of Public Law 105-58, the National Park Service may in fiscal year 2004 provide funding for uniformed personnel for visitor protection and interpretation of the outdoor symbolic site at the Oklahoma City Memorial without reimbursement or a requirement to match these funds with non-federal funds.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, \$78,859,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$62,544,000, of which \$1,600,000 shall be available until expended for the Oklahoma City National Memorial Trust, notwithstanding the provisions contained in sections 7(a)(1) and (2) of Public Law 105-58.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), \$305,000, to remain available until expended.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), \$74,500,000, to be derived from the Historic Preservation Fund, to remain available

until September 30, 2005: Provided, That, of the amount provided herein, \$500,000, to remain available until expended, is for a grant for the perpetual care and maintenance of National Trust Historic Sites, as authorized under 16 U.S.C. 470a(e)(2), to be made available in full upon signing of a grant agreement: Provided further, That, notwithstanding any other provision of law, these funds shall be available for investment with the proceeds to be used for the same purpose as set out herein: Provided further, That of the total amount provided, \$33,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: Provided further, That any individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$333,995,000, to remain available until expended, of which \$300,000 for the L.Q.C. Lamar House National Historic Landmark and \$375,000 for the Sun Watch National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided, That none of the funds in this or any other Act, may be used to pay the salaries and expenses of more than 160 Full Time Equivalent personnel working for the National Park Service's Denver Service Center funded under the construction program management and operations activity: Provided further, That none of the funds provided in this or any other Act may be used to pre-design, plan, or construct any new facility (including visitor centers, curatorial facilities, administrative buildings), for which appropriations have not been specifically provided if the net construction cost of such facility is in excess of \$5,000,000, without prior approval of the House and Senate Committees on Appropriations: Provided further, That the restriction in the previous proviso applies to all funds available to the National Park Service, including partnership and fee demonstration projects: Provided further, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations: Provided further, That funds appropriated in this Act and in any prior Acts for the purpose of implementing the Modified Water Deliveries to Everglades National Park Project shall be available for expenditure unless the joint report of the Secretary of the Interior, the Secretary of the Army, the Administrator of the Environmental Protection Agency, and the Attorney General which shall be filed within 90 days of enactment of this Act and by September 30 each year thereafter until December 31, 2006, to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, the House Committee on Resources and the Senate Committee on Environment and Public Works, indicates that the water entering A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park does not meet applicable State water quality standards and numeric criteria adopted for phosphorus throughout

A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park, as well as water quality requirements set forth in the Consent Decree entered in *United States v. South Florida Water Management District*, and that the House and Senate Committees on Appropriations respond in writing disapproving the further expenditure of funds: Provided further, That not to exceed \$800,000 of the funds provided for Dayton Aviation Heritage National Historical Park may be provided as grants to cooperating entities for projects to enhance public access to the park.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2004 by 16 U.S.C. 460l-10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$142,350,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$95,000,000 is for the State assistance program including \$2,500,000 to administer this program: Provided, That none of the funds provided for the State assistance program may be used to establish a contingency fund: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior, using prior year unobligated funds made available under any Act enacted before the date of enactment of this Act for land acquisition assistance to the State of Florida for the acquisition of lands or water, or interests therein, within the Everglades watershed, shall transfer \$5,000,000 to the United States Fish and Wildlife Service "Resource Management" account for the purpose of funding water quality monitoring and eradication of invasive exotic plants at A.R.M. Loxahatchee National Wildlife Refuge, as well as recovery actions for any listed species in the South Florida ecosystem, and may transfer such sums as may be determined necessary by the Secretary of the Interior to the U.S. Army Corps of Engineers "Construction, General" account for the purpose of modifying the construction of Storm Water Treatment Area 1 East to include additional water quality improvement measures, such as additional compartmentalization, improved flow control, vegetation management, and other additional technologies based upon the recommendations of the Secretary of the Interior and the South Florida Water Management District, to maximize the treatment effectiveness of Storm Water Treatment Area 1 East so that water delivered by Storm Water Treatment Area 1 East to A.R.M. Loxahatchee National Wildlife Refuge achieves State water quality standards, including the numeric criterion for phosphorus, and that the cost sharing provisions of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769) shall apply to any funds provided by the Secretary of the Interior to the U.S. Army Corps of Engineers for this purpose: Provided further, That, subsequent to the transfer of the \$5,000,000 to the U.S. Fish and Wildlife Service and the transfer of funds, if any, to the U.S. Army Corps of Engineers to carry out water quality improvement measures for Storm Water Treatment Area 1 East, if any funds remain to be expended after the requirements of these provisions have been met, then the Secretary of the Interior may transfer, as appropriate, and use the remaining funds for Everglades restoration activities benefiting the lands and resources managed by the Department of the Interior in South Florida, subject to the approval by the House and Senate Committees on Appropriations of a reprogramming request by the Secretary detailing how the remaining funds will be expended for this purpose.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: Provided further, That the National Park Service may make a grant of not to exceed \$70,000 for the construction of a memorial in Cadillac, Michigan in honor of Kris Eggle.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2004, with respect to the administration of the National Park Service park pass program by the National Park Foundation, the Secretary may obligate to the Foundation administrative funds expected to be received in that fiscal year before the revenues are collected, so long as total obligations in the administrative account do not exceed total revenue collected and deposited in that account by the end of the fiscal year.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; \$949,686,000, of which \$64,536,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which \$16,201,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which \$8,000,000 shall remain available until expended for satellite operations; and of which \$24,390,000 shall be available until September 30, 2005, for the operation and maintenance of facilities and deferred maintenance; and of which \$176,099,000 shall be available until September

30, 2005, for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That notwithstanding the provisions of the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301-6308), the U.S. Geological Survey is authorized to continue existing, and hereafter, to enter into new cooperative agreements directed towards a particular cooperator, in support of joint research and data collection activities with Federal, State, and academic partners funded by appropriations herein, including those that provide for space in cooperator facilities.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, \$165,316,000, of which \$80,396,000 shall be available for royalty management activities; and an amount not to exceed \$100,230,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent \$100,230,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach \$100,230,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That \$3,000,000 for computer acquisitions shall remain available until September 30, 2005: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine

cleanup activities: Provided further, That notwithstanding any other provision of law, \$15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: Provided further, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, \$7,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; \$106,424,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2004 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, \$192,969,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to \$10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be \$1,500,000 per State in fiscal year 2004: Provided further, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95-87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from aban-

doned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of \$1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001-2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, \$1,916,317,000, to remain available until September 30, 2005 except as otherwise provided herein, of which not to exceed \$86,925,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$135,315,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2004, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed \$458,524,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2004, and shall remain available until September 30, 2005; and of which not to exceed \$55,766,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed \$49,182,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2003 for the operation of Bureau-funded schools, and up to \$3,000,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2004 of Bureau-operated schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2005, may be transferred during fiscal year 2006 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2006.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483, \$351,154,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2004, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided to tribally controlled grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS
AND MISCELLANEOUS PAYMENTS TO INDIANS
(INCLUDING TRANSFER OF FUNDS)

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, \$60,551,000, to remain available until expended; of which \$31,766,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101-618, 107-331, and 102-575, and for implementation of other enacted water rights settlements; and of which \$18,817,000 shall be available pursuant to Public Laws 99-264, 100-580, 106-425, and 106-554; and of which \$9,968,000 shall be available for payment to the Quinault Indian Nation pursuant to the terms of the North Boundary Settlement Agreement dated July 14, 2000, providing for the acquisition of perpetual conservation easements from the Nation: Provided, That of the payment to the Quinault Indian Nation, \$4,968,000 shall be derived from amounts provided under the heading "United States Fish and Wildlife Service, Land Acquisition" in Public Law 108-7.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, \$5,797,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$94,568,000.

In addition, for administrative expenses to carry out the guaranteed and insured loan programs, \$700,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103-413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

DEPARTMENTAL OFFICES
INSULAR AFFAIRS
ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$76,343,000, of which: (1) \$70,022,000 shall be available until expended for technical assistance, including maintenance as-

sistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$6,321,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104-134: Provided further, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, \$6,434,000, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau as authorized by Public Law 99-658; section 103(f)(2) of title I of H.J. Res. 63 or S.J. Res. 16, (as introduced July 8, 2003, and July 14, 2003, respectively); and section 221(a)(2) of the Compacts of Free Association and their related agreements between the Government of the United States and the Government of the Republic of the Marshall Islands (signed April 30, 2003), and between the Government of the United States and the Federated States of Micronesia (signed May 14, 2003); to remain available until expended. Further, \$142,400,000 shall be available until expended, of which \$76,700,000 shall be provided for the Federated States of Micronesia and shall be used for grants and necessary expenses as provided for (and in accordance with and subject to the terms, conditions, procedures, and requirements set forth in) sections 211, 212, 213, 214, and 216 of the Compact of Free Association and its related agreements between the Government of the United States and the Government of the Federated States of Micronesia (signed May 14, 2003); \$50,700,000 shall be provided for the Republic of the Marshall Islands and shall be used for grants and necessary expenses as provided for (and in accordance with, and subject to the terms, conditions, procedures, and requirements set forth in) sections 211, 212, 213, 214, 215, and 217 of the Compact of Free Association and its related agreements between the Government of the United States and the Government of the Republic of the Marshall Islands (signed April 30,

2003); and \$15,000,000 shall be made available for the effect of U.S.-FSM Compact and U.S.-RMI Compact, in accordance with, and subject to the terms, conditions, procedures, and requirements set forth in section 104(e) of title I of H.J. Res. 63, or S.J. Res. 16 (as introduced July 8, 2003, and July 14, 2003, respectively). The funding made available in this paragraph shall not be used to fund the Trust Funds of the Compacts of Free Association, however measures necessary to set up the Trust Funds in accordance with the agreement between the Government of the United States and the Government of the Federated States of Micronesia (signed May 14, 2003) and the agreement between the Government of the United States and the Government of the Republic of the Marshall Islands (signed April 30, 2003) implementing section 215 and section 216, respectively, of the Compacts regarding a Trust Fund are authorized and may commence. If the aforementioned H.J. Res. 63, S.J. Res. 16, or similar legislation as identified in the President's fiscal year 2004 budget to approve the Compacts of Free Association (dated April 30, 2003, and May 14, 2003) and their related agreements is enacted, any funding made available under this paragraph shall be considered to have been made available and expended for and under that enacted legislation purposes of funding for fiscal year 2004.

Section 231 of Public Law 99-239 is amended by striking "If these negotiations" and all that follows through the final period and inserting the following: "The period for the enactment of legislation approving the agreements resulting from such negotiations shall extend through the earlier of the date of the enactment of such legislation or September 30, 2004, during which time the provisions of this Compact, including title three, shall remain in full force and effect."

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, \$78,933,000, of which not to exceed \$8,500 may be for official reception and representation expenses, and of which up to \$1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: Provided, That of this amount, sufficient funds shall be available for the Secretary of the Interior, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of the Interior during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of the Interior that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of the Interior shall make the report publicly available by posting the report on an Internet website: Provided further, That none of the funds in this or previous appropriations Acts may be used to establish any additional reserves in the Working Capital Fund account other than the two authorized reserves without prior approval of the House and Senate Committees on Appropriations.

Of the unobligated balances in the Special Foreign Currency account, \$1,400,000 are hereby canceled.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, \$11,700,000, to remain available until expended: Provided, That from unobligated balances under this heading, \$20,000,000 are hereby canceled.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901-6907), \$227,500,000, of which not to exceed \$400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than \$100.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$50,374,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$38,749,000, of which \$3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$189,641,000, to remain available until expended: Provided, That of the amounts available under this heading not to exceed \$45,000,000 shall be available for records collection and indexing, imaging and coding, accounting for per capita and judgment accounts, accounting for tribal accounts, reviewing and distributing funds from special deposit accounts, and program management of the Office of Historical Trust Accounting, including litigation support: Provided further, That nothing in the American Indian Trust Management Reform Act of 1994, Public Law 103-412, or in any other statute, and no principle of common law, shall be construed or applied to require the Department of the Interior to commence or continue historical accounting activities with respect to the Individual Indian Money Trust until the earlier of the following shall have occurred: (a) Congress shall have amended the American Indian Trust Management Reform Act of 1994 to delineate the specific historical accounting obligations of the Department of the Interior with respect to the Individual Indian Money Trust; or (b) December 31, 2004: Provided further, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Departmental Management, "Salaries and Expenses" account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2004, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of \$1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall

permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed \$50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with retermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, \$21,980,000, to remain available until expended: Provided, That funds provided under this heading may be expended pursuant to the authorities contained in the provisions under the heading "Office of Special Trustee for American Indians, Indian Land Consolidation" of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106-291).

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101-380) (33 U.S.C. 2701 et seq.), and Public Law 101-337, as amended (16 U.S.C. 1911 et seq.), \$5,633,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund: Provided further, That the annual budget justification for Departmental Management shall describe estimated Working Capital Fund charges to bureaus and offices, including the methodology on which charges are based: Provided further, That departures from the Working Capital Fund estimates contained in the Departmental Management budget justification shall be presented to the Committees on Appropriations for approval: Provided further, That the Secretary shall provide a semi-annual report to the Committees on Appropriations on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department, including the amounts billed pursuant to such agreements.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available

to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations

which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997-2002.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 110. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 113. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary

without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2004. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 115. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2004 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 116. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106-291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 117. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100-696; 16 U.S.C. 460zz.

SEC. 118. Notwithstanding any other provisions of law, the National Park Service hereafter may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2003, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 120. Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services shall sell all right, title, and interest of the United States in and to the improvements and equipment of the White River Oil Shale Mine.

SEC. 121. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 122. Of the funds made available under the heading "Bureau of Land Management, Land Acquisition" in title I of the Department of the Interior and Related Agencies Appropriation Act, 2002 (115 Stat. 420), the Secretary of the Interior shall grant \$500,000 to the City of St. George, Utah, for the purchase of the land as provided in the Virgin River Dinosaur Footprint Preserve Act (116 Stat. 2896), with any surplus funds available after the purchase to be available for the purpose of the preservation of the land and the paleontological resources on the land.

SEC. 123. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District, New Jersey Pinelands Preserve, and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 124. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 125. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 126. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 127. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 128. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 129. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 130. Such sums as may be necessary from "Departmental Management, Salaries and Expenses", may be transferred to "United States Fish and Wildlife Service, Resource Management" for operational needs at the Midway Atoll National Wildlife Refuge airport.

SEC. 131. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United

States Court of Appeals for the 10th Circuit in *Sac and Fox Nation v. Norton*, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SEC. 132. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 133. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2005 shall not exceed \$12,000,000.

SEC. 134. The State of Utah's contribution requirement pursuant to Public Law 105-363 shall be deemed to have been satisfied and within thirty days of enactment of this Act, the Secretary of the Interior shall transfer to the State of Utah all right, title, and interest of the United States in and to the Wilcox Ranch lands acquired under section 2(b) of Public Law 105-363, for management by the Utah Division of Wildlife Resources for wildlife habitat and public access to the Ranch as well as to adjacent lands managed by the Bureau of Land Management.

SEC. 135. Upon enactment of this Act, the Congaree Swamp National Monument shall be designated the Congaree National Park.

SEC. 136. (a) Section 122 of division F of Public Law 108-7 is amended as follows:

(1) Paragraph 122(a)(4) is amended to read—
 "(4) TRIBALLY CONTROLLED SCHOOL.—The term 'tribally controlled school' means a school that currently receives a grant under the Tribally Controlled Schools Act of 1988, as amended (25 U.S.C. 2501 et seq.) or is determined by the Secretary to meet the eligibility criteria of section 5205 of the Tribally Controlled Schools Act of 1988, as amended (25 U.S.C. 2504)."

(2) Paragraph 122(b)(1) is amended by striking the second sentence and inserting: "The Secretary shall ensure that applications for funding to replace schools currently receiving funding for facility operation and maintenance from the Bureau of Indian Affairs receive the highest priority for grants under this section. Among such applications, the Secretary shall give priority to applications of Indian tribes that agree to fund all future facility operation and maintenance costs of the tribally controlled school funded under the demonstration program from other than Federal funds."

(3) Subsection (c) is amended by inserting after "EFFECT OF GRANT.—" the following: "(1) Except as provided in paragraph (2) of this subsection," and is further amended by adding the following new paragraph:

"(2) A tribe receiving a grant for construction of a tribally controlled school under this section shall not be eligible to receive funding from the Bureau of Indian Affairs for that school for education operations or facility operation and maintenance if the school that was not at the time of the grant: (i) a school receiving funding for education operations or facility operation and maintenance under the Tribally Controlled Schools Act or the Indian Self-Determination and Education Assistance Act or (ii) a school operated by the Bureau of Indian Affairs."

(b) Notwithstanding the provisions of paragraph (b)(1) of section 122 of division F of Public Law 108-7, as amended by this Act, the Saginaw-Chippewa tribal school and the Redwater Elementary School shall receive priority for

funding available in fiscal year 2004. The Saginaw-Chippewa tribal school shall receive \$3,000,000 from prior year funds, and the Redwater Elementary School shall receive \$6,000,000 available in fiscal year 2004.

SEC. 137. The Secretary shall have no more than one hundred and eighty days from October 1, 2003, to prepare and submit to the Congress, in a manner otherwise consistent with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), plans for the use and distribution of the Mescalero Apache Tribe's Judgment Funds from Docket 92-403L, the Pueblo of Isleta's Judgment Funds from Docket 98-166L, and the Assiniboine and Sioux Tribes of the Fort Peck Reservation's Judgment Funds in Docket No. 773-87-L of the United States Court of Federal Claims; each plan shall become effective upon the expiration of a sixty day period beginning on the day each plan is submitted to the Congress.

SEC. 138. (a) SHORT TITLE.—This section may be cited as the "Eastern Band of Cherokee Indians Land Exchange Act of 2003".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds the following:

(A) Since time immemorial, the ancestors of the Eastern Band of Cherokee Indians have lived in the Great Smoky Mountains of North Carolina. The Eastern Band's ancestral homeland includes substantial parts of seven eastern States and the land that now constitutes the Great Smoky Mountains National Park.

(B) The Eastern Band has proposed a land exchange with the National Park Service and has spent over \$1,500,000 for studies to thoroughly inventory the environmental and cultural resources of the proposed land exchange parcels.

(C) Such land exchange would benefit the American public by enabling the National Park Service to acquire the Yellow Face tract, comprising 218 acres of land adjacent to the Blue Ridge Parkway.

(D) Acquisition of the Yellow Face tract for protection by the National Park Service would serve the public interest by preserving important views for Blue Ridge Parkway visitors, preserving habitat for endangered species and threatened species including the northern flying squirrel and the rock gnome lichen, preserving valuable high altitude wetland seeps, and preserving the property from rapidly advancing residential development.

(E) The proposed land exchange would also benefit the Eastern Band by allowing it to acquire the Ravensford tract, comprising 143 acres adjacent to the Tribe's trust territory in Cherokee, North Carolina, and currently within the Great Smoky Mountains National Park and Blue Ridge Parkway. The Ravensford tract is part of the Tribe's ancestral homeland as evidenced by archaeological finds dating back no less than 6,000 years.

(F) The Eastern Band has a critical need to replace the current Cherokee Elementary School, which was built by the Department of the Interior over 40 years ago with a capacity of 480 students. The school now hosts 794 students in dilapidated buildings and mobile classrooms at a dangerous highway intersection in downtown Cherokee, North Carolina.

(G) The Eastern Band ultimately intends to build a new three-school campus to serve as an environmental, cultural, and educational "village," where Cherokee language and culture can be taught alongside the standard curriculum.

(H) The land exchange and construction of this educational village will benefit the American public by preserving Cherokee traditions and fostering a vibrant, modern, and well-educated Indian nation.

(I) The land exchange will also reunify tribal reservation lands now separated between the Big Cove Community and the balance of the Qualla Boundary, reestablishing the territorial integrity of the Eastern Band.

(J) The Ravensford tract contains no threatened species or endangered species listed pursuant to the Endangered Species Act of 1973. The 218-acre Yellow Face tract has a number of listed threatened species and endangered species and a higher appraised value than the 143-acre Ravensford tract.

(K) The American public will benefit from the Eastern Band's commitment to mitigate any impacts on natural and cultural resources on the Ravensford tract, by among other things reducing the requested acreage from 168 to 143 acres.

(L) The Congress and the Department of the Interior have approved land exchanges in the past when the benefits to the public and requesting party are clear, as they are in this case.

(2) PURPOSES.—The purposes of this section are the following:

(A) To acquire the Yellow Face tract for protection by the National Park Service, in order to preserve the Waterrock Knob area's spectacular views, endangered species and high altitude wetland seeps from encroachment by housing development, for the benefit and enjoyment of the American public.

(B) To transfer the Ravensford tract, to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians, in order to provide for an education facility that promotes the cultural integrity of the Eastern Band and to reunify two Cherokee communities that were historically contiguous, while mitigating any impacts on natural and cultural resources on the tract.

(C) To promote cooperative activities and partnerships between the Eastern band and the National Park Service within the Eastern Band's ancestral homelands.

(c) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary of the Interior ("Secretary") shall exchange the Ravensford tract, currently in the Great Smoky Mountains National Park and the Blue Ridge Parkway, for the Yellow Face tract adjacent to the Waterrock Knob Visitor Center on the Blue Ridge Parkway.

(2) TREATMENT OF EXCHANGED LANDS.—Effective upon receipt by the Secretary of a deed or deeds satisfactory to the Secretary for the lands comprising the Yellow Face tract (as described in subsection (3)) to the United States, all right, title, and interest of the United States in and to the Ravensford tract (as described in subsection (4)), including all improvements and appurtenances, are declared to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians as part of the Cherokee Indian Reservation.

(3) YELLOW FACE TRACT.—The Yellow Face tract shall contain Parcels 88 and 89 of the Hornbuckle Tract, Yellow Face Section, Qualla Township, Jackson County, North Carolina, which consist altogether of approximately 218 acres and are depicted as the "Yellow Face Tract" on the map entitled "Land Exchange Between the National Park Service and the Eastern Band of Cherokee Indians," numbered 133/80020A, and dated November 2002. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Indian Affairs. Upon completion of the land exchange, the Secretary shall adjust the boundary of the Blue Ridge Parkway to include such lands and shall manage the lands as part of the parkway.

(4) RAVENSFORD TRACT.—The lands declared by subsection (2) to be held in trust for the Eastern Band of Cherokee Indians shall consist of approximately 143 acres depicted as the "Ravensford Tract" on the map identified in subsection (3). Upon completion of the land exchange, the Secretary shall adjust the boundaries of Great Smoky Mountains National Park and the Blue Ridge Parkway to exclude such lands.

(5) LEGAL DESCRIPTIONS.—Not later than 1 year after the date of enactment of this section,

the Secretary of the Interior shall file a legal description of the areas described in subsections (3) and (4) with the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal descriptions shall have the same force and effect as if the information contained in the description were included in those subsections except that the Secretary may correct clerical and typographical errors in such legal descriptions. The legal descriptions shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Indian Affairs.

(d) IMPLEMENTATION PROCESS.—

(1) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—In order to fulfill the purposes of this section and to establish cooperative partnerships for purposes of this section the Director of the National Park Service and the Eastern Band of Cherokee Indians shall enter into government-to-government consultations and shall develop protocols to review planned construction on the Ravensford tract. The Director of the National Park Service is authorized to enter into cooperative agreements with the Eastern Band for the purpose of providing training, management, protection, preservation, and interpretation of the natural and cultural resources on the Ravensford tract.

(2) CONSTRUCTION STANDARDS.—Recognizing the mutual interests and responsibilities of the Eastern Band of Cherokee Indians and the National Park Service for the conservation and protection of the resources on the Ravensford tract, the National Park Service and the Eastern Band shall develop mutually agreed upon standards for size, impact, and design of construction consistent with the purposes of this section on the Ravensford tract. The standards shall be consistent with the Eastern Band's need to develop educational facilities and support infrastructure adequate for current and future generations and shall otherwise minimize or mitigate any adverse impacts on natural or cultural resources. The standards shall be based on recognized best practices for environmental sustainability and shall be reviewed periodically and revised as necessary. Development of the tract shall be limited to a road and utility corridor, an educational campus, and the infrastructure necessary to support such development. No new structures shall be constructed on the part of the Ravensford tract depicted as the "No New Construction" area on the map referred to in subsection (c)(3), which is generally the area north of the point where Big Cove Road crosses the Raven Fork River. All development on the Ravensford tract shall be conducted in a manner consistent with this section and such development standards.

(e) GAMING PROHIBITION.—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on the Ravensford tract.

SEC. 139. Notwithstanding any implementation of the Department of the Interior's trust reorganization plan within fiscal years 2003 or 2004, funds appropriated for fiscal year 2004 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima Maricopa Indian Community, the Confederated Salish-Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation on the same basis as funds were distributed in fiscal year 2003. This Demonstration Project shall operate separate and apart from the Department of the Interior's trust reform reorganization, and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. Sections 458aa–458hh: Provided, That the California Trust Reform Consortium and any

other participating tribe agree to carry out their responsibilities under the same fiduciary standards as those to which the Secretary of the Interior is held: Provided further, That they demonstrate to the satisfaction of the Secretary that they have the capability to do so.

SEC. 140. (a) SHORT TITLE.—This section may be cited as the "Blue Ridge National Heritage Area Act of 2003".

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that:

(A) The Blue Ridge Mountains and the extensive cultural and natural resources of the Blue Ridge Mountains have played a significant role in the history of the United States and the State of North Carolina.

(B) Archaeological evidence indicates that the Blue Ridge Mountains have been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Cherokee descent.

(C) The Blue Ridge Mountains of western North Carolina, including the Great Smoky Mountains, played a unique and significant role in the establishment and development of the culture of the United States through several distinct legacies, including—

(i) the craft heritage that—

(I) was first influenced by the Cherokee Indians;

(II) was the origin of the traditional craft movement starting in 1900 and the contemporary craft movement starting in the 1940's; and

(III) is carried out by over 4,000 craftspeople in the Blue Ridge Mountains of western North Carolina, the third largest concentration of such people in the United States;

(ii) a musical heritage comprised of distinctive instrumental and vocal traditions that—

(I) includes stringband music, bluegrass, ballad singing, blues, and sacred music;

(II) has received national recognition; and

(III) has made the region one of the richest repositories of traditional music and folklife in the United States;

(iii) the Cherokee heritage—

(I) dating back thousands of years; and

(II) offering—

(aa) nationally significant cultural traditions practiced by the Eastern Band of Cherokee Indians;

(bb) authentic tradition bearers;

(cc) historic sites; and

(dd) historically important collections of Cherokee artifacts; and

(iv) the agricultural heritage established by the Cherokee Indians, including medicinal and ceremonial food crops, combined with the historic European patterns of raising livestock, culminating in the largest number of specialty crop farms in North Carolina.

(D) The artifacts and structures associated with those legacies are unusually well-preserved.

(E) The Blue Ridge Mountains are recognized as having one of the richest collections of historical resources in North America.

(F) The history and cultural heritage of the Blue Ridge Mountains are shared with the States of Virginia, Tennessee, and Georgia.

(G) there are significant cultural, economic, and educational benefits in celebrating and promoting this mutual heritage.

(H) according to the 2002 reports entitled "The Blue Ridge Heritage and Cultural Partnership" and "Western North Carolina National Heritage Area Feasibility Study and Plan", the Blue Ridge Mountains contain numerous resources that are of outstanding importance to the history of the United States.

(I) it is in the interest of the United States to preserve and interpret the cultural and historical resources of the Blue Ridge Mountains for the education and benefit of present and future generations.

(2) PURPOSE.—The purpose of this section is to foster a close working relationship with, and to

assist, all levels of government, the private sector, and local communities in the State in managing, preserving, protecting, and interpreting the cultural, historical, and natural resources of the Heritage Area while continuing to develop economic opportunities.

(c) DEFINITIONS.—

(1) In this section:

(A) HERITAGE AREA.—The term “Heritage Area” means the Blue Ridge National Heritage Area established by subsection (d).

(B) MANAGEMENT ENTITY.—The term “management entity” means the management entity for the Heritage Area designated by subsection (d)(3).

(C) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area approved under subsection (e).

(D) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(E) STATE.—The term “State” means the State of North Carolina.

(d) BLUE RIDGE NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Blue Ridge National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall consist of the counties of Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey in the State.

(3) MANAGEMENT ENTITY.—

(A) IN GENERAL.—As a condition of the receipt of funds made available under subsection (i), the Blue Ridge National Heritage Area Partnership shall be the management entity for the Heritage Area.

(B) BOARD OF DIRECTORS.—

(i) COMPOSITION.—The management entity shall be governed by a board of directors composed of nine members, of whom—

(I) two members shall be appointed by AdvantageWest;

(II) two members shall be appointed by Hand-Made In America, Inc.;

(III) one member shall be appointed by the Education Research Consortium of Western North Carolina;

(IV) one member shall be appointed by the Eastern Band of the Cherokee Indians; and

(V) three members shall be appointed by the Governor of North Carolina and shall—

(aa) reside in geographically diverse regions of the Heritage Area;

(bb) be a representative of State or local governments or the private sector; and

(cc) have knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resources development, regional planning, conservation, recreational services, education, or museum services.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this section, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the management entity shall—

(A) for the purpose of presenting a unified preservation and interpretation plan, take into consideration Federal, State, and local plans; and

(B) provide for the participation of residents, public agencies, and private organizations in the Heritage Area.

(3) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations and strategies for the conservation, funding, management, and development of the Heritage Area;

(B) identify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(C) include—

(i) an inventory of the cultural, historical, natural, and recreational resources of the Heritage Area, including a list of property that—

(I) relates to the purposes of the Heritage Area; and

(II) should be conserved, restored, managed, developed, or maintained because of the significance of the property;

(ii) a program of strategies and actions for the implementation of the management plan that identifies the roles of agencies and organizations that are involved in the implementation of the management plan;

(iii) an interpretive and educational plan for the Heritage Area;

(iv) a recommendation of policies for resource management and protection that develop intergovernmental cooperative agreements to manage and protect the cultural, historical, natural, and recreational resources of the Heritage Area; and

(v) an analysis of ways in which Federal, State, and local programs may best be coordinated to promote the purposes of this section.

(4) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date described in paragraph (1), the Secretary shall not provide any additional funding under this section until a management plan is submitted to the Secretary.

(5) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under paragraph (1), the Secretary shall approve or disapprove the management plan.

(B) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether the management plan—

(i) has strong local support from landowners, business interests, nonprofit organizations, and governments in the Heritage Area; and

(ii) has a high potential for effective partnership mechanisms.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management entity to submit to the Secretary revisions to the management plan.

(D) DEADLINE FOR APPROVAL OF REVISION.—Not later than 60 days after the date on which a revision is submitted under subparagraph (C)(iii), the Secretary shall approve or disapprove the proposed revision.

(6) AMENDMENT OF APPROVED MANAGEMENT PLAN.—

(A) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—

(i) review the management plan; and

(ii) submit to the Secretary, for review and approval, the recommendation of the management entity for any amendments to the management plan.

(B) USE OF FUNDS.—No funds made available under subsection (i) shall be used to implement any amendment proposed by the management entity under subparagraph (A) until the Secretary approves the amendment.

(f) AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.—

(1) AUTHORITIES.—For the purposes of developing and implementing the management plan, the management entity may use funds made available under subsection (i) to—

(A) make grants to, and enter into cooperative agreements with, the State (including a political subdivision), nonprofit organizations, or persons;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(2) DUTIES.—In addition to developing the management plan, the management entity shall—

(A) develop and implement the management plan while considering the interests of diverse units of government, businesses, private property owners, and nonprofit groups in the Heritage Area;

(B) conduct public meetings in the Heritage Area at least semiannually on the development and implementation of the management plan;

(C) give priority to the implementation of actions, goals, and strategies in the management plan, including providing assistance to units of government, nonprofit organizations, and persons in—

(i) carrying out the programs that protect resources in the Heritage Area;

(ii) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;

(iii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iv) developing recreational and educational opportunities in the Heritage Area; and

(v) increasing public awareness of and appreciation for the cultural, historical, and natural resources of the Heritage Area; and

(D) for any fiscal year for which Federal funds are received under subsection (i)—

(i) submit to the Secretary a report that describes, for the fiscal year—

(I) the accomplishments of the management entity;

(II) the expenses and income of the management entity; and

(III) each entity to which a grant was made;

(ii) make available for audit by Congress, the Secretary, and appropriate units of government, all records relating to the expenditure of funds and any matching funds; and

(iii) require, for all agreements authorizing expenditure of Federal funds by any entity, that the receiving entity make available for audit all records relating to the expenditure of funds.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds received under subsection (i) to acquire real property or an interest in real property.

(g) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide to the management entity technical assistance and, subject to the availability of appropriations, financial assistance, for use in developing and implementing the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(A) the preservation of the significant cultural, historical, natural, and recreational resources of the Heritage Area; and

(B) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources of the Heritage Area.

(h) LAND USE REGULATION.—

(1) IN GENERAL.—Nothing in this section—

(A) grants any power of zoning or land use to the management entity; or

(B) modifies, enlarges, or diminishes any authority of the Federal Government or any State or local government to regulate any use of land under any law (including regulations).

(2) PRIVATE PROPERTY.—Nothing in this section—

(A) abridges the rights of any person with respect to private property;

(B) affects the authority of the State or local government with respect to private property; or

(C) imposes any additional burden on any property owner.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 shall be made available for any fiscal year.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) shall be not less than 50 percent.

(j) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under

this section terminates on the date that is 15 years after the date of enactment of this section.

SEC. 141. (a) PAYMENT TO THE HARRIET TUBMAN HOME, AUBURN, NEW YORK, AUTHORIZED.—(1) The Secretary of the Interior may, using amounts appropriated or otherwise made available by this title, make a payment to the Harriet Tubman Home in Auburn, New York, in the amount of \$11,750.

(2) The amount specified in paragraph (1) is the amount of widow's pension that Harriet Tubman should have received from January 1899 to March 1913 under various laws authorizing pension for the death of her husband, Nelson Davis, a deceased veteran of the Civil War, but did not receive, adjusted for inflation since March 1913.

(b) USE OF AMOUNTS.—The Harriet Tubman Home shall use amounts paid under subsection (a) for the purposes of—

(1) preserving and maintaining the Harriet Tubman Home; and

(2) honoring the memory of Harriet Tubman.

SEC. 142. Nonrenewable grazing permits authorized in the Jarbidge Field Office, Bureau of Land Management within the past seven years shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) and under section 3 of the Taylor Grazing Act of 1934, as amended (43 U.S.C. 315b). The terms and conditions contained in the most recently expired nonrenewable grazing permit shall continue in effect under the renewed permit. Upon completion of any required analysis or documentation, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to extend the nonrenewable permits beyond the standard one-year term.

SEC. 143. INTERIM COMPENSATION PAYMENTS.—Section 2303(b) of Public Law 106-246 (114 Stat. 549) is amended by inserting before the period at the end the following: “, unless the amount of the interim compensation exceeds the amount of the final compensation”.

SEC. 144. Pursuant to section 10101(f)(3) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28(f)(3)), the following claims shall be given notice of defect and the opportunity to cure: AKFF054162-AKFF054163, AKFF054165-AKFF054166, and AKFF054170-AKFF054171.

SEC. 145. None of the funds appropriated or otherwise made available by this or any other Act, hereafter enacted, may be used to permit the use of the National Mall for a special event, unless the permit expressly prohibits the erection, placement, or use of structures and signs bearing commercial advertising. The Secretary may allow for recognition of sponsors of special events: Provided, That the size and form of the recognition shall be consistent with the special nature and sanctity of the Mall and any lettering or design identifying the sponsor shall be no larger than one-third the size of the lettering or design identifying the special event. In approving special events, the Secretary shall ensure, to the maximum extent practicable, that public use of, and access to the Mall is not restricted. For purposes of this section, the term “special event” shall have the meaning given to it by section 7.96(g)(1)(ii) of title 36, Code of Federal Regulations.

SEC. 146. In addition to amounts provided to the Department of the Interior in this Act, \$5,000,000 is provided for a grant to Kendall County, Illinois.

SEC. 147. CONVEYANCE TO THE CITY OF LAS VEGAS, NEVADA.—Section 705(b) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2015) is amended by inserting after “map” the following: “and the approximately 10 acres of land in Clark County, Nevada, described as the NW¼ SE¼ SW¼ of section 28, T. 20 S., R. 60 E., Mount Diablo Base and Meridian”.

SEC. 148. CONGAREE SWAMP NATIONAL MONUMENT BOUNDARY REVISION.—The first section of

Public Law 94-545 (90 Stat. 2517; 102 Stat. 2607) is amended—

(1) in subsection (b), by striking the last sentence; and

(2) by adding at the end the following:

“(c) ACQUISITION OF ADDITIONAL LAND.—

“(1) IN GENERAL.—The Secretary may acquire by donation, by purchase from a willing seller with donated or appropriated funds, by transfer, or by exchange, land or an interest in land described in paragraph (2) for inclusion in the monument.

“(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 4,576 acres of land adjacent to the Monument, as depicted on the map entitled “Congaree National Park Boundary Map”, numbered 178/80015, and dated August 2003.

“(3) AVAILABILITY OF MAP.—The map referred to in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

“(4) BOUNDARY REVISION.—On acquisition of the land or an interest in land under paragraph (1), the Secretary shall revise the boundary of the monument to reflect the acquisition.

“(5) ADMINISTRATION.—Any land acquired by the Secretary under paragraph (1) shall be administered by the Secretary as part of the monument.

“(6) EFFECT.—Nothing in this section—

“(A) affects the use of private land adjacent to the monument;

“(B) preempts the authority of the State with respect to the regulation of hunting, fishing, boating, and wildlife management on private land or water outside the boundaries of the monument; or

“(C) negatively affects the economic development of the areas surrounding the monument.

“(d) ACREAGE LIMITATION.—The total acreage of the monument shall not exceed 26,776 acres.”.

SEC. 149. Section 104 (16 U.S.C. 1374) is amended in subsection (c)(5)(D) by striking “the date of the enactment of the Marine Mammal Protection Act Amendments of 1994” and inserting “February 18, 1997”.

SEC. 150. The National Park Service shall issue a special regulation concerning continued hunting at New River Gorge National River in compliance with the requirements of the Administrative Procedures Act, with opportunity for public comment, and shall also comply with the National Environmental Policy Act as appropriate. Notwithstanding any other provision of law, the September 25, 2003 interim final rule authorizing continued hunting at New River Gorge National River shall be in effect until the final special regulation supercedes it.

TITLE II—RELATED AGENCIES DEPARTMENT OF AGRICULTURE FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$269,710,000, to remain available until expended: Provided, That of the funds provided, \$52,359,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$308,140,000, to remain available until expended, as authorized by law of which \$64,934,000 is to be derived from the Land and Water Conservation Fund: Provided, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Com-

mittee on Appropriations and the Senate Committee on Appropriations, in writing, of specific contractual and grant details including the non-Federal cost share of each project, related to the acquisition of lands or interests in lands to be undertaken with such funds: Provided further, That each forest legacy grant shall be for a specific project or set of specific tasks: Provided further, That grants for acquisition of lands or conservation easements shall require that the State demonstrates that 25 percent of the total value of the project is comprised of a non-Federal cost share: Provided further, That notwithstanding any other provision of law, of the funds provided under this heading, \$500,000 shall be made available to Kake Tribal Corporation as an advance direct lump sum payment to implement the Kake Tribal Corporation Land Transfer Act (Public Law 106-283).

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, \$1,382,916,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l-6a(i)): Provided, That unobligated balances available at the start of fiscal year 2004 shall be displayed by budget line item in the fiscal year 2005 budget justification: Provided further, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands: Provided further, That of the funds provided under this heading for Forest Products, \$5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: Provided further, That of the funds provided under this heading, \$3,150,000 is for expenses required to implement title I of Public Law 106-248, to be segregated in a separate fund established by the Secretary of Agriculture: Provided further, That within funds available for the purpose of implementing the Valles Caldera Preservation Act, notwithstanding the limitations of section 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106-248), for fiscal year 2004, the Chair of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that the Chair is engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES-1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by the Chair in the performance of the Chair's duties.

For an additional amount to reimburse the Judgment Fund as required by 41 U.S.C. 612(c) for judgment liabilities previously incurred, \$188,405,000.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire suppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, \$1,643,212,000, to remain available until expended: Provided, That such funds including

unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2003 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71-319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, \$8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, \$236,392,000 is for hazardous fuels reduction activities, \$7,000,000 is for rehabilitation and restoration, \$22,300,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), \$51,700,000 is for State fire assistance, \$8,240,000 is for volunteer fire assistance, \$25,000,000 is for forest health activities on State, private, and Federal lands: Provided further, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in the statement of managers accompanying this Act: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to \$15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That included in funding for hazardous fuel reduction is \$5,000,000 for implementing the Community Forest Restoration Act, Public Law 106-393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That in using the funds provided in this Act for hazardous fuels reduction activities, the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretary applicable to hazardous fuel reduction activities

under the wildland fire management accounts: Provided further, That notwithstanding Federal Government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized under this heading on and adjacent to Federal lands using grants and cooperative agreements: Provided further, That notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to local private, non-profit, or cooperative entities; Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups; small or micro-businesses; or other entities that will hire or train a significant percentage of local people to complete such contracts: Provided further, That the authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects.

For an additional amount, \$301,000,000, to repay prior year advances from other appropriations from which funds were transferred for wildfire suppression and emergency rehabilitation activities: Provided, That this additional amount is 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: Provided further, That this additional amount and \$253,000,000 of the funds appropriated to the Forest Service for the repayment of advances for fire suppression in Public Law 108-83, shall be transferred to the following Forest Service accounts: \$96,000,000 to the Land Acquisition account, \$95,000,000 to the Capital Improvement and Maintenance account, \$9,000,000 to the Working Capital Fund, \$52,000,000 to the National Forest System account, \$31,000,000 to the State and Private Forestry account, \$10,000,000 to the Forest and Rangeland Research account, \$35,000,000 to the Salvage Sale fund, \$28,000,000 to the Timber Purchaser Election account, \$154,000,000 to the Knutson Vandenberg fund, \$20,000,000 to the Brush Disposal account, \$14,000,000 to the Forest Service Recreation Fee Demonstration fund, and \$10,000,000 to the Forest Land Enhancement Program account.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, \$562,154,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: Provided, That up to \$15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the Forest Service shall transfer \$350,000 appropriated in Public Law 108-7 within the Capital Improvement and Maintenance appropriation to the State and Private Forestry appropriation, and shall provide these funds for planning and construction of backcountry huts in Alaska.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$67,191,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That notwithstanding any limitations of the Land and Water Conservation Fund Act (16 U.S.C. 4601-9), the Secretary of Agriculture is henceforth authorized to utilize any funds appropriated under this heading from the Land and Water Conservation Fund to acquire Mental Health Trust lands in Alaska and, upon Federal acquisition, the boundaries of the Tongass National Forest shall be deemed modified to include such lands.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96-487), \$5,535,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 124 passenger motor vehicles of which 21 will be used primarily for law enforcement purposes and of which 124 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under

5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading “Wildland Fire Management” have been released by the President and apportioned and all wildfire suppression funds under the heading “Wildland Fire Management” are obligated.

The first transfer of funds into the Wildland Fire Management account shall include unobligated funds, if available, from the Land Acquisition account and the Forest Legacy program within the State and Private Forestry account.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the statement of managers accompanying this Act.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the statement of managers accompanying this Act.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than \$2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, \$2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, \$3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefiting National Forest System lands or related to

Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than \$350,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, \$2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum to aid conservation partnership projects in support of the Forest Service mission, without regard to when expenses are incurred, for projects on or benefiting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress, and make available to interested persons, a report containing the results of a management review of outfitter and guiding operations in the John Muir, Ansel Adams, and Dinkey Lakes Wilderness Areas of the Inyo and Sierra National Forests, California. The report shall include information regarding: (1) how the Secretary intends to minimize adverse impacts on the historic access rights of special use permittees in these three wilderness areas; and (2) how the Secretary intends to ensure timely compliance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed \$500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed \$1,000,000.

From funds available to the Forest Service in this Act for payment of costs in accordance with subsection 413(d) of Title IV, Public Law 108–7, \$3,000,000 shall be transferred by the Secretary of Agriculture to the Secretary of the Treasury

to make reimbursement payments as provided in such subsection.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

The Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed \$15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

Beginning on June 30, 2001 and concluding on December 31, 2004, an eligible individual who is employed in any project funded under Title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Wasatch-Cache National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for acquisition and construction of administrative sites on the Wasatch-Cache National Forest.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL AND RESCISSION)

Of the funds made available under this heading for obligation in prior years, \$97,000,000 shall not be available until October 1, 2004, and \$88,000,000 are rescinded: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including de-feeable and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$681,163,000, to remain available until expended, of which \$4,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; of which not to exceed \$536,000 may be utilized for travel and travel-related expenses incurred by the headquarters staff of the Office of Fossil Energy; and of which \$172,000,000 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: Provided, That

no project may be selected for which sufficient funding is not available to provide for the total project: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in 42 U.S.C. 5903d: Provided further, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: Provided further, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, \$18,219,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104-106, \$36,000,000, to become available on October 1, 2004 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, \$888,937,000, to remain available until expended: Provided, That \$274,500,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99-509, such sums shall be allocated to the eligible programs as follows: \$230,000,000 for weatherization assistance grants and \$44,500,000 for State energy program grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, \$1,047,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$173,081,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, \$5,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$82,111,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$2,561,932,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That up to \$18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That

\$467,046,000 for contract medical care shall remain available for obligation until September 30, 2005: Provided further, That of the funds provided, up to \$27,000,000 to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$270,734,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2004, of which not to exceed \$2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: Provided further, That of the amounts provided to the Indian Health Service, \$15,000,000 is provided for alcohol control, enforcement, prevention, treatment, sobriety and wellness, and education in Alaska to be distributed as direct lump sum payments as follows: (a) \$2,000,000 to the State of Alaska for regional distribution to hire and equip additional Village Public Safety Officers to engage primarily in bootlegging prevention and enforcement activities; (b) \$5,000,000 to the Alaska Native Tribal Health Consortium, which shall be allocated for (1) substance abuse and behavioral health counselors through the Counselor in Every Village program, and (2) comprehensive substance abuse training programs for counselors and others delivering substance abuse services; (c) \$6,000,000 to be divided as follows among the following Alaska Native regional organizations to provide substance abuse treatment and prevention programs: (1) \$2,500,000 for Southcentral Foundation's Pathway Home, (2) \$1,500,000 for Cook Inlet Tribal Council's substance abuse prevention and treatment programs, (3) \$1,500,000 for Yukon-Kuskokwim Health Corporation's Tundra Swan Inhalant Abuse Center, and (4) \$500,000 for the Southeast Alaska Regional Health Consortium for its Deilee Hitt program; and (d) \$2,000,000 for the Alaska Federation of Natives sobriety and wellness program for competitive merit-based grants: Provided further, That none of the funds may be used for tribal courts or tribal ordinance programs or any program that is not directly related to alcohol control, enforcement, prevention, treatment, or sobriety: Provided further, That no more than 10 percent may be used by any entity receiving funding for administrative overhead including indirect costs: Provided

further, That the State of Alaska must maintain its existing level of effort and must use these funds to enhance or expand existing efforts or initiate new projects or programs and may not use such funds to supplant existing programs.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$396,232,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That from the funds appropriated herein, \$5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to complete a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: Provided further, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed \$1,000,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing inter-agency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed \$500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by

the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901-5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act) and Public Law 93-638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailment of Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process. Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full time equivalent level of the Indian Health Service below the level in fiscal year 2002 adjusted upward for the staffing of new and expanded facilities, funding provided for staffing at the Lawton, Oklahoma hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with

the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$13,532,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99-498, as amended (20 U.S.C. 56 part A), \$6,250,000, of which \$1,000,000 shall remain available until expended to assist with the Institute's efforts to develop a Continuing Education Lifelong Learning Center.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, \$494,748,000, of which not to exceed \$46,903,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended; and of which \$828,000 for fellowships and scholarly awards shall remain available until September 30, 2005; and including such funds as may be necessary to support American overseas research centers and a total of \$125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and

such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, \$108,970,000, to remain available until expended, of which not to exceed \$10,000 is for services as authorized by 5 U.S.C. 3109: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: Provided further, That balances from amounts previously appropriated under the headings "Repair, Restoration and Alteration of Facilities" and "Construction" shall be transferred to and merged with this appropriation and shall remain until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

NATIONAL GALLERY OF ART SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and pur-

chase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$87,849,000, of which not to exceed \$3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$11,600,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$16,560,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$16,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$8,604,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$122,480,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including \$17,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account and "Challenge America" account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$120,878,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$16,122,000, to remain available until expended, of which \$10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total

amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants up to \$10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$1,422,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956(a)), as amended, \$7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$4,000,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$7,730,000: Provided, That for fiscal year 2004 and thereafter, all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$39,997,000, of which \$1,900,000 for the museum's repair and rehabilitation program and \$1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$20,700,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5

U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2003.

SEC. 307. (a) **LIMITATION OF FUNDS.**—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) **EXCEPTIONS.**—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) **REPORT.**—On September 30, 2004, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) **MINERAL EXAMINATIONS.**—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, 105-277, 106-113, 106-291, 107-63, and 108-7 for payments to tribes and tribal organizations for contract support costs associated with self-

termination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2003 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 309. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 310. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 311. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term “underserved population” means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) (applicable to a family of the size involved).

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 315. Notwithstanding any other provision of law, for fiscal year 2004 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the “Jobs in the Woods” Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 316. Amounts deposited during fiscal year 2003 in the roads and trails fund provided for in the 14th paragraph under the heading “FOREST SERVICE” of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 317. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 318. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2004, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United

States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska, and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 319. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency;

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for non-compliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 320. Prior to October 1, 2004, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 321. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 322. EXTENSION OF FOREST SERVICE CONVEYANCES PILOT PROGRAM.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107-63) is amended—

(1) in subsection (b), by striking "20" and inserting "30";

(2) in subsection (c) by striking "3" and inserting "8"; and

(3) in subsection (d), by striking "2006" and inserting "2007".

SEC. 323. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, in fiscal year 2005, qualify for General Service Administration contract airfares.

SEC. 324. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: Provided, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: Provided further, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: Provided further, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 325. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal years 2004–2008 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: Provided, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to fiscal year 2004,

the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations: Provided further, That beginning in November 2004, and every year thereafter, the Secretaries of the Interior and Agriculture shall report to Congress the extent to which they are completing analysis required under applicable laws prior to the expiration of grazing permits, and beginning in May 2004, and every two years thereafter, the Secretaries shall provide Congress recommendations for legislative provisions necessary to ensure all permit renewals are completed in a timely manner. The legislative recommendations provided shall be consistent with the funding levels requested in the Secretaries' budget proposals: Provided further, That notwithstanding section 504 of the Rescissions Act (109 Stat. 212), the Secretaries in their sole discretion determine the priority and timing for completing required environmental analysis of grazing allotments based on the environmental significance of the allotments and funding available to the Secretaries for this purpose: Provided further, That any Federal lands included within the boundary of Lake Roosevelt National Recreation Area, as designated by the Secretary of the Interior on April 5, 1990 (Lake Roosevelt Cooperative Management Agreement), that were utilized as of March 31, 1997, for grazing purposes pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands as of March 31, 1997, shall be entitled to renew said permit under such terms and conditions as the Secretary may prescribe, for the lifetime of the permittee or 20 years, whichever is less.

SEC. 326. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2004, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 327. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 328. None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2004.

SEC. 329. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

SEC. 330. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That the Secretaries may award grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local

or non-profit youth groups, or small or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101-624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 331. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 332. Section 315(f) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 110 Stat. 1321-200; 16 U.S.C. 4601-6a note), is amended—

(1) by striking "September 30, 2004" and inserting "December 31, 2005"; and

(2) by striking "2007" and inserting "2008".

SEC. 333. IMPLEMENTATION OF GALLATIN LAND CONSOLIDATION ACT OF 1998. (a) DEFINITIONS.—For purposes of this section:

(1) "Gallatin Land Consolidation Act of 1998" means Public Law 105-267 (112 Stat. 2371).

(2) "Option Agreement" has the same meaning as defined in section 3(6) of the Gallatin Land Consolidation Act of 1998.

(3) "Secretary" means the Secretary of Agriculture.

(4) "Excess receipts" means National Forest Fund receipts from the National Forests in Montana, which are identified and adjusted by the Forest Service within the fiscal year, and which are in excess of funds retained for: the Salvage Sale Fund; the Knutson-Vandenberg Fund; the Purchaser Road/Specified Road Credits; the Twenty-Five Percent Fund, as amended; the Ten Percent Road and Trail Fund; the Timber Sale Pipeline Restoration Fund; the Fifty Percent Grazing Class A Receipts Fund; and the Land and Water Conservation Fund Recreation User Fees Receipts—Class A Fund.

(5) "Special Account" means the special account referenced in section 4(c)(2) of the Gallatin Land Consolidation Act of 1998.

(6) "Eastside National Forests" has the same meaning as in section 3(4) of the Gallatin Land Consolidation Act of 1998.

(b) SPECIAL ACCOUNT.—

(1) The Secretary is authorized and directed, without further appropriation or reprogramming of funds, to transfer to the Special Account these enumerated funds and receipts in the following order:

(A) timber sale receipts from the Gallatin National Forest and other Eastside National Forests, as such receipts are referenced in section 4(a)(2)(C) of the Gallatin Land Consolidation Act of 1998;

(B) any available funds heretofore appropriated for the acquisition of lands for National Forest purposes in the State of Montana through fiscal year 2003;

(C) net receipts from the conveyance of lands on the Gallatin National Forest as authorized by subsection (c); and,

(D) excess receipts for fiscal years 2003 through 2008.

(2) All funds in the Special Account shall be available to the Secretary until expended, without further appropriation, and will be expended

prior to the end of fiscal year 2008 for the following purposes:

(A) the completion of the land acquisitions authorized by the Gallatin Land Consolidation Act of 1998 and fulfillment of the Option Agreement, as may be amended from time to time; and,

(B) the acquisition of lands for which acquisition funds were transferred to the Special Account pursuant to subsection (b)(1)(B).

(3) The Special Account shall be closed at the end of fiscal year 2008 and any monies remaining in the Special Account shall be transferred to the fund established under Public Law 90-171 (commonly known as the "Sisk Act", 16 U.S.C. §484a) to remain available, until expended, for the acquisition of lands for National Forest purposes in the State of Montana.

(4) Funds deposited in the Special Account or eligible for deposit shall not be subject to transfer or reprogramming for wildland fire management or any other emergency purposes.

(c) LAND CONVEYANCES WITHIN THE GALLATIN NATIONAL FOREST.—

(1) CONVEYANCE AUTHORITY.—The Secretary is authorized, under such terms and conditions as the Secretary may prescribe and without requirements for further administrative or environmental analyses or examination, to sell or exchange any or all rights, title, and interests of the United States in the following lands within the Gallatin National Forest in the State of Montana:

(A) SMC East Boulder Mine Portal Tract: Principal Meridian, T.3S., R.11E., Section 4, lots 3 to 4 inclusive, W½SE¼NW¼, containing 76.27 acres more or less.

(B) Forest Service West Yellowstone Administrative Site: U.S. Forest Service Administrative Site located within the NE¼ of Block 17 of the Township of West Yellowstone which is situated in the N½ of Section 34, T.13S., R.5E., Principal Meridian, Gallatin County, Montana, containing 1.04 acres more or less.

(C) Mill Fork Mission Creek Tract: Principal Meridian, T.13S., R.5E., Section 34, NW¼SW¼, containing 40 acres more or less.

(D) West Yellowstone Town Expansion Tract #1: Principal Meridian, T.13S., R.5E., Section 33, E½E½NE¼, containing 40 acres more or less.

(E) West Yellowstone Town Expansion Tract #2: Principal Meridian, T.13S., R.5E., Section 33, NE¼SE¼, containing 40 acres more or less.

(2) DESCRIPTIONS.—The Secretary may modify the descriptions in subsection (c)(1) to correct errors or to reconfigure the properties in order to facilitate a conveyance.

(3) CONSIDERATION.—Consideration for a sale or exchange of land under this subsection may include cash, land, or a combination of both.

(4) VALUATION.—Any appraisals of land deemed necessary or desirable by the Secretary to carry out the purposes of this section shall conform to the Uniform Appraisal Standards for Federal Land Acquisitions.

(5) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land exchanged under this subsection.

(6) SOLICITATIONS OF OFFERS.—The Secretary may:

(A) solicit offers for sale or exchange of land under this subsection on such terms and conditions as the Secretary may prescribe, or

(B) reject any offer made under this subsection if the Secretary determines that the offer is not adequate or not in the public interest.

(7) METHODS OF SALE.—The Secretary may sell land at public or private sale, including competitive sale by auction, bid, or otherwise, in accordance with such terms, conditions, and procedures as the Secretary determines will be in the best interests of the United States.

(8) BROKERS.—The Secretary may utilize brokers or other third parties in the disposition of the land authorized by this subsection and, from the proceeds of the sale, may pay reasonable commissions or fees on the sale or sales.

(9) RECEIPTS FROM SALE OR EXCHANGE.—The Secretary shall deposit the net receipts of a sale or exchange under this subsection in the Special Account.

(d) MISCELLANEOUS PROVISIONS.—

(1) Receipts from any sale or exchange pursuant to subsection (c) of this section:

(A) shall not be deemed excess receipts for purposes of this section;

(B) shall not be paid or distributed to the State or counties under any provision of law, or otherwise deemed as moneys received from the National Forest for purposes of the Act of May 23, 1908 or the Act of March 1, 1911 (16 U.S.C. §500, as amended), or the Act of March 4, 1913 (16 U.S.C. §501, as amended).

(2) As of the date of enactment of this section, any public land order withdrawing land described in subsection (c)(1) from all forms of appropriation under the public land laws is revoked with respect to any portion of the land conveyed by the Secretary under this section.

(3) Subject to valid existing rights, all lands described in section (c)(1) are withdrawn from location, entry, and patent under the mining laws of the United States.

(4) The Agriculture Property Management Regulations shall not apply to any action taken pursuant to this section.

(e) OPTION AGREEMENT AMENDMENT.—The Amendment No. 1 to the Option Agreement is hereby ratified as a matter of Federal law and the parties to it are authorized to effect the terms and conditions thereof.

SEC. 334. Subsection (c) of section 551 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460111-61) is amended to read as follows:

"(c) USE OF FUNDS.—The Secretary of Agriculture may expend amounts appropriated or otherwise made available to carry out this title in a manner consistent with the authorities exercised by the Tennessee Valley Authority before the transfer of the Recreation Area to the administrative jurisdiction of the Secretary, including campground management and visitor services, paid advertisement, and procurement of food and supplies for resale purposes."

SEC. 335. Section 339 of the Department of the Interior and Related Agencies Appropriations Act, 2000, as enacted into law by section 1000(a)(3) of Public Law 106-113 (113 Stat. 1501A-204; 16 U.S.C. 528 note), is amended—

(1) in subsection (b)—

(A) in the first sentence, by striking "not less than the fair market value" and inserting "fees under subsection (c)"; and

(B) by striking the second sentence and inserting the following: "The Secretary shall establish appraisal methods and bidding procedures to determine the fair market value of forest botanical products harvested under the pilot program.";

(2) in subsection (c), by striking paragraph (1) and inserting the following new paragraph (1):

"(1) IMPOSITION AND COLLECTION.—Under the pilot program, the Secretary of Agriculture shall charge and collect from a person who harvests forest botanical products on National Forest System lands a fee in an amount established by the Secretary to recover at least a portion of the fair market value of the harvested forest botanical products and a portion of the costs incurred by the Department of Agriculture associated with granting, modifying, or monitoring the authorization for harvest of the forest botanical products, including the costs of any environmental or other analysis.";

(3) in subsection (d)(1), by striking "charges and fees under subsections (b) and" and inserting "a fee under subsection";

(4) in subsection (f)—

(A) in paragraph (1), by striking "subsections (b) and" and inserting "subsection";

(B) in paragraph (2), by striking "in excess of the amounts collected for forest botanical products during fiscal year 1999";

(C) in paragraph (3), by striking "charges and fees collected at that unit under the pilot program to pay for" and all that follows through

the period at the end and inserting “fees collected at that unit under subsection (c) to pay for the costs of conducting inventories of forest botanical products, determining sustainable levels of harvest, monitoring and assessing the impacts of harvest levels and methods, conducting restoration activities, including any necessary vegetation, and covering costs of the Department of Agriculture described in subsection (c)(1).”; and

(D) in paragraph (4), by striking “subsections (b) and” and inserting “subsection”;

(5) in subsection (g)—

(A) by striking “charges and fees under subsections (b) and” and inserting “fees under subsection”;

(B) by striking “subsections (b) and” the second place it appears and inserting “subsection”;

(6) in subsection (h), by striking paragraph (1) and inserting the following new paragraph (1):

“(1) COLLECTION OF FEES.—The Secretary of Agriculture may collect fees under the authority of subsection (c) until September 30, 2009.”.

SEC. 336. TRANSFER OF FOREST LEGACY PROGRAM LAND. Section 7(l) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c(l)) is amended by inserting after paragraph (2) the following:

“(3) TRANSFER OF FOREST LEGACY PROGRAM LAND—

“(A) IN GENERAL.—Subject to any terms and conditions that the Secretary may require (including the requirements described in subparagraph (B)), the Secretary may, at the request of the State of Vermont, convey to the State, by quitclaim deed, without consideration, any land or interest in land acquired in the State under the Forest Legacy Program.

“(B) REQUIREMENTS.—In conveying land or an interest in land under subparagraph (A), the Secretary may require that—

“(i) the deed conveying the land or interest in land include requirements for the management of the land in a manner that—

“(I) conserves the land or interest in land; and

“(II) is consistent with any other Forest Legacy Program purposes for which the land or interest in land was acquired;

“(ii) if the land or interest in land is subsequently sold, exchanged, or otherwise disposed of by the State of Vermont, the State shall—

“(I) reimburse the Secretary in an amount that is based on the current market value of the land or interest in land in proportion to the amount of consideration paid by the United States for the land or interest in land; or

“(II) convey to the Secretary land or an interest in land that is equal in value to the land or interest in land conveyed.

“(C) DISPOSITION OF FUNDS.—Amounts received by the Secretary under subparagraph (B)(ii) shall be credited to the Wildland Fire Management account, to remain available until expended.”.

SEC. 337. Notwithstanding section 9(b) of Public Law 106-506, funds hereinafter appropriated under Public Law 106-506 shall require matching funds from non-Federal sources on the basis of aggregate contribution to the Environmental Improvement Program, as defined in Public Law 106-506, rather than on a project-by-project basis, except for those activities provided under section 9(c) of that Act, to which this amendment shall not apply.

SEC. 338. Any application for judicial review of a Record of Decision for any timber sale in Region 10 of the Forest Service that had a Notice of Intent prepared on or before January 1, 2003 shall—

(1) be filed in the Alaska District of the Federal District Court within 30 days after exhaustion of the Forest Service administrative appeals process (36 C.F.R. 215) or within 30 days of enactment of this Act if the administrative appeals process has been exhausted prior to enactment of this Act, and the Forest Service shall strictly

comply with the schedule for completion of administrative action;

(2) be completed and a decision rendered by the court not later than 180 days from the date such request for review is filed; if a decision is not rendered by the court within 180 days as required by this subsection, the Secretary of Agriculture shall petition the court to proceed with the action.

SEC. 339. (a) IN GENERAL.—The Secretary of Agriculture may cancel, with the consent of the timber purchaser, a maximum of 70 contracts for the sale of timber awarded between October 1, 1995 and January 1, 2002 on the Tongass National Forest in Alaska if—

(1) the Secretary determines, in the Secretary's sole discretion, that the sale would result in a financial loss to the purchaser and the costs to the government of seeking a legal remedy against the purchaser would likely exceed the cost of terminating the contract; and

(2) the timber purchaser agrees to—

(A) terminate its rights under the contract; and

(B) release the United States from all liability, including further consideration or compensation resulting from such cancellation.

(b) EFFECT OF CANCELLATION.—

(1) IN GENERAL.—The United States shall not surrender any claim against a timber purchaser that arose under a contract before cancellation under this section not in connection with the cancellation.

(2) LIMITATION.—Cancellation of a contract under this section shall release the timber purchaser from liability for any damages resulting from cancellation of such contract.

(c) TIMBER AVAILABLE FOR RESALE.—Timber included in a contract cancelled under this section shall be available for resale by the Secretary of Agriculture.

SEC. 340. (a) JUSTIFICATION OF COMPETITIVE SOURCING ACTIVITIES.—(1) In each budget submitted by the President to Congress under section 1105 of title 31, United States Code, for a fiscal year, beginning with fiscal year 2005, amounts requested to perform competitive sourcing studies for programs, projects, and activities listed in paragraph (2) shall be set forth separately from other amounts requested.

(2) Paragraph (1) applies to programs, projects, and activities—

(A) of the Department of the Interior for which funds are appropriated by this Act;

(B) of the Forest Service; and

(C) of the Department of Energy for which funds are appropriated by this Act.

(b) ANNUAL REPORTING REQUIREMENTS ON COMPETITIVE SOURCING ACTIVITIES.—(1) Not later than December 31 of each year, beginning with December 31, 2003, the Secretary concerned shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report, covering the preceding fiscal year, on the competitive sourcing studies conducted by the Department of the Interior, the Forest Service, or the Department of Energy, as appropriate, and the costs and cost savings to the citizens of the United States of such studies.

(2) In this subsection, the term “Secretary concerned” means—

(A) the Secretary of the Interior, with respect to the Department of the Interior programs, projects, and activities for which funds are appropriated by this Act;

(B) the Secretary of Agriculture, with respect to the Forest Service; and

(C) the Secretary of Energy, with respect to the Department of Energy programs, projects, and activities for which funds are appropriated by this Act.

(3) The report under this subsection shall include, for the fiscal year covered—

(A) the total number of competitions completed;

(B) the total number of competitions announced, together with a list of the activities covered by such competitions;

(C) the total number of full-time equivalent Federal employees studied under completed competitions;

(D) the total number of full-time equivalent Federal employees being studied under competitions announced, but not completed;

(E) the incremental cost directly attributable to conducting the competitions identified under subparagraphs (A) and (B), including costs attributable to paying outside consultants and contractors;

(F) an estimate of the total anticipated savings, or a quantifiable description of improvements in service or performance, derived from completed competitions;

(G) actual savings, or a quantifiable description of improvements in service or performance, derived from the implementation of competitions;

(H) the total projected number of full-time equivalent Federal employees covered by competitions scheduled to be announced in the fiscal year; and

(I) a description of how the competitive sourcing decision making processes are aligned with strategic workforce plans.

(c) DECLARATION OF COMPETITIVE SOURCING STUDIES.—For fiscal year 2004, each of the Secretaries of executive departments referred to in subsection (b)(2) shall submit a detailed competitive sourcing proposal to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of the enactment of this Act. The proposal shall include, for each competitive sourcing study proposed to be carried out by or for the Secretary concerned, the number of positions to be studied, the amount of funds needed for the study, and the program, project, and activity from which the funds will be expended.

(d) LIMITATION ON COMPETITIVE SOURCING STUDIES.—(1) Of the funds made available by this or any other Act to the Department of Energy or the Department of the Interior for fiscal year 2004, not more than the maximum amount specified in paragraph (2)(A) may be used by the Secretary of Energy or the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2004 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the fiscal year 2004 reprogramming guidelines.

(2) For the purposes of paragraph (1)—

(A) the maximum amount—

(i) with respect to the Department of Energy is \$500,000; and

(ii) with respect to the Department of the Interior is \$2,500,000; and

(B) the fiscal year 2004 reprogramming guidelines referred to in such paragraph are the reprogramming guidelines set forth in the joint explanatory statement accompanying the Act (H.R. 2691, 108th Congress, 1st session), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

(3) Of the funds appropriated by this Act, not more than \$5,000,000 may be used in fiscal year 2004 for competitive sourcing studies and related activities by the Forest Service.

(e) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—(1) None of the funds made available in this or any other Act may be used to convert to contractor performance an activity or function of the Forest Service, an activity or function of the Department of the Interior performed under programs, projects, and activities for which funds are appropriated by this Act, or an activity or function of the Department of Energy performed under programs,

projects, and activities for which funds are appropriated by this Act, if such activity or function is performed on or after the date of the enactment of this Act by more than 10 Federal employees unless—

(A) the conversion is based on the result of a public-private competition that includes a more efficient and cost effective organization plan developed by such activity or function; and

(B) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Federal Government by an amount that equals or exceeds the lesser of—

(i) 10 percent of the more efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(ii) \$10,000,000.

(2) This subsection shall not apply to a commercial or industrial type function that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(3) The conversion of any activity or function under the authority provided by this subsection shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy.

(f) **COMPETITIVE SOURCING STUDY DEFINED.**—In this subsection, the term “competitive sourcing study” means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

SEC. 341. Section 4(e)(3)(A)(vi) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346; 116 Stat. 2007) is amended by striking “under this Act” and inserting “under this Act, including costs incurred under paragraph (2)(A)”.

SEC. 342. **LAKE TAHOE RESTORATION PROJECTS.** Section 4(e)(3)(A) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346; 116 Stat. 2007) is further amended—

(1) in clause (v), by striking “and” at the end; and

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following: “(vi) transfer to the Secretary of Agriculture, or, if the Secretary of Agriculture enters into a cooperative agreement with the head of another Federal agency, the head of the Federal agency, for Federal environmental restoration projects under sections 6 and 7 of the Lake Tahoe Restoration Act (114 Stat. 2354), environmental improvement payments under section 2(g) of Public Law 96-586 (94 Stat. 3382), and any Federal environmental restoration project included in the environmental improvement program adopted by the Tahoe Regional Planning Agency in February 1998 (as amended), in an amount equal to the cumulative amounts authorized to be appropriated for such projects under those Acts, in accordance with a revision to the Southern Nevada Public Land Management Act of 1998 Implementation Agreement to implement this sec-

tion, which shall include a mechanism to ensure appropriate stakeholders from the States of California and Nevada participate in the process to recommend projects for funding; and”.

SEC. 343. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects and activities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central office operations shall be presented in annual budget justifications. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 344. (a) **ACROSS-THE-BOARD RESCIS-SIONS.**—There is hereby rescinded an amount equal to 0.646 percent of—

(1) the budget authority provided for fiscal year 2004 for any discretionary account in this Act; and

(2) the budget authority provided in any advance appropriation for fiscal year 2004 for any discretionary account in the Department of the Interior and Related Agencies Appropriations Act, 2003.

(b) **PROPORTIONATE APPLICATION.**—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

TITLE IV—THE FLATHEAD AND KOOTENAI NATIONAL FOREST REHABILITATION ACT

SEC. 401. **SHORT TITLE.** This title may be cited as the “Flathead and Kootenai National Forest Rehabilitation Act of 2003”.

SEC. 402. **FINDINGS AND PURPOSE.** (a) **FINDINGS.**—Congress finds that—

(1) the Robert Fire and Wedge Fire of 2003 caused extensive resource damage in the Flathead National Forest;

(2) the fires of 2000 caused extensive resource damage on the Kootenai National Forest and implementation of rehabilitation and recovery projects developed by the agency for the Forest is critical;

(3) the environmental planning and analysis to restore areas affected by the Robert Fire and Wedge Fire will be completed through a collaborative community process;

(4) the rehabilitation of burned areas needs to be completed in a timely manner in order to reduce the long-term environmental impacts; and

(5) wildlife and watershed resource values will be maintained in areas affected by the Robert Fire and Wedge Fire while exempting the rehabilitation effort from certain applications of the National Environmental Policy Act (NEPA) and the Clean Water Act (CWA).

(b) The purpose of this title is to accomplish in a collaborative environment, the planning and rehabilitation of the Robert Fire and Wedge Fire and to ensure timely implementation of recovery and rehabilitation projects on the Kootenai National Forest.

SEC. 403. **REHABILITATION PROJECTS.** (a) **IN GENERAL.**—The Secretary of Agriculture (in this title referred to as the “Secretary”) may conduct projects that the Secretary determines are necessary to rehabilitate and restore, and may conduct salvage harvests on, National Forest System lands in the North Fork drainage on the Flathead National Forest, as generally depicted on a map entitled “North Fork Drainage” which shall be on file and available for public inspection in the Office of Chief, Forest Service, Washington, D.C.

(b) **PROCEDURE.**—

(1) **IN GENERAL.**—Except as otherwise provided by this title, the Secretary shall conduct projects under this title in accordance with—

(A) the National Environmental Policy Act (42 U.S.C. 4321 et seq.); and

(B) other applicable laws.

(2) **ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENT.**—If an environmental assessment or an environmental impact statement (pursuant to section 102(2) of the National Environmental Policy Act (42 U.S.C. 4332(2))) is required for a project under this title, the Secretary shall not be required to study, develop, or describe any alternative to the proposed agency action in the environmental assessment or the environmental impact statement.

(3) **PUBLIC COLLABORATION.**—To encourage meaningful participation during preparation of a project under this title, the Secretary shall facilitate collaboration among the State of Montana, local governments, and Indian tribes, and participation of interested persons, during the preparation of each project in a manner consistent with the Implementation Plan for the 10-year Comprehensive Strategy of a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the conference report for the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106-646).

(4) **COMPLIANCE WITH CLEAN WATER ACT.**—Consistent with the Clean Water Act (33 U.S.C. 1251 et seq.) and Montana Code 75-5-703(10)(b), the Secretary is not prohibited from implementing projects under this title due to the lack of a Total Maximum Daily Load as provided for under section 303(d) of the Clean Water Act (33 U.S.C. 1313(d)), except that the Secretary shall comply with any best management practices required by the State of Montana.

(5) **ENDANGERED SPECIES ACT CONSULTATION.**—If a consultation is required under section 7 of the Endangered Species Act (16 U.S.C. 1536) for a project under this title, the Secretary of the Interior shall expedite and give precedence to such consultation over any similar requests for consultation by the Secretary.

(6) **ADMINISTRATIVE APPEALS.**—Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102-381; 16 U.S.C. 1612 note) and section 215 of title 36, Code of Federal Regulations shall apply to projects under this title.

SEC. 404. **CONTRACTING AND COOPERATIVE AGREEMENTS.** (a) **IN GENERAL.**—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into contract or cooperative agreements to carry out a project under this title.

(b) **EXEMPTION.**—Notwithstanding any other provisions of law, the Secretary may limit competition for a contract or a cooperative agreement under subsection (a).

SEC. 405. **MONITORING REQUIREMENTS.** (a) **IN GENERAL.**—The Secretary shall establish a multiparty monitoring group consisting of a representative number of interested parties, as determined by the Secretary, to monitor the performance and effectiveness of projects conducted under this title.

(b) **REPORTING REQUIREMENTS.**—The multiparty monitoring group shall prepare annually a report to the Secretary on the progress of the projects conducted under this title in rehabilitating and restoring the North Fork drainage. The Secretary shall submit the report to the Senate Subcommittee on Interior Appropriations of the Senate Committee on Appropriations.

SEC. 406. **SUNSET.** The authority for the Secretary to issue a decision to carry out a project under this title shall expire 5 years from the date of enactment.

SEC. 407. **IMPLEMENTATION OF RECORDS OF DECISION.** The Secretary of Agriculture shall publish new information regarding forest wide estimates of old growth from volume 103 of the administrative record in the case captioned Ecology Center v. Castaneda, CV-02-200-M-DWM (D. Mont.) for public comment for a 30-day period. The Secretary shall review any comments received during the comment period and

decide whether to modify the Records of Decision (hereinafter referred to as the "ROD's") for the Pinkham, White Pine, Kelsey-Beaver, Gold/Boulder/Sullivan, and Pink Stone projects on the Kootenai National Forest. The ROD's, whether modified or not, shall not be deemed arbitrary and capricious under the NFMA, NEPA or other applicable law as long as each project area retains 10 percent designated old growth below 5,500 feet elevation in third order watersheds in which the project is located as specified in the forest plan.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2004".

And the Senate agree to the same.

CHARLES H. TAYLOR,
BILL YOUNG,
RALPH REGULA,
JIM KOLBE,
GEORGE R. NETHERCUTT
JR.,
ZACH WAMP,
JOHN E. PETERSON,
DON SHERWOOD,
ANDER CRENSHAW,
NORMAN D. DICKS,
JOHN P. MURTHA,
JAMES P. MORAN,
JOHN W. OLVER,

Managers on the Part of the House.

CONRAD BURNS,
TED STEVENS,
THAD COCHRAN,
PETE DOMENICI,
ROBERT F. BENNETT,
JUDD GREGG,
BEN NIGHTHORSE
CAMPBELL,
SAM BROWNBACK,
BYRON L. DORGAN,
ROBERT C. BYRD,
PATRICK J. LEAHY,
ERNEST HOLLINGS,
HARRY REID,
DIANNE FEINSTEIN,
BARBARA A. MIKULSKI,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF 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 amendment of the Senate 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, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 2691 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 108-195 or Senate Report 108-89 that are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

REPROGRAMMING GUIDELINES

The managers have revised the reprogramming guidelines to address the issue of assessments and charges within departments and agencies or by other agencies, and to clarify other issues. Changes to the guidelines proposed by the House include a technical change to the definition section and a revised section 2(e).

The following are the revised procedures governing reprogramming actions for pro-

grams and activities funded in the Interior and Related Agencies Appropriations Act:

1. *Definition.*—"Reprogramming," as defined in these procedures, includes the reallocation of funds from one budget activity to another. In cases where either Committee report displays an allocation of an appropriation below the activity level, that more detailed level shall be the basis for reprogramming. For construction accounts, a reprogramming constitutes the reallocation of funds from one construction project (identified in the justification or Committee report) to another. A reprogramming shall also consist of any significant departure from the program described in the agency's budget justifications. This includes proposed reorganizations even without a change in funding.

2. *Guidelines for Reprogramming.*—(a) A reprogramming should be made only when an unforeseen situation arises; and then only if postponement of the project or the activity until the next appropriation year would result in actual loss or damage. Mere convenience or desire should not be factors for consideration.

(b) Any project or activity, which may be deferred through reprogramming, shall not later be accomplished by means of further reprogramming; but, instead, funds should again be sought for the deferred project or activity through the regular appropriations process.

(c) Reprogramming should not be employed to initiate new programs or to change allocations specifically denied, limited or increased by the Congress in the Act or the report. In cases where unforeseen events or conditions are deemed to require such changes, proposals shall be submitted in advance to the Committee, regardless of amounts involved, and be fully explained and justified.

(d) Reprogramming proposals submitted to the Committee for approval shall be considered approved 30 calendar days after receipt if the Committee has posed no objection. However, agencies will be expected to extend the approval deadline if specifically requested by either Committee.

(e) Proposed changes to estimated working capital fund bills and estimated overhead charges, deductions, reserves or holdbacks, as such estimates were presented in annual budget justifications, shall be submitted through the reprogramming process.

3. *Criteria and Exception.*—Any proposed reprogramming must be submitted to the Committee in writing prior to implementation if it exceeds \$500,000 annually or results in an increase or decrease of more than 10 percent annually in affected programs, with the following exception:

With regard to the tribal priority allocations activity of the Bureau of Indian Affairs, Operations of Indian Programs account, there is no restriction on reprogrammings among the programs within this activity. However, the Bureau shall report on all reprogrammings made during the first six months of the fiscal year by no later than May 1 of each year, and shall provide a final report of all reprogrammings for the previous fiscal year by no later than November 1 of each year.

4. *Quarterly Reports.*—(a) All reprogrammings shall be reported to the Committee quarterly and shall include cumulative totals. (b) Any significant shifts of funding among object classifications also should be reported to the Committee.

5. *Administrative Overhead Accounts.*—For all appropriations where costs of overhead administrative expenses are funded in part from "assessments" of various budget activities within an appropriation, the assessments shall be shown in justifications under the discussion of administrative expenses.

6. *Contingency Accounts.*—For all appropriations where assessments are made against various budget activities or allocations for contingencies, the Committee expects a full explanation, separate from the justifications. The explanation shall show the amount of the assessment, the activities assessed, and the purpose of the fund. The Committee expects reports each year detailing the use of these funds. In no case shall a fund be used to finance projects and activities disapproved or limited by Congress or to finance new permanent positions or to finance programs or activities that could be foreseen and included in the normal budget review process. Contingency funds shall not be used to initiate new programs.

7. *Declarations of Taking.*—The Committee directs the Bureau of Land Management, the U.S. Fish and Wildlife Service, the National Park Service, and the Forest Service to seek Committee approval in advance of filing declarations of taking.

8. *Report Language.*—Any limitation, directive, or earmarking contained in either the House or Senate report which is not contradicted by the other report nor specifically denied in the conference report shall be considered as having been approved by both Houses of Congress.

9. *Forest Service.*—The following procedures shall apply to the Forest Service, Department of Agriculture:

(a) The Forest Service shall not change the boundaries of any region, abolish any region, move or close any regional office for research, State and private forestry, or National Forest System administration, without the consent of the House and Senate Committees on Appropriations in compliance with these reprogramming procedures.

(b) Provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) and of 7 U.S.C. 147b shall apply to appropriations available to the Forest Service only to the extent that the proposed transfer is approved by the House and Senate Committees on Appropriations in compliance with these reprogramming procedures.

10. *Assessments.*—No assessments shall be levied against any program, budget activity, subactivity, or project funded by the Interior Appropriations Act unless such assessments and the basis therefore are presented to the Committees on Appropriations and are approved by such Committees, in compliance with these procedures.

11. *Land Acquisitions and Forest Legacy.*—Lands shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of Public Law 91-646) except for condemnations and declarations of taking, unless such acquisitions are submitted to the Committees on Appropriations for approval in compliance with these procedures.

12. *Land Exchanges.*—Land exchanges, wherein the estimated value of the Federal lands to be exchanged is greater than \$500,000, shall not be consummated until the Committees on Appropriations have had a 30-day period in which to examine the proposed exchange.

13. The appropriation structure for any agency shall not be altered without advance approval of the House and Senate Committees on Appropriations.

COMPETITIVE SOURCING

The managers support the underlying principle of the Administration's competitive sourcing initiative, which is that the government must continually strive to improve the efficiency of its operations and the delivery of the services it provides to the citizens of the United States. The managers are concerned that this far-reaching initiative appears to be on such a fast track that the Congress and the public are neither able to participate nor understand the costs and implications of the decisions being made. The

managers remain concerned that the Administration has failed to budget adequately for the cost of the initiative and to justify such costs in budget documents. As a result, significant sums are being expended in violation of reprogramming guidelines and at the expense of critical, on-the-ground work such as the maintenance of Federal facilities. While millions have been spent to date, reprogramming letters have not been forwarded to the House and Senate Committees on Appropriations and funds have been diverted from important programs.

The managers have included bill language in Title III, General Provisions, outlining specific spending limits and reporting requirements for each program, project, and activity affected by the competitive sourcing initiative. These fiscal year 2004 funding instructions apply to all studies for which work has not yet begun, even though a department or agency may have previously announced plans to conduct such studies. The managers note that these requirements should not be construed as opposition to the careful and considered conduct of a competitive sourcing program. The managers want to ensure that there is full disclosure on the use of appropriated funds in order to enable Congress and the public to evaluate the costs and tradeoffs involved in an initiative of this magnitude.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

The conference agreement provides \$850,321,000 for management of lands and resources instead of \$834,088,000 as proposed by the House and \$847,091,000 as proposed by the Senate.

Changes to the House for land resources include increases of \$1,000,000 for the National Center for Invasive Plant Management, \$500,000 for Idaho weed control, \$200,000 for the Rio Puerco watershed, and \$200,000 for range monitoring.

The bureau is urged to implement the provisions of a Candidate Conservation Agreement in Idaho concerning *Lepidium Papilliferum* should adequate funding exist.

The managers expect the bureau to use the additional funds provided for range management to increase service to grazing permittees by increasing cooperative monitoring on grazing allotments.

Changes to the House for recreation management include an increase of \$1,000,000 for the Undaunted Stewardship Program and decreases of \$500,000 for Otay Mountains management, and \$1,000,000 for the National Landscape Conservation System.

Changes to the House for energy and minerals include an increase of \$1,500,000 for processing applications to drill for coalbed methane and conventional fuels on the public lands.

The managers direct that the additional funds for processing applications for coalbed methane and conventional oil and natural gas be earmarked for Colorado, Montana, New Mexico, and Utah. The managers believe that the Bureau has made progress developing necessary mechanisms to ensure that the backlog of oil and gas permitting activities will be addressed in a timely manner. Based on this assessment, the managers have modified Senate report language to give the Director of the Bureau of Land Management the discretion on whether to implement the pilot program outlined in Senate report 108-89.

Several years ago, the Appropriations Committees recognized the need to increase staffing for the Bureau's energy activities to ensure that additional amounts of clean natural gas could be produced on Federal lands

where production could be accomplished in an environmentally balanced manner. Based on the recently completed Environmental Impact Statement for the Powder River Basin and increased staffing for the Buffalo and Miles City field offices, the managers expect more than 3,000 permits to drill will be issued in 2004.

The managers understand that the greater Green River and Uinta-Piceance basins have large amounts of producible natural gas. The managers have provided additional resources for these field offices as well as for promising basins in New Mexico, Colorado and Utah. The managers urge the Bureau to contract for the next Energy Policy Act basin study. This information is essential for making decisions on future energy production. The Bureau should continue to work diligently to reduce impediments to production.

The change to the House for Alaska minerals is an increase of \$262,000.

Changes to the House for realty and ownership management include increases of \$9,500,000 for Alaska conveyance, \$1,000,000 for GIS mapping in Utah, \$225,000 for Spirit/Twin Lakes Omitted Lands Act activities, \$1,000,000 for rights-of-way cost recovery, \$750,000 for the Alaska public lands database, and \$1,000,000 for recordable disclaimer applications in Alaska.

The managers support the Bureau's efforts to continue implementing realty actions set forth in the Clark County Act.

Changes to the House for resource protection and maintenance include decreases of \$200,000 for desert rangers in California, \$200,000 for the restoration of lands in Arizona damaged by undocumented aliens, and \$500,000 for Imperial Sand Dunes law enforcement and management.

The change to the House for transportation and facilities maintenance is an increase of \$1,000,000 for capping oil wells in the National Petroleum Reserve Alaska.

The change to the House for challenge cost share is a decrease of \$504,000.

The managers retained House language for the horse and burro program instead of Senate language, which had minor technical differences.

WILDLAND FIRE MANAGEMENT

The conference agreement provides \$792,725,000 for wildland fire management instead of \$698,725,000 as proposed by both the House and the Senate. The total includes \$99,000,000 to repay prior year advances as described below.

The change to the House for preparedness is a decrease of \$25,000,000 of which \$20,000,000 is redirected to fire suppression operations.

The change to the House for other operations is a decrease of \$5,000,000 that is redirected to fire suppression operations.

The change to the House fire suppression operations is an increase of \$25,000,000. This funds fire suppression operations at the ten-year average.

The managers have provided an additional \$99,000,000 in emergency funding as requested by the Administration to repay prior year advances from other appropriation accounts from which funds were transferred for wild-fire suppression activities.

The managers retain Senate language establishing criteria for contracting certain fire activities; the House had similar language.

CENTRAL HAZARDOUS MATERIALS FUND

The conference agreement provides \$9,978,000 for the central hazardous materials fund as proposed by the House and the Senate.

CONSTRUCTION

The conference agreement provides \$13,976,000 for construction instead of

\$10,976,000 as proposed by the House and \$12,476,000 as proposed by the Senate.

Changes to the House for construction include increases of \$1,000,000 for the construction of the California Trail Interpretive Center in Nevada and \$2,000,000 for site preparation work associated with the construction of the Agua Caliente Cultural Museum in California. This completes the Bureau's participation in the Agua Caliente project.

LAND ACQUISITION

The conference agreement provides \$18,600,000 for land acquisition instead of \$14,000,000 as proposed by the House and \$25,600,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	Amount
Blackfoot River Watershed (MT)	\$3,000,000
California Wilderness (CA) Canyon of the Ancients NM (CO)	750,000
Chain-of-Lakes RMA (MT)	600,000
Elkhorn/Ironmask (MT)	1,750,000
Kasha-Katuwe Tent Rocks NM (NM)	750,000
Lower Salmon River ACEC (ID)	1,500,000
Otay Mountains/Kuchama AHCP (CA)	750,000
Sandy River/Oregon NHT (OR)	1,000,000
Santa Rosa and San Jacinto Mountains NM (CA)	1,000,000
Upper Snake/South Fork Snake River (ID)	750,000
Washington County HCP (UT)	1,250,000
Subtotal	500,000
Land Equalization Payment	13,600,000
Acquisition Management ..	500,000
Emergency/Inholdings/Relocation	3,500,000
Total	1,000,000
	18,600,000

OREGON AND CALIFORNIA GRANT LANDS

The conference agreement provides \$106,672,000 for Oregon and California grant lands as proposed by both the House and the Senate.

RANGE IMPROVEMENTS

The conference agreement provides an indefinite appropriation for range improvements of not less than \$10,000,000 as proposed by the both the House and the Senate.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

The conference agreement provides an indefinite appropriation for service charges, deposits, and forfeitures, which is estimated to be \$18,657,000 in the Senate bill instead of an estimated \$20,490,000 in the House bill.

Changes to the House estimate for service charges, deposits, and forfeitures include decreases of \$1,333,000 for rights-of-way processing and \$500,000 for realty cost recovery.

MISCELLANEOUS TRUST FUNDS

The conference agreement provides an indefinite appropriation of \$12,405,000 for miscellaneous trust funds as proposed by both the House and the Senate.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement provides \$963,352,000 for resource management instead of \$959,901,000 as proposed by the House and \$942,244,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In endangered species programs, there are increases in candidate conservation of \$150,000 for Alaska sea otter and walrus and

\$10,000 for slickspot peppergrass. In recovery, there are increases of \$100,000 for wolf recovery efforts of the Nez Perce Tribe, \$100,000 for the Service's Snake River Basin office wolf recovery efforts, \$460,000 for the Idaho Office of Species Conservation wolf recovery efforts, \$2,000,000 for Atlantic salmon grants administered by the National Fish and Wildlife Foundation, \$500,000 for Lahontan cutthroat trout, \$150,000 for fresh water mussels at the White Sulphur Springs NFH, WV, and \$900,000 for Eider recovery through the Alaska SeaLife Center. There is also an increase in recovery of \$15,000 for wolf monitoring in Montana and Wyoming, which provides a total of \$515,000 for efforts in those two States.

In habitat conservation, increases for the partners for fish and wildlife program include \$500,000 for the Montana Water Center wild fish habitat initiative, \$1,250,000 for Nevada biodiversity research, \$100,000 for bald eagle restoration through the Vermont natural heritage partners program, \$750,000 for Hawaii endangered species, \$700,000 for Hawaii invasive species control, \$500,000 for ferret reintroduction on Rosebud Sioux tribal lands, \$850,000 for wildlife enhancement in Starkville, MS, and \$50,000 for technical assistance at the New Jersey Meadowlands. There are also decreases in the partners program of \$500,000 for Walla Walla Basin fish passage and salmon recovery, \$250,000 for restoration in the Tunkhannock and Bowman's Creek watersheds in Pennsylvania, and a general decrease of \$4,000,000. There is an increase in project planning of \$550,000 for Middle Rio Grande/Bosque research.

In refuge operations and maintenance there are general decreases of \$3,000,000 for refuge operations and \$3,000,000 for refuge maintenance.

In migratory birds programs, increases include \$575,000 for seabird bycatch reduction and \$800,000 for management of albatross in the north Pacific.

In law enforcement operations, increases include \$700,000 for a Louisville, KY port of entry and \$700,000 for a Memphis, TN port of entry. There are also decreases of \$1,000,000 for wildlife inspectors along the northern and southern borders and \$450,000 for the Atlanta, GA port of entry.

In fishery programs, there is a decrease of \$312,000 for hatchery operations. In fish and wildlife management, increases include \$250,000 for the Connecticut River Commission, \$300,000 for whirling disease research through the National Partnership on Management of Wild and Native Coldwater Fisheries, \$100,000 for resistant trout research with the Whirling Disease Foundation Health Center in Montana, \$400,000 for the Wildlife Health Center in Montana, \$403,000 for Yukon River salmon treaty implementation, \$150,000 for fish passage adjacent to railroads in Alaska, \$250,000 for the Regional Mark Processing Center, and \$1,000,000 for marine mammal population surveys in Alaska.

In general administration, increases include \$450,000 for operations and maintenance at the National Conservation Training Center, WV, and \$400,000 for the Caddo Lake Ramsar Center in Texas.

Bill Language.—The conference agreement includes the House earmark of \$2,000,000 for Natural Communities Conservation Planning, as provided in past years, rather than suggesting that this program compete for funds through the cooperative endangered species program as proposed in Senate report language. The conference agreement does not include Senate language on economic development in Starkville, MS, but \$850,000 is included under the partners for fish and wildlife program for wildlife enhancement in Starkville, MS.

The managers continue to be concerned about the Service's cost allocation methodology. The Inspector General is currently examining this issue. The Service should work closely with the Inspector General and the House and Senate Committees on Appropriations to resolve the current problems in CAM. The managers agree that CAM needs to be reformed so that it is clearly justified and transparent. It is inappropriate to supplement shortfall funding in headquarters and regional office budgets using CAM. The Service should realign its budget justification line items to budget accurately for the costs of headquarters and regional offices and clearly explain what costs are included in CAM and why.

The managers agree to the following:

1. There is up to \$15,000,000 in the Forest Service budget for ESA consultation work associated with fuels reduction projects but these funds have not been fully utilized by the Service. The Service should work more closely with the Forest Service to see that those funds are released in a timely manner to address critical fuels reduction needs in Montana and elsewhere.

2. Sixty percent of the funding provided for wolf monitoring in Montana and Wyoming is for work in Montana and 40 percent is for work in Wyoming.

3. The partners for fish and wildlife program has been very successful and any increase in base program funding should be used by the Service to fund additional projects within the context of the existing program.

4. While appreciating the merits of an oyster revitalization program in Delaware Bay, no funding is included because this program should be under the jurisdiction of the National Marine Fisheries Service rather than the U.S. Fish and Wildlife Service.

5. The \$50,000 provided for the New Jersey Meadowlands project in the partners for fish and wildlife program should be used together with unobligated balances available from fiscal year 2003, and the appropriate amount needed for the project in fiscal year 2005 should be included in the budget request for fiscal year 2005.

6. None of the funds provided for the Caddo Lake Ramsar Center in Texas may be used for infrastructure or construction-related projects.

7. The Service may use a portion of the funds provided for fish passage to continue its effort to develop a computerized fish passage decision support system.

8. With the increase provided for the National Partnership on Management of Wild and Native Coldwater Fisheries whirling disease program, there is a total of \$1 million for that program in fiscal year 2004.

9. With the increase provided for resistant trout research with the Whirling Disease Foundation, there is a total of \$350,000 for that program in fiscal year 2004.

10. The reprogramming request for expansion of the Service's California/Nevada Office is approved with the understanding that the Service will keep the House and Senate Committees on Appropriations advised on at least a semi-annual basis of progress in phasing-in the additional staffing for the office.

11. Within the funds provided for refuge operations and maintenance, \$450,000 should be used for rodent control at the Alaska Maritime NWR.

12. There is no earmark within available funds in the refuge operations and maintenance budget for spartina grass control at the Willapa NWR, WA, because the conference agreement provides an increase of \$300,000 for that program as proposed by the House.

13. The Service should work closely with the office of aircraft services to develop a

plan for replacement of aircraft. Increased payments to the OAS reserve account will need to be phased in over time and the necessary increases should be included in future budgets as uncontrollable cost increases and should not be funded at the expense of the base budget.

14. While the managers have accepted the travel reductions proposed in the budget request, mission essential travel, including travel associated with mandatory or Service-critical training requirements, should not be reduced.

15. The managers are aware that the U.S. Fish and Wildlife Service has provided assistance to private entities attempting to remove cattle from Chirikof Island in the Alaska Maritime NWR. Given that these efforts have not been entirely successful, the managers urge the Service to work with the State and interested stakeholders on alternative strategies for cattle management. The managers further encourage the State to consider making range available on nearby State-owned islands.

16. In 2003, the Don Edwards National Wildlife Refuge expanded by 10,000 acres as a result of acquisition of the former Cargill Salt Ponds, which was financed mainly by non-federal sources. The managers recognize that this expansion may require an increase in the operating budget for the refuge.

CONSTRUCTION

The conference agreement provides \$60,554,000 for construction instead of \$52,718,000 as proposed by the House and \$53,285,000 as proposed by the Senate. Funds are to be distributed as follows:

(Dollars in thousands)

Project	Description	Disposition
Alaska Maritime NWR, AK ...	Equip visitor center	\$400
Anchorage Int'l Airport, AK ...	Hangar—Phase II [cc]	5,000
Audubon Center for Research of Endangered Species, LA	Whooping Crane Breeding Facility [cc]	1,200
Bear River NWR, UT	Water mgmt. improvements	500
Bitter Lake NWR, NM	Joe Skeen Visitors Center [cc]	1,400
Bozeman Fish Technology Center, MT	Laboratory/Administration Building—Phase V [cc]	1,887
Cabo Rojo NWR, PR	Replace Office Building (Seismic)—Phase II [cc]	3,700
Canaan Valley NWR, WV	Visitor improvements/law enforcement housing	600
Cape Romain, NWR, SC	Dike/Water control structures [c]	500
Clark R. Bavin Forensics Laboratory, OR	Security upgrades (not funded in 2003)	765
Crab Orchard NWR, IL	Devil's Kitchen Dam—Phase I [d]	500
Dam Safety	Structural Studies (not funded in 2003)	660
Entiat NFH, WA	Seismic Safety Rehabilitation of Four Buildings—Phase I [p/d]	120
Garrison Dam, ND	Fish pond improvements	300
Iron River NFH, WI	Replace Domes at Schacte Creek with Buildings—Phase III [cc]	600
Jordan River NFH, MI	Replace Great Lakes Fish Stocking Vessel, M/V Togue—Phase III [cc]	5,500
Kenai NWR, AK	Cabins, trails, campgrounds	1,000
Kodiak NWR, AK	Visitor Center [c]	1,000
Kofa NWR, AZ	Seismic Safety Rehabilitation—Phase I [p/d]	350
Lacreek NWR, SD	Little White River Dam—Phase II [d]	730
Lahontan NFH, NV	Seismic Safety Rehabilitation of Two Buildings—Phase I [p/d]	70
Makah NFH, WA	Seismic Safety Rehabilitation of One Building—Phase I [p/d]	80
Mammoth Springs NFH, AR	Visitor center renovation [c]	1,000
National Eagle Repository, CO	Repository incinerator [p/d/cc]	110
Neosho NFH, MO	Office and Visitors Center [c]	1,000
Northeast Fishery Center Complex, PA	Laboratory expansion, accessible fishing, etc.	1,150
Northwest Power Planning Area	Fish screens, etc.	3,000
Ohio River Islands NWR, WV	Visitors Center, office space & equipment [cc]	1,561
Okefenokee Concession, GA	Concession facility	525
Puerto Rican Parrot, PR	Replace/Relocate Aviary	1,700
Security Upgrades	Servicewide (not funded in 2003)	700
Servicewide	Bridge Safety Inspections ...	575

[Dollars in thousands]		
Project	Description	Disposition
Servicewide	Dam Safety Programs and Inspections	730
Servicewide	Replace Survey Aircraft	1,000
Servicewide	Initial inspections for recently acquired dams	1,291
Sevilleta NWR, NM	Laboratory construction	1,000
Silvio O. Conte NWR, VT	Nulhegan Div. visitor contact station, office & maintenance buildings [p/d]	450
Visitor Contact Facilities	Servicewide	3,000
White Sulphur Springs NFH, WV	Equipment upgrades	50
Winthrop NFH, WA	Seismic Safety Rehabilitation of Four Buildings—Phase I [p/d]	130
Wolf Creek NFH, KY	Visitors Center [cc]	2,100
World Birding Ctr., TX	Construction	1,300
Subtotal, Line Item Construction		49,234
Nationwide Engineering Services:		
Cost Allocation Methodology		3,058
Environmental Compliance		1,650
Other, non-project specific Nationwide Engineering Services		6,262
Seismic Safety Program		200
Waste Prevention, Recycling Environmental Mgmt.		150
Subtotal, Nationwide Engineering Services		11,320
Total		60,554

The managers agree to the following:

1. Language is included in the resource management account and the departmental management account concerning the replacement of survey aircraft.

2. The funding provided for equipment at the Alaska Maritime NWR, AK, completes the Service's commitment for construction of this project.

3. The funding provided for cabins, trails, and campgrounds at the Kenai NWR, AK, is the full amount needed for this project.

4. The funding provided for laboratory expansion and other improvements at the Northeast Fishery Center Complex, PA, is the full amount needed for these projects.

5. No funding is provided for a master plan and environmental assessment at the Patuxent Research Center, MD. The Service should work closely with the U.S. Geological Survey to develop a budget for this program that clearly and fairly delineates the funding requirements for each of the bureaus. The Service should not fund any costs that are not specifically required for the refuge. The USGS should fund the costs related to the research center.

6. The funding provided for replacing the Puerto Rican parrot aviary is the full Federal share from the Service's construction budget.

7. The funding provided for the Wolf Creek NFH, WV, visitor center completes this project.

LAND ACQUISITION

The conference agreement provides \$43,628,000 for land acquisition instead of \$23,058,000 as proposed by the House and \$64,689,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	Amount
Alaska Peninsula NWR (AK)	\$250,000
Baca NWR (CO)	7,000,000
Back Bay NWR (VA)	750,000
Balcones Canyonland NWR (TX)	2,000,000
Big Muddy NFWR (MO)	500,000
Boyer Chute NWR (NE)	500,000
Canaan Valley NWR (WV)	600,000
Cape May NWR (NJ)	750,000
Chickasaw NWR (TN)	750,000
Clarks River NWR (KY)	500,000
Dakota Tallgrass Prairie (SD)	1,000,000

Area (State)	Amount
Great River NWR (MO/IL)	500,000
Great Swamp NWR (NJ)	750,000
James Campbell NWR (HI) ..	250,000
Lower Hatchie NWR (TN) ..	1,800,000
Lower Rio Grande NWR (TX)	1,000,000
Northern Tallgrass Prairie (MN/IA)	470,000
Patoka River NWR (IN)	500,000
Rachel Carson NWR (ME) ..	750,000
Red River NWR (LA)	500,000
Rhode Island refuge complex (RI)	1,000,000
San Diego NWR (CA)	2,000,000
Silvio O Conte NWR (MA/NH/VT)	750,000
Togiak NWR (AK)	1,000,000
Waccamaw NWR (SC)	1,300,000
Western Montana Project/Blackfoot Challenge	2,000,000
White Sulphur Springs NFH (WV)	400,000
Yukon Flats NWR (AK)	500,000
Subtotal	30,070,000
Acquisition Management ..	8,500,000
Emergencies and Hardship Exchanges	1,000,000
Inholdings	500,000
Cost Allocation Methodology (CAM)	1,500,000
Total	2,058,000
Total	43,628,000

The managers are supportive of the Detroit River International Wildlife Refuge but have deferred decisions on further appropriations at this time based on information from the Service that additional funds could not be obligated in 2004. Further acquisitions have been delayed pending resolution of outstanding issues related to contaminants. The managers strongly encourage the Service to work to address these issues so that further development of the refuge can proceed.

The managers understand and appreciate the potential benefits of a proposed expansion of the James Campbell National Wildlife Refuge on the island of Oahu, Hawaii. The expansion would restore over 800 acres of prime wetland habitat, while simultaneously mitigating flood risks for neighboring communities. The managers strongly urge the Service to work expeditiously to complete action on the joint EIS.

The managers have not included funding for Minnesota Valley National Wildlife Refuge because there are presently no options to purchase land.

LANDOWNER INCENTIVE PROGRAM

The conference agreement provides \$30,000,000 for the landowner incentive program instead of \$40,000,000 as proposed by both the House and the Senate.

STEWARDSHIP GRANTS

The conference agreement provides \$7,500,000 for stewardship grants instead of \$10,000,000 as proposed by both the House and the Senate.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

The conference agreement provides \$82,614,000 for the cooperative endangered species conservation fund instead of \$86,614,000 as proposed by both the House and the Senate. The managers have agreed to a decrease of \$4,000,000 for Section 6 grants.

NATIONAL WILDLIFE REFUGE FUND

The conference agreement provides \$14,414,000 for the national wildlife refuge fund as proposed by both the House and the Senate.

NORTH AMERICAN WETLANDS CONSERVATION FUND

The conference agreement provides \$38,000,000 for the North American wetlands

conservation fund instead of \$24,560,000 as proposed by the House and \$42,982,000 as proposed by the Senate. Increases to the House proposed level include \$12,902,000 for wetlands conservation and \$538,000 for administration.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

The conference agreement provides \$4,000,000 for Neotropical migratory bird conservation instead of \$5,000,000 as proposed by the House and \$3,000,000 as proposed by the Senate.

MULTINATIONAL SPECIES CONSERVATION FUND

The conference agreement provides \$5,600,000 for the multinational species conservation fund instead of \$5,000,000 as proposed by the House and \$6,000,000 as proposed by the Senate. Changes to the House level include an increase of \$200,000 each for the African elephant program, the Asian elephant program, and the great apes program.

STATE AND TRIBAL WILDLIFE GRANTS

The conference agreement provides \$70,000,000 for State and tribal wildlife grants instead of \$75,000,000 as proposed by both the House and the Senate.

Bill Language.—The conference agreement earmarks \$6,000,000 for competitive grants with tribes as proposed by the House instead of \$5,000,000 as proposed by the Senate. The conference agreement does not include bill language proposed by the Senate on the use of funds for education efforts. This issue is addressed below.

The managers agree that the purpose of State and tribal wildlife grants is to restore and protect habitat. To the extent that an education component is critical to the success of a habitat restoration and preservation project, it is permissible. The managers expect that such an education component should involve a de minimus amount of funding and will not be required for many projects. An example of an acceptable education component is on-site posting of signs explaining the purpose of a habitat restoration project and explaining why it is important to avoid trespassing on newly restored habitat. Another example is the development of an explanatory handout or simple brochure that could be distributed to interested parties. In no case should the cost of an education component exceed 10 percent of the funding for a project.

While the managers agree that there may be synergies between the State and tribal wildlife grant program and the State assistance program in the National Park Service, the managers caution the Service and the States that the mission of the State and tribal wildlife grant program is habitat restoration and preservation.

ADMINISTRATIVE PROVISIONS

The conference agreement includes language referring to the reprogramming guidelines in the front of the statement of the managers accompanying this Act. The House and Senate had referenced the reprogramming guidelines in earlier reports.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement provides \$1,629,641,000 for the operation of the national park system instead of \$1,630,882,000 as proposed by the House and \$1,636,299,000 as proposed by the Senate.

The conference agreement provides \$340,114,000 for resource stewardship. Changes to the House level include a reduction of \$1,106,000 to restore half of the fiscal year 2003 across the board reduction, an increase of \$3,102,000 for park specific increases, a reduction of \$2,924,000 for inventory and monitoring programs, an increase of \$225,000 for Cumberland Piedmont Network, and an increase of \$375,000 for Vanishing Treasures.

The conference agreement provides \$324,348,000 for Visitor Services. Changes to the House level include a decrease of \$1,031,000 to restore half of the fiscal year 2003 across the board reduction, and an increase of \$649,000 for park specific increases.

The conference agreement provides \$567,230,000 for maintenance. Changes to the House level include a reduction of \$1,701,000 to restore half of the fiscal year 2003 across the board reduction, an increase of \$1,765,000 for park specific increases, and a reduction of \$2,000,000 for facility condition assessments.

The conference agreement provides \$286,378,000 for park support. Changes to the House level include reductions of \$516,000 for park specific increases, \$500,000 for management accountability review, and \$927,000 to restore half of the fiscal year 2003 across the board reduction and increases of \$300,000 for partnership wild and scenic rivers programs and \$400,000 to expand the volunteers in parks programs.

The conference agreement provides \$114,571,000 for external administrative costs. This is a reduction of \$352,000 from the House level.

There is a general reduction of \$3,000,000.

Within the maintenance account, the managers direct the following: \$300,000 for landscape improvements at Gettysburg NMP, \$550,000 for improvements to comfort stations and the North Shore Cemetery at Great Smoky Mountains NP in North Carolina, \$210,000 for a water connection at Indiana Dunes NL, \$250,000 for access improvements at Apostle Islands NL, \$200,000 for rehabilitation at Valley Forge NMP, \$300,000 for Ocmulgee NM repairs, and \$250,000 for a boundary survey and \$200,000 for building stabilization and demolition work at New River Gorge NR, West Virginia. Up to \$1 million of funds appropriated for repair and rehabilitation should be used for maintenance work associated with the First Flight Centennial Celebration at the Wright Brothers National Memorial, North Carolina.

In addition to the statutory requirements and limitations agreed to in this bill, the managers believe that the National Park Service in reviewing requests for use of the Mall for special events should ensure that event organizers have addressed the requirements which such events may impose on public transportation systems and, when events involve very large numbers of visitors or unusual times, ensure that these needs have been coordinated with the Washington Metropolitan Transportation Authority.

The managers urge the Service to provide, to the extent possible, the necessary support for the administration of the National Historic Lighthouse Preservation Act. Within the increases provided above the request for base operations, \$500,000 is provided for nationally designated trails.

UNITED STATES PARK POLICE

The conference agreement provides \$78,859,000 for the United States Park Police, as proposed by the House instead of \$78,349,000 as proposed by the Senate.

The National Academy of Public Administration conducted a comprehensive review of the U.S. Park Police's mission, budget, staffing and other functions and issued a report to the House and Senate Committees on Appropriations in August 2001. The report raised concerns about budget accountability, management issues, and overtime. In addition, the Academy made a recommendation to the Secretary and the Director of the National Park Service to clarify and streamline the mission, responsibilities and priorities of the Park Police. To date this has not been done.

During the past few months, the managers have become increasingly concerned that

most of the Academy's major recommendations have not been implemented and that cost growth continues in several areas, particularly the use of overtime. Therefore, the managers direct the Park Police to contract with the Academy for a follow-up review of the actions taken on their recommendations. The managers strongly urge the Secretary to place a high priority on addressing this issue in a timely manner.

NATIONAL RECREATION AND PRESERVATION

The conference agreement provides \$62,544,000 for national recreation and preservation, instead of \$54,924,000 as proposed by the House and \$60,154,000 as proposed by the Senate.

The conference agreement provides \$555,000 for recreation programs. The change to the House is a reduction of \$300,000 for the federal lands to parks program.

The conference agreement provides \$11,011,000 for natural programs. There are no changes to the House level.

The managers are concerned about the finding of the House Appropriation Committee's Surveys and Investigative staff report on the Rivers and Trails technical assistance program. The report raises concerns about the accuracy of the published guidance regarding the availability of financial assistance, the use of non-competitive grants through cooperative agreements and oversight of the program.

The managers continue to support strongly this technical assistance program and recognize that there has been valuable assistance provided to many communities over the years. However, the managers insist that the officially published guidelines clearly reflect what specific types of assistance are available to communities and set a national deadline for applications. In addition, the program should reassess its use of non-competitive cooperative agreements. The Service should address the issues raised in the study in a report to the House and Senate Committees on Appropriations within 60 days of enactment of this Act.

The conference agreement provides \$19,936,000 for cultural programs. Changes from the House level include increases of \$765,000 for national register programs and \$100,000 for technical assistance at Gettysburg Battlefield NHD. Within available funds, \$300,000 is provided to continue activities of Heritage Preservation, Inc.

The conference agreement provides \$1,626,000 for International park affairs, the same level as the House and Senate.

The conference agreement provides \$401,000 for environmental compliance review, the same level as the House and Senate.

The conference agreement provides \$1,595,000 for grant administration, the same level as the House and Senate.

The conference agreement provides \$14,453,000 for nationally designated heritage areas. Funds, excluding \$124,000 for administrative costs, are to be distributed as follows:

Project	Amount
America's Agricultural Heritage Partnership	\$750,000
Augusta Canal National Heritage Area	400,000
Automobile National Heritage Area	600,000
Blue Ridge National Heritage Area	500,000
Cache La Poudre River Corridor	45,000
Cane River National Heritage Area	800,000
Delaware and Lehigh National Heritage Corridor	800,000
Erie Canalway National Corridor	600,000

Project	Amount
Essex National Heritage Area	1,000,000
Hudson River Valley National Heritage Area	550,000
Illinois & Michigan Canal National Heritage Corridor	600,000
John H. Chafee Blackstone River Valley NHC	795,000
Lackawanna Valley National Heritage Area	550,000
National Coal Heritage Area	123,000
Ohio and Erie Canal National Heritage Corridor	1,000,000
Quinebaug and Shetucket Rivers Valley NHC	800,000
Rivers of Steel National Heritage Area	1,000,000
Schuylkill River Valley National Heritage Area ..	497,000
Shenandoah Valley Battlefields NH District	500,000
South Carolina National Heritage Corridor	1,000,000
Tennessee Civil War Heritage Area	209,000
Wheeling National Heritage Area	1,000,000
Yuma Crossing National Heritage Area	210,000
Total	14,329,000

The conference agreement provides \$12,967,000 for statutory or contractual aid, instead of \$6,471,000 as proposed by the House and \$9,919,000 as proposed by the Senate. The funds are to be distributed as follows:

Project	Amount
Benjamin Franklin Tercentenary Commission ...	\$200,000
Blue Ridge Parkway (Folk Art Center)	750,000
Brown Foundation	200,000
Chesapeake Bay Gateways	2,500,000
Dayton Aviation Heritage Commission	87,000
Flight 93 Memorial	298,000
French and Indian War (PA)	500,000
Harry S. Truman Statue ...	50,000
Ice Age National Scientific Reserve	806,000
Jamestown 2007	199,000
Johnstown Area Heritage Association	49,000
Lake Roosevelt Forum	50,000
Lamprey River	1,000,000
Mandan Interpretive Center and Lodge Project	500,000
Martin Luther King, Jr. Center	528,000
Native Hawaiian Culture and Arts Program	740,000
New Orleans Jazz Commission	66,000
Oklahoma City Memorial ...	1,600,000
Office of Arctic Studies	1,500,000
Roosevelt Campobello International Park Commission	847,000
Sleeping Rainbow Ranch, Capitol Reef NP	497,000
Total	12,967,000

Funds provided for the Office of Arctic Studies are for work in cooperation with the Anchorage Museum Foundation and funds provided for Sleeping Rainbow Ranch are for work in cooperation with the Utah Valley State College. The \$175,000 provided in the Senate bill for activities to commemorate the Louisiana Purchase at the Jean Lafitte NHP&P in Louisiana will be provided from within the additional funds provided to the Service for park operations.

200,000	<i>Project</i>	<i>Amount</i>
	Acadia NP, ME (rehabilitation)	\$7,017,000
100,000	American Memorial Park, Saipan (upgrade water delivery)	892,000
50,000	Badlands NP, SD (safety/ADA deficiencies)	3,996,000
200,000	Big Bend NP, TX (plan curatorial facility)	268,000
250,000	Big Cypress NP, FL (complete rehabilitation of ORV trails)	500,000
100,000	Blue Ridge Pkwy (historic guard walls)	3,186,000
25,000	Blue Ridge Pkwy, NC (visitor center)	1,000,000
100,000	Boston Harbor Islands NRA, MA (George's Island)	727,000
400,000	Boston NHP, MA (USS Constitution, maintenance facility)	2,408,000
200,000	Bryce Canyon NP, UT (renovation)	859,000

Project	Amount	Project	Amount	Project	Amount
Chesapeake and Ohio Canal NHP, MD (stabilize tow-path wall, construct foot-bridge)	1,538,000	Marsh-Billings-Rockefeller NHP, VT (rehabilitate barn)	750,000	Yellowstone NP, WY (west entrance station)	1,888,000
Colonial NHP, VA (visitor center & Jamestown collections)	7,611,000	Mesa Verde NP, CO (design curatorial facility)	600,000	Subtotal	216,969,000
Colonial NHP, VA (Yorktown museum collection)	725,000	Mesa Verde NP, CO (HVAC systems)	1,207,000	Emergency/Unscheduled Projects	5,500,000
Crater Lake NP, OR (restore historic residence)	999,000	Minute Man NHP, MA (protect resources, access)	1,365,000	Housing replacement	8,000,000
Craters of the Moon NM, ID (upgrade visitor center)	1,334,000	Moccasin Bend NAD, TN (erosion control)	500,000	Dam safety	2,700,000
Cuyahoga NRA, OH (rehabilitation)	2,500,000	Morris Thompson Visitor and Cultural Center, AK	2,250,000	Equipment replacement	35,460,000
Dayton Aviation NHP, OH (various)	1,550,000	Morristown NHP, NJ (rehabilitation)	1,789,000	Construction planning	24,480,000
Delaware Water Gap NRA, PA (cabin replacement) ..	300,000	Mount Rainier NP, WA (electrical system)	4,000,000	Construction program management	27,466,000
Denali NP & Pres, AK	750,000	Natchez Trace Parkway (resurfacing)	1,000,000	General management planning	13,420,000
Eleanor Roosevelt NHS, NY (restoration)	2,750,000	National Capital Parks-Central (Jefferson Memorial Security)	4,858,000	Total	333,995,000
Everglades NP, FL (water system)	12,990,000	National Capital Parks-Central (Washington Monument Security-vehicle barrier)	15,100,000	The National Park Service has developed a planning model for visitor facilities that can be a very useful tool for parks contemplating visitor centers and other improvements. The model was developed after extensive research into visitor facilities across the nation, including NPS examples, and visitor facilities developed by other public (Federal, State, local) agencies as well as private museums. The managers expect any proposal for park visitor centers improvements to be run through the model. Project proposals that exceed the model's baseline will receive significant scrutiny.	
Fort Washington Park, MD (rehabilitation)	2,724,000	New Bedford Whaling NHP, MA (Corson Building)	2,500,000		
Frederick Douglass NHS, DC (rehabilitation)	955,000	New River Gorge NR, WV ..	2,691,000	The model is a predictive tool. Its results on a facility-by-facility basis must be weighed by senior Service officials to determine whether the investment proposed could be justified in light of the tremendous infrastructure and operational needs facing the Service, even if the project is within the model's parameters. The managers remain concerned about the scope and cost of proposed NPS capital improvements, especially visitor and other centers, and will work with the Service to continue addressing this issue. The Service must expand its efforts to manage expectations about future funding, especially very early in the conceptual stages, both for NPS and partnership projects.	
Fredericksburg & Spotsylvania County Battlefields Memorial NMP, VA (stabilization)	1,560,000	Olympic NP, WA (Elwha River restoration)	12,950,000		
Gateway NRA, NY (rehabilitation)	2,416,000	Organ Pipe Cactus NM, AZ (vehicle barrier)	4,405,000	Funding is not proposed at this time for further work on the proposed visitor center at Assateague Island National Seashore. In fiscal year 2002, the managers expressed concerns about the scope and cost of the project and directed the Service to provide a report analyzing the costs of the proposed visitor and learning centers. The managers expect the requested report by February 1, 2004, and expect it to include an analysis of the proposed visitor center as compared with the facility-planning model for visitor centers developed by the NPS.	
General Grant NM, NY (rehabilitation)	1,732,000	Pacific Coast Immigration Museum, CA	385,000		
George Washington Carver NM, MO (rehab/expand visitor center)	2,000,000	Petersburg NB, VA (Appomattox Manor)	881,000	Little Rock Central High School NHS was authorized in 1998. A general management plan, completed in 2002, recommends a visitor facility. The Service has not yet prioritized this project through the line-item construction five-year planning process. While the managers recognize the importance of addressing the most critical deferred maintenance needs of the Service, important mission and resource projects should also be considered in the establishment of construction priorities. The Service should work to analyze the appropriate level of visitor services for this park using the facility-planning model for visitor centers. The park should be aware that recent actions by the managers regarding visitor centers at other small park units have capped facilities in the \$3-\$4 million range.	
George Washington Memorial Pkwy, VA	400,000	Petrified Forest NP, AZ (rehabilitation)	3,124,000		
George Washington Memorial Pkwy, VA (Marine Corps War Memorial)	3,383,000	Puukohola Heiau NHS, HI (re-establish historic scene)	3,046,000	No funding is provided for security improvements at Independence National Historical Park in Philadelphia. The managers have deferred funding in light of the unresolved issues between the National Park Service, the Department of the Interior, the Department of Homeland Security, and local interests. The project presented in the budget assumed the closure of Chestnut Street.	
Gettysburg NMP, PA (conservation)	2,000,000	Rock Creek Park, DC (Fitzgerald rehabilitation)	1,400,000		
Grand Teton NP, WY (visitor center)	3,000,000	San Francisco Maritime NHP, CA (C.A. Thayer) ..	4,177,000		
Great Smoky Mountains NP, TN (rehabilitate comfort stations & picnic areas)	525,000	Sequoia and Kings Canyon NP, CA (water tanks, fire suppression)	2,210,000		
Harpers Ferry NHP, WV (rehabilitate buildings, transportation system) ..	3,200,000	Southwest Pennsylvania Heritage Comm., PA	2,500,000		
Homestead NM of America, NE (plan visitor facility) ..	50,000	St. Croix NSR, WI (complete administrative building)	4,900,000		
Horace M. Albright Training Center, AZ (rehabilitation)	7,437,000	Stones River NB, TN (trails)	300,000		
Hot Springs NP, AR	1,012,000	Sun Watch NHL, OH	375,000		
Independence NHP, PA (Independence Square, site rehab)	1,750,000	Tallgrass Prairie NP, KS (design resource center)	500,000		
Independence NHP, PA (Independence Mall improvements)	1,250,000	Thomas Stone NHS, MD (restrooms, kiosk, office space)	500,000		
Indiana Dunes NL, IN (cultural/historic reports) ..	225,000	Timucuan Ecological and Historic Reserve, FL (structural analysis, improvements)	765,000		
Jefferson National Expansion Memorial, MO (security)	4,339,000	Tuskegee Airmen NHS, AL (continue planning)	500,000		
John H. Chafee Blackstone River Valley NHC, RI/MA ..	750,000	Utah Public Lands Artifact Preservation Act, UT	3,000,000		
L.Q.C. Lamar House NHL, MS	300,000	Western Arctic National Parklands, AK (heritage and administrative center)	700,000		
Lake Mead NRA, NV (wastewater system)	3,514,000	White House, DC (rehabilitation)	3,443,000		
Lincoln Library, IL	5,000,000	Wind Cave NP, SD (wastewater treatment)	3,909,000		
Lowell NHP, MA (stabilize/rehabilitate railroad tunnel)	674,000	Wrangell-St. Elias NP & Pres, AK (rehabilitation) ..	933,000		
Mammoth Cave NP, KY (electrical system)	3,593,000	Yellowstone NP, WY (Old House and Old Faithful Inn)	5,973,000		
Mammoth Cave NP, KY (water system)	6,014,000	Yellowstone NP, WY (snowcoaches and support infrastructure)	1,892,000		

Because that closure decision was reversed earlier this year, the managers await a revised plan and cost estimate.

The managers have included \$1,750,000 requested in the budget for completion of the site rehabilitation of Independence Square. In addition, \$1,250,000 is provided as a Federal contribution toward landscaping improvements for Independence Mall between Independence Hall and the National Constitution Center. The managers are aware of a \$17,000,000 estimate to complete the rehabilitation of Independence Mall, and strongly encourage the continued use of partnerships to leverage this Federal investment.

Funding provided for Mesa Verde National Park is to begin planning for the proposed curatorial facility. The managers understand that the concept for the proposed partnership project at Mesa Verde assumes non-Federal funding for the cultural center component of the project. The managers are concerned about the Federal costs of phases 1 (curatorial) and 2 (operations) and expect the Service to examine the scope and costs of these components and to explore opportunities for partnership.

The managers have provided \$300,000 to improve lodging conditions at the Pocono Environmental Education Center at Delaware Water Gap NRA, PA. The managers understand the estimated cost of these facility improvements is \$2,500,000, and encourage the park and its partner to complete the site development plan before initiating detailed project design. A value analysis of alternatives should be conducted so that the entire project can be completed within the \$2,500,000 estimate.

The managers have provided \$3,000,000 towards the Federal share of a joint partnership for a proposed new visitor center at Grand Teton National Park. With the deferred maintenance challenges facing the Service, the managers expect parks and partners to seek cost-effective design solutions that address visitor and resource protection needs while recognizing the significant costs needed to address problems across the Service. The managers are concerned about the size and cost of the proposed facility at Grand Teton National Park, which is currently estimated in excess of 29,000 square feet. The managers understand that the current visitor facility at this location is approximately 3,000 square feet, and does not adequately serve the needs of today's visitors. The managers expect the project to be downsized to remain within the parameters of the facility planning model, which is about a 23,000 square foot facility. The managers do not intend for the Federal contribution towards this visitor facility to exceed \$8,000,000. Any costs associated with a facility larger than the benchmark should be 100 percent non-Federal.

Funding has been reduced for the security improvements to the Washington Monument consistent with the recent decision by the Department of the Interior to proceed with the vehicle barrier proposal, and not to pursue the underground screening and visitor facility and tunnel. The current approach includes the construction of the vehicle barriers, improvements to the plaza, and landscaping on the mall grounds.

Tallgrass Prairie National Preserve was established in 1996. A general management plan, completed in 2000, recommends a visitor facility. The Service has not yet prioritized this project through the line-item construction five-year planning process. While the managers recognize the importance of addressing the most critical deferred maintenance needs of the Service, important mission and resource projects should also be considered in the establishment of construction priorities. The Service should

work to analyze the appropriate level of visitor services for this park using the facility-planning model for visitor centers. The park should be aware that recent actions by the managers regarding visitor centers at other small park units have capped facilities in the \$3-\$4 million range.

Funding of \$500,000 is recommended to complete enhancements at Thomas Stone NHS. Funds provided in fiscal year 2003 allow for renovation of the east wing and improvements to the parking lot. The managers understand that these funds have not yet been obligated. Funding provided this year allows for office improvements to move staff out of the historic home as well as to expand the existing visitor contact station to allow for larger group events. Given the limited visitation to this site, the managers do not recommend significant visitor education space expansion. Progress to complete planning for this project should proceed so that all the work can be accomplished with the funds provided in fiscal years 2003 and 2004.

The managers have not provided funds for the following projects due to a delay in the project construction schedule: Big Bend NP (Chisos Basin water supply), Boston Harbor Islands NRA (Commandant's House), Dry Tortugas NP (stabilize fort), Petersburg NB (maintenance facility), and Rock Creek Park (Meridian Hill Park).

Additional funding is not recommended for Lincoln Home NHS because previously appropriated funds remain unobligated. The managers understand that nearly \$700,000 remains from funds appropriated in fiscal years 1994 and 2000.

The managers have provided \$1,550,000 for Dayton Aviation NHP for the following projects: \$600,000 for interpretive film and wayside exhibits, \$800,000 for a parking lot and \$150,000 for a historic sites report on 26 South Williams Street. Funds provided in the Senate bill under the construction account for the Harry S Truman statue have been moved to the National Recreation and Preservation account. Funds provided for the Pacific Coast Immigration Museum in California complete the federal investment. Within available funds, the managers direct the Service to complete rehabilitation of the Saratoga Monument.

The managers are concerned that the Department has failed to complete the study authorized in section 7 of Public Law 106-271, the "Corinth Battlefield Preservation Act of 2000". The managers direct the Department to complete this study no later than 90 days after the enactment of this Act.

Bill language is included authorizing funds from the historic preservation fund for L.Q.C. Lamar House NHL and Sun Watch NHL. Also included is Senate proposed language prohibiting the use of funds for planning, design or construction of an underground security screening or visitor contact facility at the Washington Monument.

The managers have included language contained in the House bill, conditioning release of Modified Water Deliveries money to annual reports from the Secretary of the Interior, the Administrator of EPA and the Attorney General, which guarantees that the State of Florida is meeting water quality standards.

Funds for the Oklahoma City Memorial are provided in the National Recreation and Preservation account. Within available funds, the Service is directed to conduct a heritage area study for Muscle Shoals and a watershed study for San Gabriel. The House report contained language directing a study on the SW Campaign. The managers have been made aware that this study has not been authorized therefore this study is not included in the conference agreement.

The managers are aware that the U.S. Army will be relocating some of its fire and

emergency services personnel currently located in Hawaii. This relocation will severely undercut the availability of vital services at Hawaii Volcanoes National Park. The managers understand, and greatly appreciate, that the County of Hawaii is willing to provide these services and direct the Service to provide the county with \$250,000 in transition funding.

The managers strongly urge the Service to accelerate the General Management Plan for Cedar Creek and Belle Grove NHP.

LAND ACQUISITION AND STATE ASSISTANCE (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$142,350,000 for land acquisition and State assistance instead of \$131,154,000 as proposed by the House and \$158,473,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	Amount
Big Thicket National Preserve (TX)	\$3,500,000
Civil War Battlefield Sites (Grants)	2,000,000
Ft. Clatsop NM (OR)	1,250,000
Great Sand Dunes NP (CO)	2,000,000
Gulf Islands NS (Cat Island) (MS)	4,000,000
Gulf Islands NS (Horn Island) (MS)	1,100,000
Hawaii Volcanoes NP (HI)	4,000,000
Ice Age NST (WI)	2,000,000
New Jersey Pinelands Preserve (NJ)	750,000
Obed Wild and Scenic River (TN)	750,000
Shenandoah Valley Battlefields NHD (VA)	1,000,000
Sleeping Bear Dunes NL (MI)	1,000,000
Timucuan Ecological and Historic Preserve (FL)	500,000
Tumacacori NHP (AZ)	1,500,000
Valley Forge NHP (PA)	5,000,000
Wrangell-St. Elias NP (AK)	2,500,000
Subtotal	32,850,000
Acquisition Management ..	10,500,000
Emergencies/Hardships	2,000,000
Inholdings/Exchanges	2,000,000
Stateside Grants	92,500,000
Stateside Administration ..	2,500,000
Total	142,350,000

The conference agreement includes bill language under the Park Service land acquisition account dealing with unobligated balances for South Florida Restoration as proposed by the House.

The managers recommend \$2,000,000 for matching grants pursuant to the Civil War Battlefield Protection Act of 2002. The managers are aware that many of the lands identified by the Civil War Sites Advisory Commission as high priorities for protection are located within or adjacent to national park boundaries. This has led to questions about the relationship between the battlefield grant program and the national park system. In no case should battlefield grants be used for the acquisition of lands within the existing boundaries of a park unit. The process for the acquisition of lands within park boundaries is well established, and should not be complicated by the introduction of a separate Federal program. With regard to lands adjacent to park boundaries, the managers are concerned that the acquisition of such lands using battlefield grant funds could ultimately increase pressures to include those lands in the national park system. The Service should make clear to all recipients of battlefield grants that the award of funds for acquisition of lands adjacent to park units should in no way be construed as

an indication of Service or Congressional support for the ultimate inclusion of such lands in the park system. The process for the expansion of park boundaries is well established, and involves consideration of many factors that are beyond the scope of the battlefield grants program. These considerations include the cost to the Service of maintaining and interpreting lands to be acquired, consistency of proposed expansions with a park's general management plan, and the priority of a given park expansion relative to other needs in the park system. While the managers do not propose a prohibition on the use of battlefield grants to acquire lands adjacent to park boundaries, grant recipients and park managers should be aware of these concerns. The managers will reevaluate program guidelines in the event battlefield grants lead to a flood of proposed park boundary expansions.

The managers agree to the following revisions to the reprogramming guidelines for the National Park Service only. Lands shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of Public Law 91-646) except for condemnations, declarations of taking, and tracts with an appraised value of \$500,000 or less, unless such acquisitions are submitted to the House and Senate Committees on Appropriations for approval in compliance with established procedures.

The managers are aware that the Service recently released a Finding of No Significant Impact (FONSI) for the acquisition of lands near Theodore Roosevelt's historic Elkhorn Ranch in North Dakota. While the finding did recommend acquisition of lands within the viewshed of the existing Elkhorn Unit and associated river lands, it did not offer specific information on the number of acres that should be acquired or the cost of such an acquisition. The managers therefore direct the Service to submit a report to the House and Senate Appropriations Committees by January 1, 2004, outlining the number of acres the Service recommends be acquired and the anticipated cost of the acquisition.

The managers note that the funding for Valley Forge NHP completes the project.

ADMINISTRATIVE PROVISIONS

The managers have retained the Senate language regarding the National Park Passport program and authority for a grant to construct a memorial to Kris Eggle.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides \$949,686,000 for surveys, investigations, and research instead of \$935,660,000 as proposed by the House and \$928,864,000 as proposed by the Senate.

Changes to the House for national mapping programs include an increase of \$2,795,000 for information technology and decreases of \$1,500,000 for geospatial one-stop, and \$625,000 for the national map.

The managers are aware of the recent malfunction of scanning equipment onboard the Landsat 7 earth observing satellite and the disappointing failure to correct the problem. This failure has resulted in degraded data collected by the satellite. The managers recognize the significance of Landsat data to many activities, including agricultural monitoring and research, environmental monitoring, and regional planning, to name a few. The managers understand that, although the data has relatively small gaps, the remainder of each image has data of original quality and hence will remain useful for many of the activities they currently support. The managers believe that the Survey should take a proactive approach where Federal agencies are concerned, particularly the De-

partments of Agriculture and Defense, to try to secure data purchase agreements now in order to have a stable funding source. In addition, the managers expect the Survey to investigate and document the current level of interest from the user community for continued data purchases. The Survey should conduct data sales in the near term and, based on this, estimate potential annual revenues that may be derived from this source. This analysis will provide the basis for subsequent recommendations regarding the types and amounts of funding necessary to continue operation of Landsat 7. The managers also expect the Survey, Federal agencies, and other users needing medium resolution data to work together to determine how the degraded Landsat data can best meet their needs prior to seeking data from alternative sources. To the degree that Landsat data does meet the needs of Federal agencies, the managers encourage them to use the Survey as the provider of this data.

The managers are supportive of the Survey's efforts to manage more efficiently the growing volume of collected, archived, and distributed data at the EROS Data Center. Accordingly, the managers support efforts by the Survey to convert its archived remote sensing data to a modern disk based storage system. The managers believe that such a conversion will accommodate the growing volume of data, and provide access to users more efficiently and at lower costs. Finally, the managers support implementation of a continuity of operations capability utilizing "remote mirroring" technology.

Changes to the House for geology programs include increases of \$1,500,000 to support the Western Aleutians volcano monitoring effort, \$200,000 for Mauna Loa volcano monitoring in Hawaii, \$244,000 for the National Cooperative Geological Mapping program, \$1,500,000 for the minerals at risk program in Alaska which completes this project, \$500,000 for the expansion of the ANSS program, \$500,000 for the coastal erosion program in North Carolina, \$750,000 for the minerals information program, \$500,000 for a mineral inventory in Clark County Nevada, \$300,000 for a well log inventory in Kansas, \$900,000 for the Tongue River coalbed methane study, and decreases of \$475,000 for science on DOI lands, \$600,000 for national energy policy assessments, \$500,000 for the geothermal program, and \$500,000 for the Central Great Lakes Geologic Mapping Coalition.

Within the funding increase provided for the expansion of the Advanced National Seismic System, the managers have earmarked \$250,000 for seismic monitoring and hazard assessment in the Jackson Hole/ Yellowstone area.

Changes to the House for water resources include increases of \$1,500,000 for cooperative research on the Roubidoux Aquifer at the University of Oklahoma, \$200,000 for the Berkeley Pit study in Montana, \$50,000 for mercury contamination in South Carolina rivers, \$500,000 for the Potomac River Basin ground water research, \$299,000 for the Lake Champlain toxics study, \$450,000 for Hawaiian water monitoring, \$250,000 for Delaware River flow modeling, and \$350,000 for Hood Canal fish mortality research and decreases of \$375,000 for science on DOI lands, \$500,000 for the U.S./Mexico border initiative, and \$250,000 for the Chesapeake Bay program.

Changes to the House for biological research include increases of \$750,000 for the Mark Twain National Forest mining study that will be completed and a final report issued in 2005, \$800,000 for molecular biology at the Leetown Science Center, \$500,000 for the Pallid Sturgeon study, \$200,000 for the Diamondback Terrapin study, \$1,000,000 for the Northern Continental Divide Ecosystem Genetic Survey in Montana, \$300,000 for a

multidisciplinary study into the quality and quantity of the water at the Leetown Science Center, \$500,000 for a Lake Tahoe decision support system, \$500,000 for the NBII Mid Atlantic node, and \$500,000 for the cooperative research units and decreases of \$1,025,000 for invasive species, \$625,000 for chronic wasting disease research, and \$650,000 for science on DOI lands.

The managers are aware and supportive of efforts by the Great Lakes Science Center to rehabilitate Lake Sturgeon in the Detroit River. The managers encourage the Survey to work with existing partnerships on Lake Sturgeon research in Lake Michigan, the Milwaukee River, and the Manitowoc River.

Within the funds provided for invasive species, the managers have earmarked \$1,000,000 for the GeoResources Institute of Mississippi State University. The managers understand that the University will work with the Survey through the National Institute of Invasive Species Science in developing remote sensing techniques and monitoring strategies for early detection of SE invasives, control techniques for invasive aquatic plants, and assessment of new invaders.

Changes to the House for science support include an increase of \$600,000 for accessible data transfer and a decrease of \$500,000 for enterprise GIS.

The change to the House for facilities is an increase of \$200,000 for unanticipated construction costs at the Leetown Science Center.

The managers are aware that the request for the Survey's facilities budget activity may not contain sufficient funding for rent and operations and maintenance for some of the Survey's science centers. The managers understand that this is due, in part, to insufficient funds being transferred when this budget activity line was created in fiscal year 2000. The managers remain concerned about this situation and direct the Survey to develop a funding strategy by March 15, 2004, to resolve this issue and avoid jeopardizing ongoing science programs.

The managers have restored \$3,013,000 in streamlining reductions proposed in the Administration's budget request. The survey is directed to spread these funds to the program areas based on a pro rata distribution.

ADMINISTRATIVE PROVISIONS

The managers have agreed to bill language proposed by the House continuing a provision included in the fiscal year 2003 Interior and Related Agencies Appropriations Act to make it easier for the Survey to co-locate its facilities.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

The conference agreement provides \$165,316,000 for royalty and offshore minerals management instead of \$164,216,000 as proposed by the House and \$166,016,000 as proposed by the Senate.

Changes to the House for royalty and offshore minerals management include increases of \$800,000 for the Center for Marine Resources, MS and \$800,000 for the Marine Mineral Technology Center, AK and a decrease of \$500,000 for the regulatory program.

The managers have provided \$900,000 to the Offshore Technology Research Center, TX instead of \$1,400,000 as proposed by the Senate to perform critical mission research for MMS through the cooperative agreement dated June 18, 1999.

Within the funds provided for royalty and offshore minerals management \$150,000 is earmarked for the Alaska Whaling Commission.

OIL SPILL RESEARCH

The conference agreement provides \$7,105,000 for oil spill research as proposed by both the House and the Senate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

The conference agreement provides \$106,699,000 for regulation and technology as proposed by the House and the Senate. This total includes an indefinite appropriation estimated to be \$275,000.

ABANDONED MINE RECLAMATION FUND

The conference agreement provides \$192,969,000 for the abandoned mine reclamation fund instead of \$194,469,000 as proposed by the House and \$190,893,000 as proposed by the Senate. Funding for the activities should follow the House recommendation except there is a reduction of \$1,500,000 from State grants for environmental restoration. The managers note that this funding will provide all States with at least as much funding as in fiscal year 2003, with an increase of \$2,076,000 to be spread by the normal formula. The conference agreement does not include the House bill language on the emergency program but the Senate proposed bill language concerning grants in Maryland is included.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The conference agreement provides \$1,916,317,000 for the operation of Indian programs instead of \$1,902,106,000 as proposed by the House and \$1,912,178,000 as proposed by the Senate.

Changes to the House for tribal priority allocations include increases of \$1,000,000 for welfare assistance, and \$1,000,000 for tribal courts and a decrease of \$560,000 for new tribes.

Changes to the House for other recurring programs include increases of \$10,000,000 for tribally controlled community colleges, \$7,000 for Western Washington Boldt, \$261,000 for Great Lakes resource management, \$66,000 for fish hatchery maintenance, \$100,000 for the Alaska Sea Otter Commission, \$800,000 for the Bering Sea Fisherman's Association, \$600,000 for the intertribal bison program, \$350,000 for the Chugach Regional Resources Commission, and \$320,000 for the upper Columbia River tribes.

The managers direct that the \$10,000,000 increase for the tribally controlled community college operating grants be allocated to the Title II institution at a level commensurate with the fiscal year 2003 grant, taking into account concerns expressed by the Congress with respect to the Bureau's proposed allocation of the 2003 increases.

The managers have revised Senate report language regarding reimbursable support agreements to read the Assiniboine Sioux rural water system.

Changes to the House for non-recurring programs include increases of \$750,000 for the distance-learning program in Montana, \$750,000 for the Rural Alaska fire program, \$392,000 for Alaska legal services, and \$1,000,000 for the Salish and Kootenai College nursing program (housing project) and a decrease of \$150,000 for the Seminole Tribe Everglades restoration program.

Changes to the House for central office operations include decreases of \$250,000 for the branch of acknowledgment and \$5,000,000 for information technology.

Changes to the House for special programs and pooled overhead include increases of \$200,000 for special higher education scholarships, \$450,000 for the United Sioux Tribes Development Corporation, \$750,000 for the Alaska native aviation training program,

\$1,250,000 for the western heritage center, and \$125,000 for the Crownpoint Institute of Technology.

The managers are concerned about the growing number of tribes, both landless and with an existing reservation, that are attempting to claim reservation rights that would allow them to engage in gaming operations in States where they have no reservation or trust land status. For example, the Seneca-Cayuga tribe of Oklahoma is attempting to open a gaming operation in the State of New York. The Jena Band of Choctaw in Louisiana is attempting to take land into trust for gaming purposes in an area of Louisiana that is outside their traditional service area. Trust status for gaming purposes on non-contiguous lands requires that a tribe engage in a rigorous approval process requiring approval by the Governor of an affected State as well as input and support from the local community. The managers expect the Department of the Interior and the National Indian Gaming Commission to implement fully the existing rules and regulations governing these types of gaming operations.

The managers are aware of the delays experienced by the Mashpee Wampanoag Indians in the recognition process and urge the Bureau to complete its review of the Mashpee petition as expeditiously as possible.

CONSTRUCTION

The conference agreement provides \$351,154,000 for construction as proposed by the Senate instead of \$345,154,000 as proposed by the House.

The managers have provided a \$6,000,000 increase above the House for the Redwater Elementary School in Mississippi as part of the tribal school construction demonstration program.

The managers have agreed to amend the tribal school construction demonstration program to allow schools not funded by the Bureau of Indian Affairs to participate in this demonstration program. In addition, funds have been earmarked for the Redwater Elementary School in Mississippi and the Saginaw-Chippewa Tribal School in Michigan. The funding for the Saginaw-Chippewa Tribal School is from carryover funds that were appropriated in fiscal year 2003.

The managers are concerned by the pace of completion of replacement schools. The replacement school priority list is not being updated in a timely fashion, resulting in delays in advance planning and design. The managers direct that the Secretary submit a new priority list by February 15, 2004, containing a sufficient number of schools to continue the replacement school program through fiscal year 2007. The priority list should address the most critical needs based on the Bureau's facility management information system.

Within carryover and slippage, the Bureau may use up to \$1,000,000 for the Chiloquin Dam removal study.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$55,583,000 for Indian land and water claim settlements and miscellaneous payments to Indians as proposed by the House instead of \$50,583,000 as proposed by the Senate. This total excludes \$4,968,000 derived by transfer as explained below.

The managers have agreed to \$9,968,000 for the Quinault Indian Nation settlement of which \$4,968,000 is derived by transfer from prior year appropriations from the U.S. Fish and Wildlife Service land acquisition account.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The conference agreement provides \$6,497,000 for the Indian guaranteed loan pro-

gram as proposed by both the House and the Senate.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

The conference agreement provides \$76,343,000 for assistance to territories instead of \$74,343,000 as proposed by the House and \$71,343,000 as proposed by the Senate. The managers have agreed to the House distribution of funding with an increase of \$2,000,000 for technical assistance activities. Funds provided for the CNMI water system repair should be focused on Saipan where the problem is most acute. The managers expect that the increase for the technical assistance program will be used for priority needs of the territories and the freely associated States, in consultation with the House and Senate Committees on Appropriations. These funds should be used to facilitate the operation of the newly revised Compact of Free Association, to address the situation of the Prior Services Trust Fund, and to address other high priorities. The managers note that Compact impact assistance funding of \$15,000,000 will be available from the Compact of Free Association mandatory account, a substantial increase from fiscal year 2003. The House proposed bill language is included which encourages a grant for the Pacific Basin Development Council.

COMPACT OF FREE ASSOCIATION

The conference agreement provides \$6,434,000 for the Compact of Free Association instead of \$16,354,000 as proposed by the House and \$16,434,000 as proposed by the Senate. The managers note that \$10,000,000 has been transferred to mandatory activities according to the new financial arrangements of the Compact of Free Association. The managers have agreed to the Senate proposal to provide \$1,700,000 for Enewetak support instead of the \$1,620,000 proposed by the House. The remaining balance provides \$2,734,000 for Federal postal services for the Freely Associated States and the cost of conducting audits for Palau and \$2,000,000 for program grant assistance in the fields of education and health care for Palau.

The conference agreement also includes bill language to guarantee that mandatory payments are continued for financial assistance to the Federated States of Micronesia and the Republic of the Marshall Islands in accordance with the terms and conditions of the 2003 negotiated agreements until such time as Congress completes its actions to approve the amended Compacts of Free Association.

The managers are aware that in accordance with Section 118(d) of P.L. 104-134, on September 19, 1996, the United States Department of the Interior entered into an agreement providing ex gratia assistance to the Rongelap Atoll Local Government to support radiological rehabilitation and resettlement of Rongelap Island. Section 2(c) of the agreement recognizes that a final payment of \$5,300,000 to the Rongelap Resettlement Trust Fund will complete funding for resettlement of Rongelap as authorized by Congress and agreed to by the Department of the Interior pursuant to Section 118(d) of P.L. 104-134. The managers understand that these funds have been recommended by the Senate Committee on Energy and Natural Resources for inclusion in the Compact of Free Association Amendments Act of 2003.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides \$78,933,000 for departmental management instead of \$76,027,000 as proposed by the House and \$78,433,000 as proposed by the Senate.

Changes to the House include increases of \$3,000,000 to restore funds cut on the House floor and \$6,000 for worker compensation, and a decrease of \$100,000 for the public lands volunteers program. This total is offset partially by the cancellation of \$1,400,000 in unobligated balances in the special foreign currency account as proposed by the Senate.

The conference agreement retains bill language contained in the Senate bill concerning the Buy American Act.

The conference agreement retains bill language contained in the House bill restricting the number of reserve accounts in the Working Capital Fund.

The managers agree that benefiting parties should pay for operation of the airport at Midway Atoll National Wildlife Refuge if it remains open and note that the airport is not critical for U.S. Fish and Wildlife Service refuge operations and maintenance.

The managers expect the Office of Aircraft Safety to move forward with the replacement of the Fish and Wildlife Service survey aircraft using funds from the replacement reserves and, at a minimum, to match the funding included in the FWS construction account. The Fish and Wildlife Service should work with OAS to repay the reserves over time to minimize the impacts to other programs.

The managers expect OAS to develop a plan for all bureaus that considers options for recovering the full cost of replacing aircraft, with inflationary increases, for all new aircraft as they enter the fleet. This plan can consider options that allow the Department to raise fees over time to reduce the impacts to ongoing programs. The managers remain concerned that the process for funding aircraft replacement is being subsidized by programmatic funding.

The managers reluctantly approve the consolidation of realty appraisal functions within the Department. The managers are particularly concerned about the effect of the consolidation on the small easement acquisition program within the Fish and Wildlife Service. The Department should take special consideration to ensure the ongoing success of the small easement program. The managers direct the Department to report to the Committees on Appropriations on consolidation implementation within six months of enactment of this Act. The report should demonstrate that the consolidation has not harmed agencies' realty programs, and it should also note cost savings and efficiencies gained by the consolidation of appraisal functions. The managers will revisit this issue in fiscal year 2005 should the report prove unsatisfactory. Given that the reasons for this proposal were partly to provide consistency between agencies and realize cost savings to the government, the managers strongly urge the Department not to charge any surcharges or assessments for services provided by the National Business Center to this office.

The managers are aware of the Department's initiatives to make the resources of electronic-based geographic information systems widely available to federal, state, and local governments, and the public through the Geospatial One-Stop Initiative (GOS). An important component of this effort is the GOS Web Port Version 2.0. The managers believe that the entire system must be built upon widely accepted industry standards for interoperability in order to ensure that the GOS program can efficiently and broadly access the maximum available governmental and private sector geospatial data, exclusive of National security information. The managers expect the Department to move the GOS initiative in a direction that is consistent with such widely accepted interoperability standards. To that end, the managers

direct the Department to submit to the House and Senate Committees on Appropriations a brief report detailing the actions that have been taken thus far with respect to the electronic-based geographic information systems, the GOS initiative and related initiatives. This report should include the Department's plans for follow-on procurement and any interoperability requirements for existing and future GOS initiatives and when it expects to begin a competitive procurement. This report should be submitted no later than January 30, 2004.

WORKING CAPITAL FUND

The conference agreement cancels \$20,000,000 in unobligated balances in the working capital fund as proposed by the House instead of \$11,700,000 as proposed by the Senate. The conference agreement also permits the use of \$11,700,000 for the financial and business management system migration project as proposed by the Senate instead of no funding as proposed by the House.

The managers caution the Department on the implementation of the financial management system migration project. The Department's previous record with new database systems suggests that the Department should proceed cautiously and provide the Committees on Appropriations with regular updates on its progress, including any revisions to timelines and funding requirements of the new system.

The managers have included language that requires the Department to justify Working Capital Fund charges to bureaus and offices in annual budget justifications; request approval of the Appropriations Committees for any departures from the budget justification; and require the Secretary to provide a semi-annual report to the House and Senate Committees on Appropriations on reimbursable agreements between the Office of the Secretary, the National Business Center, and the bureaus and offices of the Department.

PAYMENTS IN LIEU OF TAXES

The conference agreement provides \$227,500,000 for payments in lieu of taxes instead of \$225,000,000 as proposed by the House and \$230,000,000 as proposed by the Senate.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

The conference agreement provides \$50,374,000 for salaries and expenses of the office of the solicitor as proposed by the House instead of \$50,179,000 as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides \$38,749,000 for salaries and expenses of the office of inspector general, instead of \$39,049,000 as proposed by the House and \$37,474,000 as proposed by the Senate. Changes to the House include increases of \$190,000 for policy and management fixed costs, and decreases of \$90,000 for audits fixed costs, \$100,000 for investigations fixed costs, and \$300,000 for program integrity reviews.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

The conference agreement provides \$189,641,000 for Federal trust programs instead of \$219,641,000 as proposed by both the House and the Senate.

Changes to the House include a shift of \$981,000 from program operation, support, and improvements into executive direction and a reduction of \$30,000,000 for the historical accounting project.

The Department of the Interior's July 2, 2002, report to Congress detailed the cost involved if the government were required to

undertake a transaction-by-transaction historical accounting of the Individual Indian Money accounts without regard to when the funds were deposited. The Department indicated that such an accounting would cost at least \$2.4 billion over 10 years. Both prior to and subsequent to submission of that report, Congress has stated in no uncertain terms that it would not appropriate billions of dollars for a historical accounting of such magnitude. Partly in response to Congressional concerns, the Department submitted to the Court a \$335 million accounting plan that included both a transaction-by-transaction accounting as well as the use of sound, well-proven statistical methods. The Department argues that such an accounting is consistent with its duties under law.

In its September 25, 2003, ruling in the Cobell v. Norton class action lawsuit, the Court dismissed Congressional concerns about the scope of the accounting and ordered a greatly expanded effort that surpasses even the accounting described in the July 2, 2002, report to Congress. Initial estimates indicate that the accounting ordered by the Court would cost between \$6 billion and \$12 billion over this Court-mandated time frame.

There is only one source of money available to the Subcommittee on Interior and Related Agencies, and an accounting of this magnitude would require that vast amounts of funds be diverted away from other high-priority programs, including Indian programs. That would be devastating to Indian country and to the other programs in the Interior bill. The managers note that, over the past three years, funding increases for the Bureau of Indian Affairs were primarily for trust reform related activities. The Office of Special Trustee for American Indians also tended to receive a disproportionate share of the funding increases available to the Department.

The managers continue to believe that fixing trust systems prospectively is a high priority, thereby allowing the Secretary to meet her trust and fiduciary responsibility to Indian country. But Indian country would be better served by a settlement of this litigation than the expenditure of billions of dollars on an accounting. Those billions would not provide a single dollar to the plaintiffs, and would without question displace funds available for education, health care and other services.

There will be further court proceedings in the Cobell case based on the government's likely appeal of the September 25, 2003, court ruling. The managers believe that it would be unwise to expend hundreds of millions of dollars on further accounting while this case is under appeal. Furthermore, the managers reject the notion that in passing the American Indian Trust Management Reform Act of 1994 Congress had any intention of ordering an accounting on the scale of that which has now been ordered by the Court. Such an expansive and expensive undertaking would certainly have been judged to be a poor use of Federal and trust resources.

The managers therefore feel that it is time for Congress to act to delineate the exact scope of the historical accounting called for in the 1994 Act, or to develop alternative methods of resolving the current dispute. To provide time for thoughtful action on this question, language has been included in the bill affirmatively declaring that nothing in the 1994 Act or common law shall be construed to require the type of accounting described in the September 25th ruling. It is not the intent of the managers to forestall indefinitely either the Cobell litigation or any efforts to conduct an historical accounting. But in light of the expansive accounting and constrained timelines contemplated in

the Court's order, it is clear that time is needed for Congress to consider the issues and tradeoffs at stake. The managers have therefore limited the funds available to the Department for historical accounting to those activities that need to be accomplished and can be accomplished in the short-term. Beyond that, the managers will not provide any funding until the scope of an historical accounting is resolved by the courts or by the legislative committees of jurisdiction.

During floor debate over the Interior bill, the chairman of the authorizing committee in the House made a commitment to develop a comprehensive legislative solution to what has become an intractable problem. The authorizing committee in the Senate has held numerous hearings, and has also expressed interest in addressing the problem. The managers believe that a legislative solution may be the only way to resolve these trust reform issues.

INDIAN LAND CONSOLIDATION

The conference agreement provides \$21,980,000 for Indian land consolidation programs instead of \$20,980,000 as proposed by the House and \$22,980,000 as proposed by the Senate. The increase above the House is to support the land consolidation efforts of the Quapaw Nation.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The conference agreement provides \$5,633,000 for the natural resource damage assessment fund as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS

The conference agreement includes the Senate proposed language regarding administrative provisions for Departmental Offices. The agreement also requires a semi-annual report on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

The conference agreement includes sections 103–107, and 111, which were identical in both the House and Senate bills.

The conference agreement includes the text of the following sections in the House bill, which contained identical text in the Senate bill, but had different section numbers in the Senate bill. The House section numbers were 109, 110, 112, 115, 116, 117, 119, 121, 123, 125, 129, 130, and 132.

The conference agreement retains Senate sections 101 and 102, which continue provisions providing authority to expend or transfer program funds for expenditures in cases of emergencies. The House had similar provisions.

The conference agreement does not include House section 108 prohibiting the expenditure of funds for Outer Continental Shelf leasing activities in the North Aleutian planning area. This area is not included in the current five-year oil and gas-leasing plan.

Section 112—The conference agreement modifies House section 113 permitting the transfer of funds between the Bureau of Indian Affairs and the Office of the Special Trustee for American Indians to exclude the transfer of funds for historical accounting activities. The Senate had a similar provision.

The conference agreement does not include House section 114 dealing with the renewal of grazing permits under the Federal Lands Policy and Management Act of 1976. This issue is addressed in Title III—General Provisions.

Section 116—The conference agreement includes House section 118 that continues a

provision limiting the use of Huron Cemetery in Kansas City to religious and cultural purposes. The Senate had a similar provision.

Section 118—The conference agreement modifies House section 120 making permanent a provision authorizing a cooperative agreement with the Golden Gate National Parks Association. The Senate contained a similar provision.

Section 120—The conference agreement retains Senate section 120 which continues a provision permitting the sale of improvements and equipment at the White River Oil Shale mine in Utah. The House had a similar provision.

Section 122—The conference agreement retains Senate section 122 which provides for the purchase of land and the protection of paleontological resources pursuant to the Virgin River Dinosaur Footprint Preserve Act.

Section 123—The conference agreement modifies House section 124 authorizing federal funds for Shenandoah Valley Battlefield NHD, Ice Age NST, and New Jersey Pine-lands Preserve to be transferred to a State, local government, or other governmental land management entity for acquisition of lands. The Senate had a similar provision.

Section 125—The conference agreement retains House section 126 continuing a provision preventing the demolition of a bridge between New Jersey and Ellis Island.

Section 126—The conference agreement retains House section 127 continuing a provision prohibiting the posting of signs at Canaveral National Seashore as clothing optional areas if it is inconsistent with county ordinance.

Section 127—The conference agreement retains language in House section 128 continuing a provision limiting compensation for the Special Master and Court Monitor appointed in the Cobell v. Norton litigation.

Section 130—The conference agreement includes language proposed in House section 131 continuing a provision allowing the transfer of Departmental Management funds for operational needs at the airport at Midway Atoll National Wildlife Refuge.

Section 131—The conference agreement modifies language in Senate section 127 clarifying the effect of section 134 of the Department of the Interior and Related Agencies Appropriations Act of 2002, regarding certain lands in Kansas.

Section 133—The conference agreement retains language in Senate section 129 allowing the National Indian Gaming Commission to collect \$12,000,000 in fees for fiscal year 2005.

The conference agreement does not include Senate section 130 prohibiting the use of funds for Cooperative Ecosystem Study Units in Alaska.

Section 134—The conference agreement modifies Senate section 131 which deems the State of Utah's contribution requirement complete for the purposes of Public Law 105–363.

Section 135—The conference agreement retains Senate section 132 designating Congaree National Monument as Congaree National Park.

Section 136—The conference agreement modifies language in House section 133 allowing schools that are not funded by the Bureau of Indian Affairs to participate in the tribal school demonstration program with certain limitations.

Section 137—The conference agreement retains Senate section 133 requiring the Secretary of the Interior to submit distribution plans for Indian Settlement Judgment Funds.

Section 138—The conference agreement replaces House section 134 to include the text of H.R. 1409, the “Eastern Band of Cherokee Indian Land Exchange Act of 2003”.

Section 139—The conference agreement modifies Senate section 134 establishing a demonstration project with respect to compacting and management of Tribal trust resources.

The conference agreement does not include House section 135 providing for a land exchange at the Mojave National Preserve.

The conference agreement does not include Senate section 135 requiring the Department of the Interior to report on competitive sourcing activities. This issue is addressed in Title III—General Provisions.

Section 140—The conference agreement retains House section 136 establishing the Blue Ridge National Heritage Area.

Section 141—The conference agreement retains Senate section 136 authorizing payment of \$11,750 to the Harriet Tubman Home in Auburn, New York.

The conference agreement does not include House section 137 limiting the use of funds to support the Klamath Fishery Management Council.

Section 142—The conference agreement retains Senate section 137 dealing with the issuance of grazing permits authorized by the Bureau of Land Management for the Jarbidge field office.

Section 143—The conference agreement retains Senate section 138 amending section 2303(b) of Public Law 106–246 dealing with interim compensation payments to fishermen in Glacier Bay NP, Alaska.

Section 144—The conference agreement modifies Senate section 139 retroactively restoring a mining claim voided because of a defective waiver of the \$100 hard rock mining maintenance fee.

Section 145—The conference agreement retains Senate section 140 prohibiting the use of funds for certain special events on the National Mall.

The conference agreement does not include House section 336 limiting the use of funds for implementing competitive sourcing studies at Archeological Centers in Nebraska and Florida. The Department has completed competitive sourcing at the Southeastern Archeological Center in Tallahassee, Florida and the Federal employees won the competition. Based on lessons learned in the study of this archeological center, the Department has concluded that no further study of the Midwestern Center is necessary.

Section 146—The conference agreement provides for a \$5,000,000 grant to Kendall County, IL.

Section 147—The conference agreement modifies Senate section 341 amending a previous act conveying land in Clark County to the City of Las Vegas, NV.

Section 148—The conference agreement retains Senate section 343 revising the boundary of Congaree Swamp NM, SC.

Section 149—The conference agreement retains Senate section 344 amending the Marine Mammal Protection Act amendments of 1994 to permit the importation of polar bears harvested prior to the enactment of final regulations.

Section 150—The conference agreement includes language directing the National Park Service to promulgate rules regarding hunting at New River Gorge National River and to do so in compliance with the Administrative Procedures Act and the National Environmental Policy Act.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

The conference agreement provides \$269,710,000 for forest and rangeland research instead of \$267,230,000 as proposed by the House and \$266,180,000 as proposed by the

Senate. The managers agree to the following changes to the House recommendations as proposed by the Senate:

1. There is a general reduction of \$3,384,000.
2. The forest inventory and analysis program (FIA) is increased by \$2,911,000. The managers note that with the additional \$5,000,000 provided for the forest resource information and analysis activity within the State and Private Forestry appropriation below, the FIA program is provided a total of \$57,359,000, the same total as proposed by the Senate.

3. The allocation of \$500,000 for global climate change work in the Northeast is not provided.

4. The administrative cost adjustment for the Pacific NW station is not provided.

5. Baltimore urban watershed research is allocated \$200,000.

6. The Northeast States research cooperative is provided \$2,000,000.

7. The hardwood tree improvement program, IN, is allocated \$921,000.

8. The Sitka, AK lab is allocated \$1,130,000. The managers agree to the following additional changes to the House recommendations:

1. Funding for the advanced housing research consortium is reduced by \$300,000 for a total of \$1,200,000.

2. Research on adelgids and insects in the east is provided \$1,500,000 as proposed by the House, but the \$500,000 described by the Senate for pest and pathogen research in Morgantown, WV, should come from this allocation.

3. The invasive species initiative is reduced \$650,000 from the House recommendation.

4. The conference agreement includes \$250,000 for the Joe Skeen Institute for Range Research in New Mexico and \$250,000 for the Joe Skeen Institute at Montana State University.

5. The Forest Products Lab, WI, research on salvage lumber is allocated \$450,000.

6. A total of \$230,000, transferred from the State and Private Forestry account where it was proposed by the Senate, is provided for the Fernow Experimental Forest, WV, flood modeling and associated research.

7. Bill language is included which specifies that \$52,359,000 is available for the FIA program.

STATE AND PRIVATE FORESTRY

The conference agreement provides \$308,140,000 for State and Private Forestry instead of \$290,758,000 as proposed by the House and \$295,349,000 as proposed by the Senate. Funding for this appropriation should follow the House recommendations unless otherwise instructed herein.

Forest Health Management.—The conference agreement provides \$54,500,000 for Federal lands forest health management, instead of \$56,000,000 as proposed by the House and \$48,642,000 as proposed by the Senate. This allocation includes a general decrease of \$1,500,000 below the House recommendation. The southern pine beetle initiative is provided \$3,000,000 as proposed by the House.

The conference agreement includes \$45,300,000 for cooperative lands forest health management instead of \$47,000,000 as proposed by the House and \$31,431,000 as proposed by the Senate. This allocation includes a general decrease of \$2,000,000 below the House recommendation. The southern pine beetle initiative is provided \$7,000,000 as proposed by the House. The agreement also includes \$300,000 for Vermont forest monitoring as proposed by the Senate, but the specific allocation for Lake Arrowhead, CA, hazardous tree removal is now part of the allocation for southern California mountains within the State fire assistance activity. The managers emphasize the urgent forest health

situation in southern California and encourage the Forest Service to give this area special consideration. Within the cooperative forest health activity, \$250,000 should be provided to the American Chestnut Foundation, southern Appalachian office, to help with recovery efforts for the American chestnut.

The managers have provided no bill language nor funding for the proposed new emerging pest and pathogens fund which was proposed by the Senate, but the managers agree that the Forest Service should withhold forest health funding, up to \$2,000,000, from immediate distribution so it is available later in the year to address new problems that may emerge.

Cooperative Fire Assistance.—The conference agreement includes \$33,800,000 for State fire assistance instead of \$36,000,000 as proposed by the House and \$25,486,000 as proposed by the Senate. This allocation includes \$5,000,000 as proposed by the House for urgent work in southern California Mountains, including the Lake Arrowhead and Idyllwild areas emphasized by the Senate under a different heading. The managers also agree to the \$300,000 proposed by the Senate for Cook Inlet Tribal Council, AK and instructions concerning distribution of these funds in the Senate report should be followed. The agreement includes a general program decrease of \$2,500,000 below the House level.

The conference agreement includes \$5,100,000 for volunteer fire assistance as proposed by the House instead of \$5,043,000 as proposed by the Senate. The conference agreement also includes additional funds for State fire and volunteer fire assistance as part of the national fire plan funding within the wildland fire management account.

Forest Stewardship.—The conference agreement includes \$32,282,000 for forest stewardship instead of \$32,683,000 as proposed by the House and \$32,012,000 as proposed by the Senate. This allocation includes the \$500,000 proposed by the House for the New York City watershed, and Senate proposals for: an increase above the House of \$250,000 for the Chesapeake Bay forestry program; \$300,000 for Utah forestry education; and a general decrease of \$951,000.

Forest Legacy Program.—The conference agreement includes \$64,934,000 for the forest legacy program instead of \$45,575,000 as proposed by the House and \$84,716,000 as proposed by the Senate. The conference agreement includes the following distribution of funds for the forest legacy program:

State and project	Conference
AL Mobile Tensaw Delta	\$3,000,000
WA Raging River Forest	
Headwaters	1,000,000
NH Pillsbury/Sunapee	
Highlands	2,530,000
NC Cool Springs	1,500,000
DE Green Horizons	2,000,000
NJ Upper Delaware River	
Watershed	4,900,000
UT Chalk Creek/South Fork	800,000
WA Yakima River Forest	
Headwaters Phase II	1,500,000
SC Cooper River Corridor	7,700,000
CA Dofflemeyer Ranch	2,500,000
ME Machias River	
Project Phase I	2,000,000
NM Lagunas Bonitas	3,000,000
AK Diamond Creek	450,000
MT Dutton Ranch	441,000
CT Peaceful Hill	200,000
MA Belmont Springs	1,400,000
CO Soap Mesa	1,000,000
IN Shawnee Hills	2,000,000
VT Chittenden Uplands ...	3,150,000
ID St. Joe Basin/Mica Creek Phase I	3,500,000
GA Rocky Creek at Broxton Rocks	1,500,000

State and project	Conference
UT Cedar Project	1,550,000
MN Lester River	500,000
IA Canyons	290,000
PA River Hills	580,000
VA Dragon Run	2,000,000
RI Great Grass Pond	328,000
VA The Cove	1,000,000
TN Ray Gettelfinger (Rugby)	1,000,000
MD Broad Creek	1,000,000
IL Byron Rock River	1,200,000
CT Nipmuck	350,000
ME Mt. Blue/Tumbledown	
Phase III	1,500,000
NH Moose Mountain	1,000,000
MA Bush Hill	227,000
TN Jim Creek parcel	838,000
MT Swan River Valley	3,000,000
WI Holy Hill Woods	2,000,000
NY Pochuck Mtn	1,300,000
VT Monadnock Mtn	500,000
KY New State Start-up ...	500,000
MI New State Start-up ...	500,000
WV New State Start-up ...	500,000
MT Schiemann project (complete)	400,000
Project Subtotal	68,134,000
Administration, Acquisition Management & AON	
Planning	3,800,000
Use of Prior Year Funds	-7,000,000
Total, Forest Legacy ...	64,934,000

The conference agreement retains bill language proposed by the House requiring notification of the Appropriations Committees when the Forest Service makes funds available for specific forest legacy projects and the conference agreement includes the Senate proposal to derive the forest legacy program funding from the Land and Water Conservation Fund.

Urban and Community Forestry.—The conference agreement includes \$35,299,000 for the urban and community forestry program instead of \$36,000,000 as proposed by the House and \$35,999,000 as proposed by the Senate. Changes from the House proposal for this activity include a decrease of \$100,000 for northeast PA community forestry and a total of \$200,000 for the Chicago greenstreets program, \$200,000 for Cook County forest preserve, IL, and \$150,000 for the People and Parks Fund for work on Baltimore, MD urban watershed activities and a \$1,151,000 general decrease.

The managers do not concur with the House proposal concerning the implementation of a new methodology for the allocation of urban and community forestry funds prior to the disbursement of funds in fiscal year 2004. The managers believe that before a new allocation methodology is adopted by the agency, additional information is needed so the Committees can fully evaluate the consequences of such a change on the program. Accordingly, the managers direct the agency to present to the House and Senate Committees on Appropriations, by April 1, 2004, a report describing the current allocation methodology and one or more alternative methodologies that focus additional emphasis on program performance. The report must include at least one methodology which considers both State and large urban area populations, and this methodology should propose increasing allocations to States with large urban centers. The report may also include other allocation methodologies which do not increase allocations to more populated States but instead focus on means to enhance program performance. At least one of the proposed methodologies should include competitive funding for nationally or regionally significant projects. The report shall also include an analysis of whether it is still

necessary to require certain specific staffing levels by a State as a condition for obtaining grants through the program. The managers expect that this report shall be done in collaboration with participating State and non-governmental partners and with public input.

Economic Action Programs.—The conference agreement includes \$25,925,000 for the economic action programs instead of \$17,400,000 as proposed by the House and \$24,020,000 as proposed by the Senate. The managers have provided \$1,000,000 for the wood in transportation program with the understanding that this will be the final year of Federal assistance. The conference agreement does not include the specific allocation of \$2,000,000 for the Northeast-Midwest in the rural development through forestry program. The conference agreement includes bill language concerning a \$500,000 direct payment for the Kake land exchange, AK. The allocation for Cradle of Forestry conservation education, NC, includes \$250,000 for the Pisgah Forest Institute and \$300,000 for the Cradle of Forestry, USDA. The allocation of \$750,000 for the education and research consortium of western North Carolina includes \$250,000 for the new educational program at Pisgah Forest Institute, \$250,000 for expanding this educational program in northeastern Pennsylvania, and \$250,000 for the landscape management system program. The Senate instructions on the disbursal of funds for the Chugach Avalanche Center and Ketchikan Wood Technology Center should be followed.

The conference agreement includes the following distribution of funds for the economic action programs:

<i>Program/Project</i>	<i>Amount</i>
Economic recovery base program	\$5,000,000
Rural development base program	4,000,000
Forest products, conservation & recycling	1,300,000
Wood in transportation	1,000,000
Subtotal, Programs	11,300,000
Special projects:	
Alabama rural economic action	500,000
Arid Lands Research Consortium	400,000
Cradle of Forestry conservation education, NC	550,000
Gonzaga Univ. Inland NW Natural Resources Center, WA	600,000
KY mine waste reforestation	1,000,000
Lake Tahoe erosion control grants, CA, NV	1,750,000
Education & research consortium of western NC	750,000
Rural forestry technology, Univ. WA and WA St. U.	625,000
Woody biomass applications, SUNY, Syracuse, NY	750,000
Wood Education & Resource Center, WV	2,700,000
Chugach avalanche center, AK	200,000
Ketchikan wood technology Center, AK	750,000
Mountain studies institute, CO	500,000
Environmental Science & public policy research, ID	250,000
Missouri forest foundation biomass project	1,000,000

<i>Program/Project</i>	<i>Amount</i>
Fuels-in-schools biomass program, MT	1,250,000
Univ. of Idaho collaborative working forests	350,000
Northern forests partnership program	100,000
Fontana Lake, Swain county econ. development Study, NC	100,000
Kake land exchange, AK	500,000
Subtotal, Special Projects	14,625,000
Total, Economic Action	25,925,000

Forest Resource Information and Analysis.—The conference agreement includes \$5,000,000 for forest resource information and analysis instead of \$9,000,000 as proposed by the House and no Senate funding. Additional information on the FIA program is under the forest and rangeland research heading.

International Program.—The conference agreement includes \$6,000,000 for the International program as proposed by both the House and the Senate.

NATIONAL FOREST SYSTEM

The conference agreement provides \$1,382,916,000 for the national forest system instead of \$1,394,792,000 as proposed by the House and \$1,370,731,000 as proposed by the Senate. Funds should be distributed as follows:

Land management planning	\$70,868,000
Inventory and monitoring	171,776,000
Recreation, heritage & wilderness	258,232,000
Wildlife & fish habitat management	137,375,000
Grazing management	46,471,000
Forest products	268,319,000
Vegetation & watershed management	196,106,000
Minerals and geology management	54,065,000
Landownership management	92,692,000
Law enforcement operations	83,862,000
Vales Calderas National Preserve, NM	3,150,000
Total	1,382,916,000

The following discussion describes funding changes from the House passed bill.

1. The land management planning activity includes \$400,000 for the environmental training program proposed by the Senate and the Senate proposed general decrease of \$3,461,000.

2. The inventory and monitoring activity includes a decrease of \$100,000 for Lake Tahoe basin adaptive management and the Senate proposed general decrease of \$1,620,000.

3. The recreation activity does not include the \$1,900,000 for national trails management proposed by the House; however, these funds have been transferred to the capital improvement and maintenance account. The agreement includes Senate proposals for \$250,000 for Coffman Cove, AK, \$150,000 for the backcountry hut network plan, AK, and a general decrease of \$2,550,000. Additional instructions concerning the backcountry hut project are under the Capital Improvement and Maintenance heading.

4. The wildlife and fish habitat management activity includes the Senate proposed increase of \$250,000 for the Batten Kill River, VT, \$1,100,000 for north continental divide genetic survey, and a general decrease of \$2,300,000.

5. The grazing management activity is \$400,000 below the House level, an increase of \$471,000 from the Senate level. The increased funding over the enacted level should be used to perform NEPA analysis to address the backlog of expiring grazing permits and to engage in cooperative monitoring activities in conjunction with grazing permittees.

6. The forest products activity includes the Senate proposed earmark in bill language of \$5,000,000 for Tongass national forest timber sales preparation and the Senate proposed general decrease of \$10,185,000. Total funding for forest products is at the requested level so the Forest Service should be able to meet its timber target. The managers do not agree with respect to the Senate proposal concerning the use of the Scribner timber scaling system.

7. The vegetation and watershed management activity includes the general decrease proposed by the Senate of \$6,666,000 and increases of: \$2,950,000 for the Lake Tahoe basin; \$1,000,000 for Tongass National Forest, AK, pre-commercial thinning; \$135,000 for Monongahela National Forest hydrology study, WV; and \$300,000 for leafy spurge control.

8. The land ownership management activity has a general reduction of \$2,645,000 below the House level, and within funds, \$200,000 should be used for the Senate proposed Lolo NF, MT, land exchange.

9. The law enforcement activity has an increase of \$100,000 for Daniel Boone NF, KY, drug control, a decrease of \$100,000 for Mark Twain NF, MO, counter drug work, and an increase of \$250,000 for additional officers on the Ouachita NF, OK.

10. The Valles Caldera National Preserve, NM, is funded at the Senate proposed level and includes the Senate bill language for the preserve and its staff.

11. The \$6,000,000 general reduction to this account passed on the House floor is not agreed to by the managers.

12. The agreement includes the House bill language concerning transfer authority for the wild horse and burro program.

13. The managers are aware of activities within the southern region to designate portions of the Roosevelt Roads Naval Station in Puerto Rico as a part of the National Forest System. The managers believe that this would impose substantial additional costs on the Forest Service and the agency should not proceed with this proposal before fully consulting with the House and Senate Committees on Appropriations. Other agencies may be better able to manage this marine estuary.

WILDLAND FIRE MANAGEMENT

The conference agreement provides \$1,944,212,000 for wildland fire management instead of \$1,624,632,000 as proposed by the House and \$1,543,072,000 as proposed by the Senate. This total includes \$301,000,000 in emergency funds, as requested by the Administration, to repay costs incurred during wildfire suppression emergencies. This emergency amount replaces the funds recommended in Title IV of the Senate bill.

Wildfire Suppression Operations.—The conference agreement includes \$604,580,000 for suppression operations, instead of \$520,000,000 as proposed by the House and \$514,327,000 as proposed by the Senate. The managers have provided the full amount requested by the administration for wildfire suppression, an increase of \$252,616,000 above the fiscal year 2003 funding level. The conference agreement retains the bill language in administrative provisions, which allows funds from other Forest Service accounts to be transferred for suppression during emergencies if appropriated funds in this account are exhausted, but the language has been modified to require the Forest Service to first transfer

some portion of funds not immediately needed for project completion from the land acquisition and forest legacy programs. The wildfire borrowing has caused serious program disruption throughout the Forest Service during the past two years. The managers implore the Administration to work with the Congress to create a more reasoned approach to funding these vital wildfire suppression activities, while implementing new, substantial measures to control costs of large wildfire events.

The conference agreement has modified bill language proposed by the Senate concerning reimbursements to States for non-fire related costs incurred during national emergencies. The new language allows these reimbursements if it is clear that the funds would be derived from Federal emergency agencies, not the Forest Service. The managers agree with the Senate direction concerning the use of a private contract with commercial providers of off-duty or trained personnel with law enforcement backgrounds to provide security services in firefighting camps. The managers expect the Forest Service to develop the mechanisms, plans, and procedures for consistent, efficient, and cost-effective fire camp security and develop a business analysis of the costs and benefits of such a contract compared with the costs and benefits of providing such services using comparable Federal personnel. The managers are pleased with the progress of the first two phases of the Incident Qualification and Certification System project. The managers recognize the importance of this interagency effort in relation to firefighter safety and fire resource management and look forward to its national implementation.

Wildfire Preparedness.—The agreement includes \$680,000,000 for preparedness, a reduction of \$18,000,000 from the House recommendation and \$20,000,000 below the Senate recommendation. The managers note that funds provided in this Act are at a level that approximates the amount used by the agency in fiscal year 2003 to achieve a consistent level of readiness and enable the agency to promptly execute initial attack operations. The managers direct the agency to generate appropriate programming efficiencies that will result in a similar level of on-the-ground resources being available for initial attack operations. The managers expect the agency to maximize efforts to reduce expenses in program management functions to ensure priority is given to maintaining the level of on-the-ground resources that is consistent with levels of the past two years. The managers also direct the agency to evaluate further actions that may be necessary to maintain this level of readiness and to inform the subcommittees of such actions that are planned for implementation.

Other Wildfire Operations.—The conference agreement includes \$358,632,000 for other fire operation activities instead of \$406,632,000 as proposed by the House and \$328,745,000 as proposed by the Senate. The allocation of this funding is as follows:

Program	Amount
Hazardous Fuels	\$236,392,000
Rehabilitation & restoration	7,000,000
Research & Development ...	22,300,000
Joint Fire Science	8,000,000
Forest Health Management federal	15,000,000
Forest Health Management cooperative	10,000,000
State and community fire assistance	51,700,000
Volunteer fire assistance ...	8,240,000
Total other wildfire operations	\$358,632,000

The conference agreement includes \$236,392,000 for hazardous fuels treatments, a reduction of \$10,000,000 below the House level and \$5,000,000 above the Senate recommendation. This allocation includes the \$5,000,000 proposed by the House for the San Bernardino national forest area, CA, and the Senate proposals of \$2,100,000 for the Lake Tahoe basin and \$1,500,000 for the Santa Fe watershed, NM. The managers also encourage the Forest Service to coordinate more closely with the Fish and Wildlife Service to ensure that funds provided in the Forest Service budget for ESA consultation are more fully utilized.

The conference agreement includes bill language which specifies \$7,000,000 for rehabilitation and restoration activities instead of \$40,000,000 as proposed by the House and no funding as proposed by the Senate.

The conference agreement includes \$22,300,000 for research and development activities. Changes from the House proposal include an increase of \$1,000,000 for the University of Montana landscape analysis center and \$200,000 for the related University of Idaho project and a \$900,000 general program decrease.

The conference agreement includes \$15,000,000 for federal forest health activities and \$10,000,000 for cooperative forest health activities as proposed by the House. These funds should be used for high priority work, as part of the national fire plan, to implement activities which should clean up forests and stop forest declines which can increase wildfire danger and result in resource damage and danger to communities.

The managers have included \$51,700,000 for State and community fire assistance. Changes from the House recommendation include allocations of \$1,700,000 for the Alaska Matanuska-Sustitna Borough, \$1,500,000 for the Alaska Kenai peninsula borough, \$2,000,000 to the Municipality of Anchorage, and \$500,000 for the Alaska, City of Nenana. The Forest Service shall follow Senate instructions concerning disbursement of these funds. There is also a general program decrease of \$5,000,000 below the House level.

The conference agreement includes no funding nor bill language for economic action activities associated with the national fire plan as proposed by the Senate instead of \$6,000,000 as proposed by the House. Volunteer fire assistance receives \$8,240,000 as proposed by the House and the Senate.

Emergency Wildfire Repayment.—The conference agreement includes \$301,000,000 for repayment of wildfire suppression funds transferred from other accounts during fiscal year 2003 for wildfire emergencies as requested. This amount replaces the \$325,000,000 in Title IV of the Senate passed bill. The managers note that this partial repayment still leaves the Forest Service accounts \$141,000,000 short from fiscal year 2003 wildfires as well as the \$283,000,000, which the agency had to absorb during fiscal year 2002. The managers have directed the repayments to specific appropriation accounts. The managers direct that in no instance shall projects identified in the agency's fiscal year 2003 budget justification or Congressional projects agreed upon in the fiscal year 2003 conference report be reduced as a result of not fully reimbursing non-fire accounts for fire transfers.

CAPITAL IMPROVEMENT AND MAINTENANCE

The conference agreement provides \$562,154,000 for capital improvement and maintenance instead of \$560,473,000 as proposed by the House and \$532,406,000 as proposed by the Senate. The conference agreement provides for the following distribution of funds:

Activity/Project	Amount
Facilities:	
Maintenance	\$98,342,000

Activity/Project	Amount
Capital Improvement	93,993,000
Congressional Priorities:	
Allegheny NF recreation projects, PA	975,000
Bradford RD office completion, PA	190,000
Cherokee NF, Chilhowee rec area I & II, TN	674,000
Cradle Forestry rehab & exhibits, NC	175,000
D. Boone NF, recreation improvements, KY	795,000
Nantahala NF Santeetlah Lake boat ramp improvements, NC	1,250,000
Nantahala NF Jack-rabbit rec area, NC ...	1,030,000
Pisgah NF, Lake Powhatan cmpgrd rehab, NC	1,660,000
Pisgah NF, Mortimer Recreation Area, NC	200,000
San Bernardino NF sanitation rehab, CA	725,000
Waldo Lake rec rehab, OR	450,000
Tongass Juneau housing phase I, AK	1,051,000
Tongass Juneau housing phase II, AK	552,000
Tongass Admir. NM/Juneau RD admin phase I, AK	619,000
Tongass Admir. NM/Juneau RD admin phase II, AK	2,419,000
Black Hills Mystic Lab/common area, SD	4,300,000
Monongahela NF facilities, WV	1,190,000
University of Montana planning, MT	150,000
Smith County lake feasibility study, MS	300,000
Inst. Pacific Islands Forestry, HI	2,500,000
Forest Products lab durability facility, WI ..	500,000
Camp Ouachita, AR	1,000,000
Tongass NF log transfer facilities, AK	1,500,000
Chugach NF Russian River visitor center planning, AK	500,000
Subtotal, Congressional Priorities	24,705,000
Subtotal, Facilities ..	217,040,000

Roads:	
Maintenance	\$153,000,000
Capital Improvement	75,500,000
Congressional Priorities:	
Caribbean NF emergency repairs, PR	325,000
Chattahoochee NF Rich Mtn rd, GA	318,000
Coweeta research center improvements, NC	125,000
Lake Tahoe basin, rehab & decommissioning, CA NV	2,000,000
Mt. Hood NF, Cloud Cap & Hood River Meadows, OR	396,000
Highland Scenic Hwy, Williams River, WV ..	800,000
Tongass NF, AK	5,000,000
Subtotal, Congressional Priorities	8,964,000
Subtotal, Roads	237,464,000

Trails:	
Maintenance	\$37,750,000

Activity/Project	Amount
Capital Improvement	32,000,000
Congressional Priorities:	
D. Boone NF, Cave Run	
& Laurel Lake horse	
trails, KY	500,000
FL National scenic	
trail	500,000
Pacific Crest trail im-	
provements, CA OR	
WA	850,000
Mount Yonah &	
Pinhoti Trails, GA	350,000
Continental Divide	
Trail	1,000,000
Pulaski trail, ID	300,000
Fernwood Park,	
Wasatch-Cache NF,	
UT	500,000
National trails, national	
responsibility	1,500,000
National trails, national	
responsibility	400,000
Subtotal, Congressional	
Priorities	5,900,000
Subtotal, Trails	75,650,000
Infrastructure Improvement:	
Fish Passage Barriers	7,200,000
Deferred Maintenance	24,800,000
Subtotal, Infrastructure	
Improvement	32,000,000
Total, Capital Improvement	
and Maintenance	562,154,000

The managers agree with the overall program direction for this account provided by both the House and the Senate. The funds for fish passage barriers include the \$7,000,000 recommended by the House and the \$200,000 for the Senate proposed project in Craig, AK. The agreement includes the House bill language concerning road decommissioning but not the Senate bill language earmark for Fernwood Park, UT. Funds for this Utah project are included in the table above.

The managers do not concur with Senate report language contained in the Capital Improvement and Maintenance account regarding the construction of Backcountry Huts in Alaska. Rather, \$350,000 shall be available in the economic action budget line item of the State and Private Forestry account from funds appropriated in Public Law 108-7. To facilitate this construction, the managers have included bill language to transfer funds provided in Public Law 108-7, from the Capital Improvement and Maintenance account to the State and Private Forestry account. The managers direct the Forest Service to use expeditiously funds provided in the National Forest System account in this Act and additional funds, as needed, to complete necessary environmental analysis in advance of such construction. The managers direct the Forest Service to make the Economic Action funds available to the Alaska Mountain and Wilderness Huts Association for planning and construction of the huts. Huts constructed on national forest lands shall be available for use by the general public, as specified in the special use permit administered by the Forest Service. The Association will not have exclusive rights to use of such huts on national forest system land.

The managers note that in several cases specific congressional priority projects involve maintenance, improvement, and construction of a combination of facilities, roads, and trails. Although such congressional priorities are reflected in a single budget line item, the managers expect the agency to comply with congressional intent for completion of the entire project and au-

thorize the agency to move funds between budget lines within the account to complete projects as intended while accurately reflecting project costs.

LAND ACQUISITION

The conference agreement provides \$67,191,000 for land acquisition instead of \$29,288,000 as proposed by the House and \$76,440,000 as proposed by the Senate. Funds should be distributed as follows:

Area (state)	Amount
Alabama National Forests, multiple NFs (AL)	\$750,000
Arapaho NF: Beaver Brook Watershed (CO)	2,400,000
Black Hills NF (SD)	1,000,000
Chatoga River Corridor, multiple NFs (NC/SC/GA)	750,000
Chattahoochee NF: Georgia Mts.—Riparian Project (GA)	500,000
Chequamegon-Nicolet NF: Wisconsin Wild Waterways (WI)	2,000,000
Cherokee NF: Tennessee Mountain (TN)	3,800,000
Coconino NF: Thomas Point (AZ)	400,000
Columbia River Gorge NSA	1,000,000
Custer NF: Schwend Ranch (MT)	750,000
Daniel Boone NF (KY)	750,000
DeSoto NF (MS)	360,000
Flathead NF: Swan Valley (MT)	2,750,000
Florida National Scenic Trails, multiple NFs (FL)	3,000,000
Francis Marion NF (SC)	1,300,000
Great Lakes/Great Lands, multiple NFs (MI)	1,500,000
Greater Yellowstone Area, multiple NFs (MT)	2,000,000
Green Mountain NF (VT) ..	1,500,000
Hoosier NF: Hoosier Unique Areas (IN)	500,000
Idaho Wilderness/W&S Rivers, multiple NFs (ID/MT)	706,000
Lake Tahoe Basin sensitive lands (CA/NV)	3,000,000
Los Padres NF: Ahearn Ranch (CA)	1,500,000
Mark Twain NF: Ozark Mountain Streams and Rivers (MO)	500,000
Monongahela NF: Beckwith (WV)	1,800,000
Mt. Baker-Snoqualmie NF: I-90 Corridor (WA)	5,000,000
Pacific Northwest Streams, multiple NFs (OR/WA)	1,875,000
Sawtooth NRA (ID)	1,000,000
Shawnee NF (IL)	500,000
Sumter NF (SC)	1,300,000
Suwannee Wildlife Corridor, multiple NFs (FL)	750,000
Talladega NF: Pinhoti Trail (AL)	1,000,000
Uwharrie NF: Uwharrie Trail (NC)	500,000
Wasatch-Cache NF: Bonneville Shoreline Trail (UT)	1,250,000
Wasatch-Cache NF: High Uintas (UT)	1,500,000
White River NF: High Elk Corridor (CO)	1,000,000
Subtotal	50,191,000
Acquisition Management ..	15,000,000
Critical Inholdings/Wilderness Protection	1,500,000
Land Exchange Equalization Payment	500,000
Total	67,191,000

For several years the managers have provided funds for the acquisition of small lots

in the Lake Tahoe Basin. These funds have been provided under several descriptions, including urban lots, critically sensitive lands, and sensitive lands. The managers direct the Forest Service to consolidate unobligated balances from previous years for acquisition of these lots with the money provided for such acquisitions in this conference agreement.

Within the funds provided for Pacific NW Streams in Washington and Oregon, the managers agree that \$1,075,000 is for the Tieton River project in Washington and \$800,000 is for projects in the State of Oregon.

The conference agreement includes statutory language proposed by the Senate dealing with the acquisition of certain lands in the Tongass NF, AK. The conference agreement does not include statutory language earmarking funds for the Beaver Brook watershed in the Arapaho NF, CO. These funds have been added to the land acquisition account as shown in the table above.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

The conference agreement provides \$1,069,000 for the acquisition of lands for national forests special acts as recommended by both the House and the Senate.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

The conference agreement provides an indefinite appropriation estimated to be \$234,000 for the acquisition of lands to complete land exchanges as proposed by both the House and the Senate.

RANGE BETTERMENT FUND

The conference agreement provides an indefinite appropriation estimated to be \$3,000,000 for the range betterment fund as proposed by both the House and the Senate.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

The conference agreement provides \$92,000 for gifts, donations and bequests for forest and rangeland research as proposed by both the House and the Senate.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

The conference agreement provides \$5,535,000 for management of national forest system lands for subsistence uses in Alaska as proposed by both the House and the Senate. The managers have not included the Senate proposed language providing special authority to transfer funds from this account for the Office of the General Counsel.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

The managers have retained the Senate bill language concerning aircraft for replacement. The conference agreement includes the Senate bill language concerning the transfer authority during wildfire emergencies after all fire suppression funds are obligated, but the agreement also specifies that the Forest Service will first transfer some portion of the funds from the land acquisition and forest legacy programs when available. The conference agreement allows the Forest Service to advance \$3,000,000 to the National Forest Foundation and permits the Foundation up to \$350,000 for administrative costs. The conference agreement includes the House proposed bill language for the National Fish and Wildlife Foundation. The conference agreement does not include specific direction concerning Jobs in the Woods grants in the State of Washington. The House language concerning High Sierra packers, CA is retained as is the Senate proposal concerning transfers of funds to implement the T'uf Shur Bien Preservation Trust Act in New Mexico. The conference agreement includes the Senate proposal for the Older Americans Act matching funds and the

Senate proposal concerning sale of excess buildings on the Wasatch-Cache NF, UT.

The managers are very concerned about USDA working capital fund charges levied against Forest Service accounts that far exceed anticipated levels. Bill language in section 342 of this Act requires greater clarity from all the agencies funded in this Act in their use of assessments.

Both the House and the Senate Committee reports expressed serious concern for the manner in which the Forest Service has implemented competitive sourcing studies. The managers remain very concerned and have provided instructions for the Forest Service and other agencies in section 340 of this Act, which replace the earlier instructions. The managers understand that last year the Forest Service spent at least \$18,000,000 on this effort without any prior notification of, or approval by, the Committees on Appropriations. The managers understand that this effort will go forward during fiscal year 2004, but the Administration will provide more timely information to Congress and the public when undertaking competitive sourcing activities.

The managers encourage the Departments of the Interior and Agriculture to resume settlement negotiations regarding the new license for the Box Canyon Project (P-2042) with Public Utility District No. 1 of Pend Oreille County, WA, the Kalispel Tribe of Indians, and others. The goal of these negotiations should be a comprehensive settlement that addresses the power needs of the utility while ensuring reasonable measures are taken to address the environmental impacts of the project.

DEPARTMENT OF ENERGY

The managers agree that all energy technology program offices as well as other agencies and programs participating in the Clean Energy Technology Exports Initiative are strongly urged to contribute to this nine-agency effort.

CLEAN COAL TECHNOLOGY (DEFERRAL AND RESCISSION)

The conference agreement defers \$97,000,000 in clean coal technology funds as proposed by the Senate instead of a deferral of \$86,000,000 as proposed by the House. The conference agreement also rescinds \$88,000,000 in clean coal technology funds. These funds have been added to the base budget for the fossil energy research and development account where all continuing research programs and associated administrative expenses should be funded. Clean coal technology funds are limited to completing active projects under that program. Once those projects are completed, a separate clean coal technology account will no longer be required.

The managers have not included bill language authorizing the use of clean coal technology funds for the FutureGen program as proposed by the Senate. Funding is included in the fossil energy research and development account for FutureGen. The managers agree that clean coal technology funds should not be transferred to fund ongoing programs in fossil energy research and development. Rather, a rescission of excess clean coal funds should be proposed and, to the extent new and expanded research program funds are required, including funds for FutureGen, they should be budgeted directly in the fossil energy research and development account.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

The conference agreement includes \$681,163,000 for fossil energy research and development, instead of \$609,290,000 as proposed by the House and \$593,514,000 as proposed by the Senate. The conference agreement in-

cludes funds for several ongoing programs that were previously funded under the clean coal technology account, funding to begin the FutureGen program, and funding increases for programs that provide critical underpinning for, and are critical for the success of, FutureGen. The increase in funding above the Senate proposed level is offset fully by the rescission of \$88 million in clean coal technology funding. The numerical changes described below are to the House recommended level.

The conference agreement includes increases of \$42,000,000 for the clean coal power initiative and \$9,000,000 to initiate the FutureGen program. The funds provided for the FutureGen program are contingent on the receipt of a complete program plan that clearly and fully delineates by project and by year the funding for each element of, and milestone associated with, the FutureGen program. This plan should be closely coordinated with industry cooperators and submitted to the House and Senate Committees on Appropriations no later than December 31, 2003. The managers understand the need for a lower cost share for the initial research and planning stages of the FutureGen program, but any demonstration component must include at least a 50 percent industry cost share.

In transportation fuels and chemicals, there is an increase of \$700,000 for syngas membrane technology.

In advanced fuels research, there is an increase of \$350,000.

In advanced research, there are decreases of \$33,000 in technology crosscut for the focus area for computational energy science, \$750,000 for materials research, \$19,000 for university coal research, and \$7,000 for HBCU education and training. There is also an increase of \$3,000,000 for coal utilization science as proposed by the Senate.

In distributed generation systems, there is an increase of \$2,000,000 for fuel cell systems development for molten carbonate fuel cells including the MCFC/hybrid program.

There is an increase of \$1,000,000 for the U.S./China Energy and Environmental Center. This program previously was funded using clean coal funds. The program has been moved from the clean coal account to the fossil energy research and development account. The managers note that this program complements both the clean coal power initiative and the FutureGen program.

In natural gas exploration and production, there is an increase of \$3,000,000 for Arctic research.

In the gas hydrates program, there is an increase of \$4,000,000, which will restore that program to the fiscal year 2003 level.

There is an increase of \$50,000 for program support for the natural gas infrastructure program.

In oil technology, there is an increase of \$1,500,000 for the Arctic Energy Office and a decrease of \$20,000 for program support in the exploration and production activity. There is also an increase of \$1,836,000 for effective environmental protection.

Other changes include an increase of \$500,000 for cooperative research and development, a decrease of \$234,000 for travel in the headquarters program direction activity, and an increase of \$4,000,000 for National Energy Technology Laboratory infrastructure improvements in the general plant projects activity.

Bill Language.—The conference agreement includes \$4,000,000 for NETL facilities renovation as proposed by the Senate rather than \$2,000,000 as proposed by the House. As noted above, the \$4,000,000 is added to the budget for this purpose. The conference agreement also includes language proposed by the Senate limiting headquarters travel expenditures to \$536,000.

The managers agree to the following:

1. Any future funding for the FutureGen program should be requested as a direct appropriation in the fossil energy research and development program and should not be derived by transfer from any other account.

2. The FutureGen program should not be funded at the expense of ongoing fossil energy research.

3. The managers support the goals of the national climate change technology initiative—reducing greenhouse gas emissions and sequestering greenhouse gases—and encourage the Department to propose funding in future budgets within the context of existing programs in fossil energy research and development.

4. In addition to the activities described by the House for the use of the funds provided for the Russia technology program, the managers do not object to cooperative Russia/Korea oil and gas technology efforts.

5. There is no earmark for general plant projects other than the \$4,000,000 provided in statutory language for NETL.

6. There is no funding provided in fiscal year 2004 for the energy efficiency science initiative.

7. The Department should continue research on mercury emissions reductions from lignite-fired power plants, consistent with the project proposals funded in September 2003. The managers understand that a second round of projects will be funded in January 2004 and expect the Department to consider this important research area when making awards.

The managers are concerned by the lack of progress in product design improvements aimed at reducing the cost of commercial fuel cell technology, especially with respect to tubular solid oxide fuel cell technology. If the fuel cell developers cannot provide evidence that clearly demonstrates that the commercial product will be capable of meeting a \$400 per kilowatt target by the end of fiscal year 2004, without needing any additional product development, funding should be redirected to the Solid State Energy Conversion Alliance program and SECA-based hybrid technology development.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The conference agreement provides \$18,219,000 for naval petroleum and oil shale reserves instead of \$20,500,000 as proposed by the House and \$17,947,000 as proposed by the Senate. The change to the House level is a decrease of \$2,281,000 for restoration activities in the production and operations program.

ELK HILLS SCHOOL LANDS FUND

The conference agreement provides an advance appropriation of \$36,000,000 for the Elk Hills School Lands Fund as proposed by both the House and the Senate. These funds will become available on October 1, 2004.

ENERGY CONSERVATION

The conference agreement provides \$888,937,000 for energy conservation instead of \$879,487,000 as proposed by the House and \$861,645,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In vehicle technologies, there is a decrease of \$500,000 in innovative concepts for the graduate automotive technology education program. There is an increase of \$1,000,000 in subsystem integration and development for heavy vehicle propulsion and ancillary subsystems to fund an application specific refuse vehicle demonstration. There are decreases for advanced combustion engine research of \$1,000,000 for combustion and emissions control for light and heavy-duty vehicles, \$1,000,000 for heavy truck engine, and \$500,000 for health impacts. There is also an

increase in advanced combustion engine research of \$2,000,000 for waste heat recovery.

Also in vehicle technologies, there is a decrease of \$1,000,000 in materials technology for automotive lightweight materials research. In fuels technology, there are decreases of \$3,000,000 for advanced petroleum based fuels and \$1,000,000 for environmental impacts and an increase of \$400,000 in non-petroleum fuels and lubes for renewable and synthetic fuels. In technology introduction, there is an increase of \$500,000 in testing and evaluation for vehicle evaluation. Finally, there is a decrease of \$100,000 for the biennial FreedomCAR peer review.

In fuel cell technology, increases include \$1,000,000 for transportation systems, \$2,500,000 for stack component research and development, and \$10,000,000 for technology validation. There is a decrease of \$4,000,000 for fuel processor research and development.

In weatherization and intergovernmental, there are increases of \$500,000 for the clean cities program and \$500,000 for the inventions and innovations program and decreases of \$10,000,000 for weatherization assistance, \$500,000 for State energy programs, and \$500,000 for the rebuild America program.

In distributed energy resources, there are decreases of \$500,000 for industrial gas turbines, \$1,000,000 for reciprocating engines (with the understanding that Argonne National Laboratory will provide technical support for this program), and \$2,000,000 for advanced materials and sensors and an increase of \$1,000,000 in distributed energy systems applications integration for the National Accounts Energy Alliance. The oil heat research program has been moved to the building technologies activity.

In building technologies, there are increases of \$500,000 for oil heat research for residential buildings, \$1,250,000 in emerging technologies for lighting research and development, and \$500,000 in equipment and analysis for appliance standards and decreases in emerging technologies of \$350,000 for space conditioning and refrigeration and \$250,000 for appliances and emerging technology research and development.

In industrial technologies there are decreases of \$2,500,000 for the black liquor gasification program and \$1,000,000 for industrial assessment centers.

In biomass and biorefinery systems, there is an increase of \$7,600,000 to restore partially the base budget. The Department should keep the House and Senate Committees on Appropriations advised on how these funds will be used and should ensure that these programs have a direct relationship to programs historically funded in the Interior bill and are clearly distinct from biomass programs funded in the Energy and Water bill.

In program management, there is a decrease of \$5,000,000 for the energy efficiency science initiative and an increase of \$900,000 for management of the distributed energy resources program, including additional staffing and program management support through the National Energy Technology Laboratory.

Finally, there is an increase of \$15,000,000 because the managers have not agreed to the general decrease adopted in House floor action.

Bill Language.—The conference agreement earmarks \$274,500,000 for energy conservation grant programs instead of \$285,000,000 as proposed by the House and \$274,000,000 as proposed by the Senate. The conference agreement earmarks \$230,000,000 for weatherization assistance as proposed by the Senate instead of \$240,000,000 as proposed by the House. The conference agreement earmarks \$44,500,000 for State energy programs instead of \$45,000,000 as proposed by the House and \$44,000,000 as proposed by the Senate.

The managers agree to the following:

1. The budget justification for fiscal year 2005 should include a program specific table like the one provided separately to the House and Senate Committees on Appropriations for fiscal year 2004. The Department should also clearly indicate, in the budget justification for the program management account, the amount of management funds and staffing for each program area. The official budget detail table should contain sub-entries for sub-activities within each program area. The Department should consult with the House and Senate Committees on Appropriations on the Congressional budget justification presentation for fiscal year 2005 as soon as possible but no later than November 25, 2003.

2. The managers support the goals of the national climate change technology initiative—reducing greenhouse gas emissions and sequestering greenhouse gases—and encourage the Department to propose funding in future budgets within the context of existing programs in energy conservation and fossil energy research and development.

3. The funds available for health impacts research in the vehicle technologies program should be used to continue existing projects.

4. Of the funds provided for waste heat recovery research, \$500,000 is to continue the base program and \$2,000,000 is for engine turbocharger research.

5. Within the amount provided in vehicle technologies for materials research, the Department should continue work on metal matrix composites and should work on predictive engineering for lightweight materials.

6. With the increased funds provided above the budget request for medium duty trucks in the non-petroleum fuels and lubes program, the managers understand that the Department will partner with industry to design/engineer at least two additional medium duty vehicle platforms with fully integrated natural gas engine and fuel systems to serve critical market niche applications; improve understanding and acceptance of natural gas vehicle technologies among fire, safety, and code officials; and conduct on-road evaluations of natural gas vehicles to determine their performance and identify technology development needs.

7. With the increased funds provided above the budget request for heavy duty trucks in the non-petroleum fuels and lubes program, the managers understand that the Department will develop heavy duty engines to operate on natural gas feedstock fuels used as either neat fuels or as blend stocks with conventional diesel fuels; develop engine and vehicle systems that use liquefied natural gas for optimal use in class eight trucks; and conduct on-road evaluations of liquefied natural gas vehicles to determine their performance and identify technology development needs.

8. With the increased funds provided above the budget request for fueling infrastructure in the non-petroleum fuels and lubes program, the managers understand that the Department will conduct research on a fueling station that could dispense compressed natural gas, liquefied natural gas, and compressed hydrogen; obtain exhaust samples and complete emissions characterization of emissions from natural gas vehicles using various after-treatment devices and ascertain the toxicity of resulting emissions; and complete development of particulate measurement technologies capable of obtaining and characterizing nanometer-scale samples.

9. The amount provided for lighting research includes \$7,750,000 for the solid-state lighting program (also known as the next generation lighting initiative).

10. Funding for the National Fenestration Rating Council should continue at the same level as in fiscal year 2003.

11. Not less than \$1,000,000 in the distributed energy systems applications integration program shall be used for the National Accounts Energy Alliance. The Department should complete its existing contracts; keep the funds provided in fiscal year 2004 in the base budget for future years; and add new projects as the current ones are completed.

12. Within the funds provided for the black liquor gasification program, research should continue on the low temperature Kraft process.

13. The managers are aware that under current law the Secretary of Energy can qualify additional energy conservation devices for grants under the weatherization assistance program. The Senate bill included a provision to make electrothermal storage technology explicitly eligible for funds provided under this program. The managers expect the Secretary to consider including electrothermal storage technology as an eligible energy conserving device.

14. There is no funding provided in fiscal year 2004 for the energy efficiency science initiative.

15. The managers encourage the use of the National Energy Technology Laboratory for energy conservation program management support. However, to the maximum extent possible, funds for NETL support should come from the program management activity. The managers agreed, in approving the energy efficiency and renewable energy reorganization, to transfer program management funds from individual programs to a single account. Programs should not be asked to pay additional management costs for NETL. Those costs should already be factored into the program management activity. If sufficient funds are not available in the program management activity, a reprogramming should immediately be submitted to the House and Senate Committees on Appropriations clearly explaining why additional funds are needed and fully justifying any use of program funds for management. Under no circumstances should funds provided in the Interior bill for program management be used to support programs funded in the Energy and Water bill.

The managers agree that the \$3,000,000 provided for cooperative programs on technology transfer from National Laboratories with the Education and Research Consortium of the Western Carolinas is for technology maturation research to improve the cost-performance of technologies including late-stage engineering and high performance computing support, when appropriate, as well as database development and data mining and monitored field evaluations of novel technologies.

The DOE National Laboratories have developed numerous new energy conservation technologies that have the potential to reduce the energy required to heat and cool buildings in southeastern climates. Their micro sensors, controls, and wireless communications inventions can significantly improve the energy efficiency and economic competitiveness of industrial processes such as the pulping and drying of forest products. The National Laboratories also have developed fuel cell devices and engine emission control systems that have significant commercial appeal, can improve air quality, and can strengthen the energy security of the nation. A concerted technology transfer effort will help translate these and other National Laboratory-developed technology concepts into marketable products that have significant potential for reducing both energy usage and energy costs.

ECONOMIC REGULATION

The conference agreement provides \$1,047,000 for economic regulation as proposed by both the House and the Senate.

STRATEGIC PETROLEUM RESERVE

The conference agreement provides \$173,081,000 for the strategic petroleum reserve as proposed by the Senate instead of \$175,081,000 as proposed by the House. The decrease to the House proposed level is for storage facilities development and operations.

The conference agreement does not include bill language proposed by the Senate requiring the Department to develop procedures to obtain oil for the SPR that maximize domestic supply of crude oil and minimize the cost to the Department of the Interior and the Department of Energy. The House had no similar provision.

NORTHEAST HOME HEATING OIL RESERVE

The conference agreement provides \$5,000,000 for the northeast home heating oil reserve as proposed by both the House and the Senate. The managers agree that the Department should report to the House and Senate Committees on Appropriations on the circumstances under which the reserve will be used. The report should be submitted no later than December 1, 2003, and should provide various scenarios and the underlying assumptions for each of those scenarios.

ENERGY INFORMATION ADMINISTRATION

The conference agreement provides \$82,111,000 for the energy information administration as proposed by the House instead of \$80,111,000 as proposed by the Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

The conference agreement provides \$2,561,932,000 for Indian health services instead of \$2,556,082,000 as proposed by the House and \$2,546,524,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In hospital and clinic programs there are increases of \$850,000 for a mobile women's health unit in the Aberdeen area and \$500,000 for staffing and operations at the King Cove, AK clinic and a decrease of \$2,500,000 for the Indian health care improvement fund. In contract health care, there is an increase of \$7,000,000.

Bill Language.—The conference agreement earmarks \$467,046,000 for contract medical care instead of \$460,046,000 as proposed by the House and \$472,022,000 as proposed by the Senate. The conference agreement earmarks \$270,734,000 for contract support costs as proposed by the House instead of \$268,974,000 as proposed by the Senate.

Statutory language is included modifying the Senate-proposed distribution and use of \$15,000,000 for alcohol control, enforcement, prevention, treatment, sobriety and wellness education in Alaska. The House had no similar provision. The managers expect the Service to submit a progress report no later than January 15, 2004, detailing how these funds have been used and the accomplishments that have been achieved in each prior year.

The managers agree to the following:

1. The funds provided for a mobile women's health unit in the Aberdeen area supplement a project begun with a grant from a private foundation. The unit will service the entire Aberdeen area, but will be based initially in North Dakota. The managers understand that no more than \$50,000 will need to remain in the base budget for fiscal year 2005 for start-up costs. Afterwards the program should be self-sustaining.

2. Any costs paid by the Indian Health Service to any entity within the Department of Health and Human Services should be fully justified and explained in the budget request or justified through the reprogram-

ming process. The Service should not be required to "absorb" any increases in such costs.

3. The managers are extremely concerned about FTE reductions imposed on the Service. This issue is addressed in more detail under administrative provisions.

4. The managers are pleased by the Department's recent decision to exempt the Service from the human resources consolidation effort. The House and Senate Committees on Appropriations should be kept fully informed of any consolidation efforts in HHS that affect the Service.

INDIAN HEALTH FACILITIES

The conference agreement provides \$396,232,000 for Indian health facilities instead of \$392,560,000 as proposed by the House and \$391,188,000 as proposed by the Senate. The change to the House recommended level is an increase in hospital and clinic construction of \$3,672,000 for a regional youth treatment center in Wadsworth, NV. Use of these funds is contingent on continued agreement among the tribes in the area.

The managers agree to the following distribution of hospital and clinic construction funds:

Project	Amount
Pinon, AZ clinic (complete construction)	\$19,577,000
Red Mesa, AZ clinic (ongoing construction)	30,000,000
St. Paul, AK clinic (complete construction)	6,520,000
Metlakatla, AK clinic (complete construction)	9,205,000
Sisseton, SD clinic (ongoing construction)	17,960,000
Eagle Butte, SD clinic (design)	2,800,000
Bethel, AK staff quarters (complete construction)	5,000,000
Dental units (ongoing program)	1,000,000
Regional Youth Treatment Center, Wadsworth, NV (full cost)	3,672,000
Total	95,734,000

The managers agree that if mammography equipment is a high priority for the Alaska Tribal Health Consortium and for the Alaska area, it should be funded within the area's allocation provided for equipment.

Bill Language.—The conference agreement earmarks a maximum of \$1,000,000 from the services and facilities accounts for ambulances purchased from the General Services Administration as proposed by the Senate instead of \$500,000 from the facilities account only as proposed by the House.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

The conference agreement modifies a provision proposed by the Senate prohibiting the use of funds for HHS-wide consolidation efforts and for associated assessments and charges. The modification drops the reference to consolidation efforts but prohibits the use of funds for HHS assessments or charges that are not specifically identified in the budget request and provided in this Act, or justified through the reprogramming process. The provision also includes a restriction on FTE reductions similar to that carried in past years. The FTE limitation would prohibit the reduction of FTEs in the Service below the fiscal year 2002 level adjusted upward for staffing required for new and expanded facilities, additional staffing requirements funded for the Lawton, OK hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

The conference agreement provides \$13,532,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation as proposed by both the House and the Senate.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

The conference agreement provides \$6,250,000 for payment to the institute as proposed by the Senate instead of \$5,250,000 as proposed by the House.

The change to the House is an increase of \$1,000,000 in matching funds that will allow the Institute to begin construction of its new learning center.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

The conference agreement provides \$494,748,000 for salaries and expenses of the Smithsonian Institution, instead of \$489,748,000 as proposed by the House and \$487,989,000 and proposed by the Senate. The increase of \$5,000,000 to the House level is provided to offset in part the general reduction of \$12,349,000 to this account that was included in the fiscal year 2004 budget justification.

FACILITIES CAPITAL

The conference agreement provides \$108,970,000 for the Facilities Capital account, instead of \$93,970,000 as proposed by the House and \$89,970,000 as proposed by the Senate. The increase of \$15,000,000 to the House funding level is provided to further assist the National Zoo with its repair and rehabilitation efforts.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

The conference agreement does not include the voluntary separation incentive provision contained in the House-passed bill because such authority has been provided to the Smithsonian Institution through other legislation. The Senate bill contained no such provision.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

The conference agreement provides \$87,849,000 for salaries and expenses of the National Gallery of Art instead of \$88,849,000 as proposed by the House and \$85,650,000 as proposed by the Senate. The change to the House proposed level is a decrease of \$1,000,000 for operation and maintenance of buildings and grounds.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

The conference agreement provides \$11,600,000 for repair, restoration and renovation of buildings as proposed by both the House and the Senate.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

The conference agreement provides \$16,560,000 for operations and maintenance of the Kennedy Center as proposed by both the House and the Senate.

CONSTRUCTION

The conference agreement provides \$16,000,000 for construction as proposed by both the House and the Senate.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

The conference agreement provides \$8,604,000 for salaries and expenses of the

Woodrow Wilson International Center for Scholars as proposed by both the House and the Senate.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS
GRANTS AND ADMINISTRATION

The conference agreement provides \$122,480,000 for grants and administration of the National Endowment for the Arts instead of \$127,480,000 as proposed by the House and \$117,480,000 as proposed by the Senate. Decreases to the House level include \$3,000,000 from the Challenge America grants base program and \$2,000,000 from Challenge America State partnerships.

NATIONAL ENDOWMENT FOR THE HUMANITIES
GRANTS AND ADMINISTRATION

The conference agreement provides \$120,878,000 for grants and administration of the National Endowment for the Humanities, instead of \$125,878,000 as proposed by both the House and the Senate. Decreases to the House level include \$4,000,000 from the "We the People" grants initiative and \$1,000,000 from estimated administrative costs associated specifically with that program. When combined with amounts provided within the Matching Grants account that follows, the total appropriation for the NEH for fiscal year 2004 is \$137,000,000, an increase of \$12,064,000 above the current year enacted level.

The conference agreement includes an amount of \$10,000,000 in new funding to support the Administration's "We the People" American history and civics initiative. Both Congress and the Administration have demonstrated strong interest in expanding the monies intended specifically for grants in this area. Legislation currently pending in the Congress may complement and extend the reach of the "We the People" grants proposal put forward by the Administration in its fiscal year 2004 budget justification. Should the authorization bill now under consideration be enacted into law, the managers expect that this will be reflected in future budget requests. The NEH should, however, not wait on potential future action before allocating available funds for the initiative as originally proposed. Further, the managers are aware that throughout the past year, State humanities councils have dedicated considerable time and effort to crafting program proposals for the "We the People" initiative that would be implemented at the local and regional levels. The managers expect that as funds are allocated to the various programmatic areas participating in the American history initiative, state humanities councils will be represented appropriately.

An overall administrative increase of \$1,374,000 has been included in the budget that will allow the NEH to meet the escalating costs associated with pay, benefits, rent and the like. However, the managers do not agree to the establishment of a separate office with its own funding line dedicated to the administration of the "We the People" initiative. These activities should be incorporated and managed through the existing programmatic and administrative structure of the NEH.

MATCHING GRANTS

The conference agreement provides \$16,122,000 for matching grants as proposed by the House and the Senate.

COMMISSION OF FINE ARTS
SALARIES AND EXPENSES

The conference agreement provides \$1,422,000 for salaries and expenses of the Commission of Fine Arts as proposed by the House and the Senate.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

The conference agreement provides \$7,000,000 for national capital arts and cultural affairs as proposed by the House instead of \$6,000,000 as proposed by the Senate. The agreement does not include the bill language proposed by the House and enacted in fiscal year 2003 concerning alterations to the budget structure of this account.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

The conference agreement provides \$4,000,000 for salaries and expenses of the Advisory Council on Historic Preservation as proposed by the Senate instead of \$4,100,000 as proposed by the House.

NATIONAL CAPITAL PLANNING COMMISSION
SALARIES AND EXPENSES

The conference agreement provides \$7,730,000 for salaries and expenses of the National Capital Planning Commission as proposed by the House instead of \$8,030,000 as proposed by the Senate. The managers direct that no funding be used for the railroad relocation study. The NCPC should not initiate such security planning efforts without clear direction from Federal security agencies and approval by the House and Senate Committees on Appropriations.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

The conference agreement provides \$39,997,000 for the Holocaust Memorial Museum as proposed by the House and the Senate.

PRESIDIO TRUST

PRESIDIO TRUST FUND

The conference agreement provides \$20,700,000 for the Presidio Trust Fund as proposed by both the House and the Senate.

TITLE III—GENERAL PROVISIONS

The conference agreement includes sections 301–304, 307, 309–317, and 319–321 which were identical in both the House and Senate bills.

The conference agreement includes the text of the following sections in the House bill, which contained identical text in the Senate bill, but had different section numbers in the Senate bill. The House section numbers were 326, 327, and 329.

Section 305—The conference agreement retains Senate section 305 continuing a provision restricting departmental assessments unless approved by the Committees on Appropriations. The House had a similar provision.

Section 306—The conference agreement retains Senate section 306 continuing a provision limiting the actions of the Forest Service and the Bureau of Land Management with regard to the sale of giant sequoia trees. The House had a similar provision.

Section 308—The conference agreement retains House section 308 dealing with contract support costs in the Bureau of Indian Affairs and the Indian Health Service.

Section 318—The conference agreement retains House section 318 continuing a provision regulating the export of Western Red Cedar from the national forest system in Alaska. The Senate had a similar provision.

Section 322—The conference agreement retains House section 322 extending the Forest Service Conveyances Pilot Program.

Section 323—The conference agreement retains Senate section 322 continuing for one year a provision providing authority for the staff of Congressionally established foundations to use GSA contract air and hotel rates. The House proposed to make this provision permanent.

Section 324—The conference agreement retains Senate section 323 providing the Secretary of Agriculture and the Secretary of the Interior the authority to enter into reciprocal agreements with foreign nations concerning the personal liability of firefighters. The House had a similar provision.

Section 325—The conference agreement modifies Senate section 324 continuing a provision dealing with processing expired grazing permits by the Bureau of Land Management and the Forest Service. The House had a similar provision.

Section 328—The conference agreement retains House section 328 continuing a legislative provision limiting funds for oil or gas leasing or permitting on the Finger Lakes National Forest, NY.

The conference agreement does not include Senate section 329 allowing for a local exemption from the Forest Service fee demonstration program.

Section 330—The conference agreement retains Senate section 328 continuing a provision authorizing the Secretary of the Interior and the Secretary of Agriculture to give consideration to rural communities and non-profit groups for hazardous fuels reduction contracts. The House had a similar provision.

Section 333—The conference agreement retains Senate section 330 modifying the Galatin Land Consolidation Act of 1998.

Section 331—The conference agreement retains House section 331 limiting the use of funds for filing declarations of takings or condemnations. This provision does not apply to the Everglades National Park Protection and Environmental Act.

Section 336—The conference agreement modifies Senate section 331 allowing the Secretary of Agriculture to convey land acquired under the Forest Legacy program; the new provision applies only to the State of Vermont, and if the conveyed lands or interests in lands are ever sold in the future by the State of Vermont, the State must reimburse the Secretary of Agriculture and this funding would be credited to the Forest Service wildfire management account.

Section 332—The conference agreement modifies House section 332 to extend the Recreation Fee Demonstration Program for 15 months instead of a two-year extension as proposed by the House.

Section 337—The conference agreement retains Senate section 332 amending the Lake Tahoe Restoration Act to modify cost sharing requirements.

Section 334—The conference agreement retains House section 333 making permanent existing procurement authorities for the Land Between the Lakes NRA, KY and TN.

Section 338—The conference agreement retains Senate section 333 concerning legal challenges to timber sales on the Tongass National Forest.

Section 335—The conference agreement retains House section 334 amending and extending the pilot program for the harvest of botanical products on Forest Service lands.

Section 339—The conference agreement modifies Senate section 334 concerning cancellation of certain timber sale contracts in Alaska by removing the first clause, and by adding language so that the authority to terminate a contract under this section shall apply to a maximum number of 70 timber sale contracts on the Tongass national forest awarded between October 1, 1995 and January 1, 2002; and the Secretary of Agriculture must determine that the cost to the government of seeking a legal remedy against a purchaser would likely exceed the cost of terminating the contract.

Section 340—The conference agreement modifies House section 335 requiring full accounting of the funding requirements of

competitive sourcing studies and limiting the use of funds for competitive sourcing studies under certain situations.

The managers have modified the House language to require that funding levels for competitive sourcing studies be displayed in annual budget justifications for the programs funded in this bill for the Department of the Interior, the Department of Energy, and the Forest Service. This section also requires these agencies to provide detailed reporting on the results of past competitive sourcing studies by December 31, 2003. In addition, for fiscal year 2004, these agencies and programs are required to submit to the House and Senate Committees on Appropriations, within 60 days of enactment of this Act, a detailed program of work for competitive sourcing activities planned for fiscal year 2004.

The total amounts that may be spent by the Department of the Interior and the Department of Energy for competitive sourcing activities initiated or continued in fiscal year 2004, without obtaining approval through the reprogramming process, are \$2,500,000 and \$500,000, respectively. If additional funds are required over and above these amounts, the Department of the Interior and the Department of Energy should follow established reprogramming guidelines. The Forest Service may, on the other hand, spend a maximum of \$5,000,000 on competitive sourcing activities initiated or continued in fiscal year 2004.

Each competitive sourcing study involving more than ten Federal employees must be based on a most cost efficient and cost effective organization plan and the contracted function must be less costly to the government by ten percent or \$10,000,000. Certain types of procurements and businesses involving non-profit handicap organizations, Indian tribes, and Hawaiian natives are exempt from the most effective and cost efficient organization plan requirement and the ten percent or \$10,000,000 threshold.

The conference agreement does not include Senate section 335 permitting use of pre-

viously appropriated funds and other funds for acquisition of land in the Blueberry Lake area in Green Mountain NF, Vermont.

The conference agreement does not include House section 336 limiting the use of funds for implementing competitive sourcing studies at Archeological Centers in Nebraska and Florida. This issue is addressed in General Provisions, Department of the Interior at the end of Title I.

The conference agreement does not include Senate section 336 dealing with electrothermal storage technology. This issue is addressed under the energy conservation account.

The conference agreement does not include House section 337 limiting funds to implement amendments to Bureau of Land Management regulations on recordable Disclaimers of Interest.

The conference agreement does not include Senate section 337 establishing a Zortman/Landusky mine reclamation trust fund with annual deposits from the Treasury of \$2,250,000.

Sections 341 and 342—The conference agreement modifies Senate section 338 amending the Southern Nevada Public Land Management Act, and includes an additional amendment to the same Act regarding land exchanges.

The conference agreement does not include Senate section 339 authorizing the acquisition of land by donation in Nye County, NV, for administrative and visitor facilities for Death Valley NP.

The conference agreement modifies Senate section 341 dealing with the conveyance of lands to Las Vegas, NV. This issue is also addressed in General Provisions, Department of the Interior at the end of Title I.

The conference agreement does not include Senate section 342 requiring a report detailing the scenarios under which the Northeast Home Heating Oil Reserve will be drawn down.

The conference agreement retains Senate section 343 amending a previous act regard-

ing a boundary revision at Congaree Swamp NM, SC. This issue is addressed in General Provisions, Department of the Interior at the end of Title I.

The conference agreement retains Senate section 344 amending the Marine Mammal Protection Act. This issue is addressed in General Provisions, Department of the Interior at the end of Title I.

The conference agreement does not include Senate section 345 exempting business size restrictions for rural business enterprise grants for Oakridge, Oregon.

Section 343—The conference agreement includes language requiring Departmental assessments to be displayed in the budget justification and requiring approval of the Committees on Appropriations for any changes to the assessments.

The conference agreement does not include a separate Title IV dealing with wildland fire emergency appropriations as proposed by the Senate. However, \$99,000,000 in emergency fire funds for repayment of monies borrowed from other accounts is included in the Bureau of Land Management, Wildland Fire Management account. An additional \$301,000,000 for a similar purpose is included in the Forest Service Wildland Fire Management account. These amounts were requested by the Administration.

Section 344—The conference agreement includes an across the board reduction of 0.646 percent. This reduction should be applied to each program, project, and activity.

TITLE IV—FLATHEAD AND KOOTENAI NATIONAL FOREST REHABILITATION ACT

The conference agreement contains, with minor modifications, the text of the Flathead and Kootenai National Forest Rehabilitation Act as proposed by the Senate. This legislation provides authority for the Forest Service to expedite implementation of restoration projects on these national forests.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Management of Lands and Resources				
Land Resources				
Soil, water and air management.....	35,824	34,936	36,136	+312
Range management.....	72,256	70,180	72,880	+624
Forestry management.....	7,188	8,197	8,197	+1,009
Riparian management.....	21,967	21,972	21,972	+5
Cultural resources management.....	15,257	14,700	14,700	-557
Wild horse and burro management.....	29,524	29,422	29,422	-102
Subtotal, Land Resources.....	182,016	179,407	183,307	+1,291
Wildlife and Fisheries				
Wildlife management.....	22,201	22,423	22,423	+222
Fisheries management.....	11,593	11,869	11,869	+276
Subtotal, Wildlife and Fisheries.....	33,794	34,292	34,292	+498
Threatened and endangered species.....	21,532	21,831	21,831	+299
Recreation Management				
Wilderness management.....	17,374	16,999	17,499	+125
Recreation resources management.....	41,472	48,718	48,718	+7,246
Recreation operations (fees).....	993	1,000	1,000	+7
Subtotal, Recreation Management.....	59,839	66,717	67,217	+7,378
Energy and Minerals				
Oil and gas.....	86,123	85,953	88,953	+2,830
Coal management.....	9,526	9,538	9,538	+12
Other mineral resources.....	10,250	10,434	10,434	+184
Subtotal, Energy and Minerals.....	105,899	105,925	108,925	+3,026
Alaska minerals.....	2,484	2,222	2,484	---
Realty and Ownership Management				
Alaska conveyance.....	36,826	32,943	42,443	+5,617
Cadastral survey.....	15,024	13,945	16,920	+1,896
Land and realty management.....	36,770	34,045	35,045	-1,725
Subtotal, Realty and Ownership Management.....	88,620	80,933	94,408	+5,788
Resource Protection and Maintenance				
Resource management planning.....	47,242	48,146	49,146	+1,904
Resource protection and law enforcement.....	14,318	14,798	14,798	+480
Hazardous materials management.....	16,705	16,726	18,426	+1,721
Subtotal, Resource Protection and Maintenance...	78,265	79,670	82,370	+4,105
Transportation and Facilities Maintenance				
Operations.....	6,386	6,402	6,402	+16
Annual maintenance.....	31,974	31,025	31,025	-949
Deferred maintenance.....	13,600	11,503	12,503	-1,097
Infrastructure improvement.....	30,826	29,414	31,414	+588
Subtotal, Transportation/Facilities Maintenance...	82,786	78,344	81,344	-1,442
Land and resources information systems.....	19,215	18,991	18,991	-224
Mining Law Administration				
Administration.....	32,696	32,696	32,696	---
Offsetting fees.....	-32,696	-32,696	-32,696	---
Subtotal, Mining Law Administration.....	---	---	---	---
Workforce and Organizational Support				
Information systems operations.....	16,342	18,762	18,762	+2,420
Administrative support.....	49,785	49,817	49,817	+32
Bureauwide fixed costs.....	65,885	70,195	70,195	+4,310
Subtotal, Workforce and Organizational Support..	132,012	138,774	138,774	+6,762

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Challenge cost share.....	13,882	20,973	16,378	+2,496
Total, Management of Lands and Resources.....	820,344	828,079	850,321	+29,977
Wildland Fire Management				
Preparedness.....	275,411	282,725	277,725	+2,314
Fire suppression operations.....	159,309	195,310	195,310	+36,001
Supplemental appropriations (P.L. 108-83).....	36,000	---	---	-36,000
Borrowing repayment (emergency appropriations)....	---	---	99,000	+99,000
Other operations.....	215,433	220,690	220,690	+5,257
Other appropriations (P.L. 108-7).....	189,000	---	---	-189,000
Total, Wildland Fire Management.....	875,153	698,725	792,725	-82,428
Central Hazardous Materials Fund				
Bureau of Land Management.....	9,913	9,978	9,978	+65
Construction				
Construction.....	11,898	10,976	13,976	+2,078
Land Acquisition				
Land Acquisition				
Acquisitions.....	27,272	18,186	13,600	-13,672
Emergencies and hardships.....	1,490	1,500	1,000	-490
Acquisition management.....	3,974	3,500	3,500	-474
Land exchange equalization payment.....	497	500	500	+3
Total, Land Acquisition.....	33,233	23,686	18,600	-14,633
Oregon and California Grant Lands				
Western Oregon resources management.....	85,794	87,454	87,454	+1,660
Western Oregon information and resource data systems..	2,192	2,202	2,202	+10
Western Oregon transportation & facilities maintenance	10,887	10,911	10,911	+24
Western Oregon construction and acquisition.....	297	297	297	---
Jobs in the woods.....	5,777	5,808	5,808	+31
Total, Oregon and California Grant Lands.....	104,947	106,672	106,672	+1,725
Range Improvements				
Improvements to public lands.....	7,873	7,873	7,873	---
Farm Tenant Act lands.....	1,527	1,527	1,527	---
Administrative expenses.....	600	600	600	---
Total, Range Improvements.....	10,000	10,000	10,000	---
Service Charges, Deposits, and Forfeitures				
Rights-of-way processing.....	1,115	12,000	10,667	+9,552
Adopt-a-horse program.....	1,225	1,225	1,225	---
Repair of damaged lands.....	3,666	3,666	3,666	---
Cost recoverable realty cases.....	515	1,015	515	---
Timber purchaser expenses.....	50	50	50	---
Copy fees.....	1,329	2,534	2,534	+1,205
Subtotal (gross).....	7,900	20,490	18,657	+10,757
Offsetting fees.....	-7,900	-20,490	-18,657	-10,757
Total, Service Charges, Deposits & Forfeitures..	---	---	---	---
Miscellaneous Trust Funds				
Current appropriations.....	12,405	12,405	12,405	---
TOTAL, BUREAU OF LAND MANAGEMENT.....	1,877,893	1,700,521	1,814,677	-63,216

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted

UNITED STATES FISH AND WILDLIFE SERVICE				
Resource Management				
Ecological Services				
Endangered species				
Candidate conservation.....	9,867	8,670	9,930	+63
Listing.....	9,018	12,286	12,286	+3,268
Consultation.....	47,459	45,734	47,734	+275
Recovery.....	65,412	62,029	68,754	+3,342
Subtotal, Endangered species.....	131,756	128,719	138,704	+6,948
Habitat conservation.....	85,070	82,336	88,411	+3,341
Environmental contaminants.....	10,710	10,805	10,805	+95
Subtotal, Ecological Services.....	227,536	221,860	237,920	+10,384
Refuges and Wildlife				
Refuge operations and maintenance.....	367,377	402,015	391,315	+23,938
Salton Sea recovery.....	992	---	---	-992
Migratory bird management.....	28,697	31,121	32,496	+3,799
Law enforcement operations.....	51,590	52,666	54,366	+2,776
Supplemental appropriations (P.L. 108-83).....	5,000	---	---	-5,000
Subtotal, Refuges and Wildlife.....	453,656	485,802	478,177	+24,521
Fisheries				
Hatchery operations and maintenance.....	54,098	58,027	58,715	+4,617
Fish and wildlife management.....	52,538	45,579	57,032	+4,494
Subtotal, Fisheries.....	106,636	103,606	115,747	+9,111
General Administration				
Central office administration.....	14,474	17,275	17,275	+2,801
Regional office administration.....	24,060	23,787	23,787	-273
Servicewide administrative support.....	58,132	57,709	57,709	-423
National Fish and Wildlife Foundation.....	7,620	7,670	7,670	+50
National Conservation Training Center.....	16,037	15,639	16,489	+452
International affairs.....	8,114	8,178	8,178	+64
Caddo Lake Ramsar Center.....	199	---	400	+201
Subtotal, General Administration.....	128,636	130,258	131,508	+2,872
Total, Resource Management.....	916,464	941,526	963,352	+46,888
=====				
Construction				
Construction and rehabilitation				
Line item construction.....	43,425	24,073	49,234	+5,809
Nationwide engineering services.....	10,648	11,320	11,320	+672
Total, Construction.....	54,073	35,393	60,554	+6,481
=====				
Land Acquisition				
Fish and Wildlife Service				
Acquisitions - Federal refuge lands.....	55,507	24,684	30,070	-25,437
Inholdings.....	1,987	2,500	1,500	-487
Emergencies and hardships.....	1,987	2,000	1,000	-987
Exchanges.....	993	1,000	500	-493
Acquisition management.....	9,935	8,495	8,500	-1,435
Cost allocation methodology.....	2,484	2,058	2,058	-426
Total, Land Acquisition.....	72,893	40,737	43,628	-29,265
=====				
Landowner Incentive Program				
Grants to States.....	39,740	40,000	30,000	-9,740
Rescission of FY 2002 funds.....	-40,000	---	---	+40,000
Total, Landowner incentive program.....	-260	40,000	30,000	+30,260
=====				

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Private Stewardship Grants Program				
Stewardship grants.....	9,935	10,000	7,500	-2,435
Rescission of FY 2002 funds.....	-10,000	---	---	+10,000
Total, Private stewardship grants program.....	-65	10,000	7,500	+7,565
Cooperative Endangered Species Conservation Fund				
Grants to States.....	26,754	34,029	30,029	+3,275
HCP land acquisition.....	51,136	50,000	50,000	-1,136
Administration.....	2,583	2,585	2,585	+2
Total, Cooperative Endangered Species Fund.....	80,473	86,614	82,614	+2,141
National Wildlife Refuge Fund				
Payments in lieu of taxes.....	14,320	14,414	14,414	+94
North American Wetlands Conservation Fund				
Wetlands conservation.....	36,777	47,578	36,480	-297
Administration.....	1,532	1,982	1,520	-12
Total, North American Wetlands Conservation Fund.....	38,309	49,560	38,000	-309
Neotropical Migratory Bird Conservation Fund				
Migratory bird grants.....	2,981	---	4,000	+1,019
Multinational Species Conservation Fund				
African elephant conservation.....	1,192	1,000	1,400	+208
Rhinoceros and tiger conservation.....	1,192	1,000	1,400	+208
Asian elephant conservation.....	1,192	1,000	1,400	+208
Great ape conservation.....	1,192	1,000	1,400	+208
Neotropical migratory bird conservation.....	---	3,000	---	---
Total, Multinational Species Conservation Fund.....	4,768	7,000	5,600	+832
State and Tribal Wildlife Grants				
State and tribal wildlife grants.....	64,577	59,983	70,000	+5,423
TOTAL, U.S. FISH AND WILDLIFE SERVICE				
Appropriations.....	1,248,533	1,285,227	1,319,662	+71,129
Rescission.....	(1,298,533)	(1,285,227)	(1,319,662)	(+21,129)
	(-50,000)	---	---	(+50,000)
NATIONAL PARK SERVICE				
Operation of the National Park System				
Park Management				
Resource stewardship.....	338,149	334,646	340,114	+1,965
Visitor services.....	315,375	318,028	324,348	+8,973
Maintenance.....	519,970	569,695	567,230	+47,260
Park support.....	283,305	294,590	286,378	+3,073
Subtotal, Park Management.....	1,456,799	1,516,959	1,518,070	+61,271
External administrative costs.....	107,532	114,923	114,571	+7,039
Travel reduction.....	---	---	-3,000	-3,000
Total, Operation of the National Park System.....	1,564,331	1,631,882	1,629,641	+65,310
United States Park Police				
Park Police.....	77,921	78,859	78,859	+938
National Recreation and Preservation				
Recreation programs.....	548	855	555	+7
Natural programs.....	10,877	12,511	11,011	+134
Cultural programs.....	19,918	19,071	19,936	+18
International park affairs.....	1,708	1,626	1,626	-82
Environmental and compliance review.....	397	401	401	+4
Grant administration.....	1,575	1,595	1,595	+20

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Heritage Partnership Programs				
Commissions and grants.....	14,162	7,616	14,329	+167
Administrative support.....	118	124	124	+6
Subtotal, Heritage Partnership Programs.....	14,280	7,740	14,453	+173
Statutory or Contractual Aid				
Aleutian World War II Historic Area.....	397	---	---	-397
Benjamin Franklin Tercentenary Commission.....	---	---	200	+200
Blue Ridge Parkway (Folk Art Center).....	---	---	750	+750
Brown Foundation.....	200	101	200	---
Chesapeake Bay Gateway.....	1,987	798	2,500	+513
Dayton Aviation Heritage Commission.....	446	47	87	-359
Flight 93 Memorial.....	298	---	298	---
French and Indian War (PA).....	---	---	500	+500
Harry S. Truman Statue.....	---	---	50	+50
Ice Age National Scientific Reserve.....	801	806	806	+5
Jamestown 2007.....	199	---	199	---
Johnstown Area Heritage Association.....	49	49	49	---
Lake Roosevelt Forum.....	50	---	50	---
Lamprey River.....	596	155	1,000	+404
Louisiana Purchase Comm of Arkansas.....	199	---	---	-199
Mandan Interpretive Center and Lodge project.....	---	---	500	+500
Martin Luther King, Jr. Center.....	525	528	528	+3
National Constitution Center, PA.....	497	---	---	-497
Native Hawaiian culture and arts program.....	735	740	740	+5
New Orleans Jazz Commission.....	66	66	66	---
Oklahoma City Memorial.....	---	---	1,600	+1,600
Office of Arctic Studies.....	1,490	---	1,500	+10
Penn Center National landmark, SC.....	497	---	---	-497
Roosevelt Campobello International Park Commission..	797	847	847	+50
Sewall-Belmont House.....	397	---	---	-397
Sleeping Rainbow Ranch, Capitol Reef NP.....	497	---	497	---
St. Charles Interpretive Center.....	497	---	---	-497
Vancouver National Historic reserve.....	248	---	---	-248
Virginia Key Miami Beach.....	497	---	---	-497
Subtotal, Statutory or Contractual Aid.....	11,965	4,137	12,967	+1,002
Total, National Recreation and Preservation.....	61,268	47,936	62,544	+1,276
Urban Park and Recreation Fund				
Urban park grants.....	298	305	305	+7
Historic Preservation Fund				
State historic preservation offices.....	33,779	34,000	35,000	+1,221
Tribal grants.....	2,981	3,000	3,000	+19
Grants for millennium initiative.....	29,805	30,000	33,000	+3,195
National trust (endowment).....	1,987	---	500	-1,487
HBCUs.....	---	---	3,000	+3,000
Total, Historic Preservation Fund.....	68,552	67,000	74,500	+5,948
Construction				
Emergency and unscheduled.....	3,477	5,500	5,500	+2,023
Housing.....	9,935	8,000	8,000	-1,935
Equipment replacement.....	31,752	38,460	35,460	+3,708
Planning, construction.....	25,235	24,480	24,480	-755
General management plans.....	13,806	13,420	13,420	-386
Line item construction and maintenance.....	214,194	207,231	216,969	+2,775
Construction program management.....	24,631	27,466	27,466	+2,835
Dam safety.....	2,682	2,700	2,700	+18
Total, Construction.....	325,712	327,257	333,995	+8,283
Land and Water Conservation Fund				
(Rescission of contract authority).....	-30,000	-30,000	-30,000	---
Land Acquisition and State Assistance				
Assistance to States				
State conservation grants.....	94,383	156,000	92,500	-1,883
Administrative expenses.....	2,981	4,011	2,500	-481
Total, Assistance to States.....	97,364	160,011	95,000	-2,364

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
National Park Service				
Acquisitions.....	53,530	58,969	32,850	-20,680
Emergencies and hardships.....	3,974	4,000	2,000	-1,974
Acquisition management.....	12,506	11,654	10,500	-2,006
Inholdings.....	3,974	4,000	2,000	-1,974
Total, National Park Service.....	73,984	78,623	47,350	-26,634
Total, Land Acquisition and State Assistance....	171,348	238,634	142,350	-28,998
TOTAL, NATIONAL PARK SERVICE.....	2,239,430	2,361,873	2,292,194	+52,764
Appropriations.....	(2,269,430)	(2,391,873)	(2,322,194)	(+52,764)
Rescission.....	(-30,000)	(-30,000)	(-30,000)	---
UNITED STATES GEOLOGICAL SURVEY				
Surveys, Investigations, and Research				
Mapping, Remote Sensing, and Geographic Investigations				
Cooperative topographic mapping.....	81,120	74,108	81,497	+377
Land remote sensing.....	35,711	34,039	34,039	-1,672
Geographic analysis and monitoring.....	16,374	12,335	15,355	-1,019
Subtotal, National Mapping Program.....	133,205	120,482	130,891	-2,314
Geologic Hazards, Resource and Processes				
Geologic hazards assessments.....	74,990	72,776	75,967	+977
Geologic landscape and coastal assessments.....	78,698	79,430	79,074	+376
Geologic resource assessments.....	79,479	69,369	81,213	+1,734
Subtotal, Geologic Hazards, Resource & Processes	233,167	221,575	236,254	+3,087
Water Resources Investigations				
Hydrologic monitoring, assessments and research				
Ground water resources program.....	5,410	6,529	6,029	+619
National water quality assessment.....	63,217	63,818	63,818	+601
Toxic substances hydrology.....	13,437	11,065	15,034	+1,597
Hydrologic research and development.....	15,386	13,723	17,273	+1,887
National streamflow information program.....	14,217	14,356	14,356	+139
Hydrologic networks and analysis.....	25,088	26,069	30,106	+5,018
Subtotal, Hydrologic monitoring, assessments and research.....	136,755	135,560	146,616	+9,861
Federal-State program.....	64,433	64,536	64,536	+103
Water resources research institutes.....	5,963	---	6,500	+537
Subtotal, Water Resources Investigations.....	207,151	200,096	217,652	+10,501
Biological Research				
Biological research and monitoring.....	132,133	134,036	136,313	+4,180
Biological information management and delivery.....	22,787	20,700	24,897	+2,110
Cooperative research units.....	14,896	14,139	14,889	-7
Subtotal, Biological Research.....	169,816	168,875	176,099	+6,283
Science support.....	85,177	91,529	91,629	+6,452
Facilities.....	90,756	92,948	94,148	+3,392
Streamlining add-back.....	---	---	3,013	+3,013
TOTAL, UNITED STATES GEOLOGICAL SURVEY.....	919,272	895,505	949,686	+30,414
MINERALS MANAGEMENT SERVICE				
Royalty and Offshore Minerals Management				
OCS Lands				
Leasing and environmental program.....	37,521	37,245	37,245	-276
Resource evaluation.....	26,831	25,708	26,808	-23
Regulatory program.....	50,774	50,402	50,402	-372
Information management program.....	22,991	25,851	25,851	+2,860
Subtotal, OCS Lands.....	138,117	139,206	140,306	+2,189

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted

Royalty Management				
Compliance and asset management.....	48,493	46,264	46,264	-2,229
Revenue and operations.....	34,407	34,117	34,117	-290
Indian allottee refunds.....	15	15	15	---

Subtotal, Royalty Management.....	82,915	80,396	80,396	-2,519

General Administration				
Executive direction.....	2,023	2,062	2,062	+39
Policy and management improvement.....	4,075	4,150	4,150	+75
Administrative operations.....	16,540	16,827	16,827	+287
General support services.....	20,807	21,805	21,805	+998

Subtotal, General Administration.....	43,445	44,844	44,844	+1,399

Subtotal (gross).....	264,477	264,446	265,546	+1,069

Use of receipts.....	-100,230	-100,230	-100,230	---

Total, Royalty and Offshore Minerals Management.....	164,247	164,216	165,316	+1,069
=====				
Oil Spill Research				
Oil spill research.....	6,065	7,105	7,105	+1,040
=====				
TOTAL, MINERALS MANAGEMENT SERVICE.....	170,312	171,321	172,421	+2,109
=====				
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT				
Regulation and Technology				
Environmental restoration.....	161	163	163	+2
Environmental protection.....	78,644	79,463	79,463	+819
Technology development and transfer.....	12,511	12,749	12,749	+238
Financial management.....	482	491	491	+9
Executive direction.....	12,610	13,558	13,558	+948

Subtotal, Regulation and Technology.....	104,408	106,424	106,424	+2,016

Civil penalties.....	273	275	275	+2

Total, Regulation and Technology.....	104,681	106,699	106,699	+2,018
=====				
Abandoned Mine Reclamation Fund				
Environmental restoration.....	173,561	157,137	175,637	+2,076
Technology development and transfer.....	4,137	4,184	4,184	+47
Financial management.....	6,139	6,260	6,260	+121
Executive direction.....	6,661	6,888	6,888	+227

Total, Abandoned Mine Reclamation Fund.....	190,498	174,469	192,969	+2,471
=====				
TOTAL, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT.....	295,179	281,168	299,668	+4,489
=====				
BUREAU OF INDIAN AFFAIRS				
Operation of Indian Programs				
Tribal Budget System				
Tribal Priority Allocations				
Tribal government.....	386,421	390,494	392,054	+5,633
Human services.....	149,970	148,588	149,588	-382
Education.....	49,839	49,991	49,991	+152
Public safety and justice.....	1,373	1,244	1,244	-129
Community development.....	40,461	40,467	40,467	+6
Resources management.....	61,117	63,029	63,029	+1,912
Trust services.....	58,004	58,373	58,373	+369
General administration.....	25,296	25,503	25,503	+207

Subtotal, Tribal Priority Allocations.....	772,481	777,689	780,249	+7,768

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Other Recurring Programs				
Education				
School operations				
Forward-funded.....	445,073	458,524	458,524	+13,451
Other school operations.....	67,489	69,991	69,991	+2,502
Subtotal, School operations.....	512,562	528,515	528,515	+15,953
Continuing education.....	42,838	39,206	49,206	+6,368
Subtotal, Education.....	555,400	567,721	577,721	+22,321
Resources management.....	42,324	34,342	44,076	+1,752
Subtotal, Other Recurring Programs.....	597,724	602,063	621,797	+24,073
Non-Recurring Programs				
Community development.....	2,235	---	2,500	+265
Resources management.....	32,850	36,287	36,437	+3,587
Trust services.....	37,400	37,256	37,648	+248
Subtotal, Non-Recurring Programs.....	72,485	73,543	76,585	+4,100
Total, Tribal Budget System.....	1,442,690	1,453,295	1,478,631	+35,941
BIA Operations				
Central Office Operations				
Tribal government.....	3,133	2,653	2,903	-230
Human services.....	901	907	907	+6
Community development.....	869	875	875	+6
Resources management.....	3,465	3,488	3,488	+23
Trust services.....	8,766	5,317	5,317	-3,449
General administration				
Education program management.....	2,393	2,413	2,413	+20
Education personnel services.....	2,116	2,134	2,134	+18
Other general administration.....	47,936	81,574	71,574	+23,638
Subtotal, General administration.....	52,445	86,121	76,121	+23,676
Subtotal, Central Office Operations.....	69,579	99,361	89,611	+20,032
Regional Office Operations				
Tribal government.....	1,327	1,345	1,345	+18
Human services.....	3,141	3,192	3,192	+51
Community development.....	847	857	857	+10
Resources management.....	5,414	5,474	5,474	+60
Trust services.....	24,225	24,435	24,435	+210
General administration.....	28,851	29,178	29,178	+327
Subtotal, Regional Office Operations.....	63,805	64,481	64,481	+676
Special Programs and Pooled Overhead				
Education.....	16,366	16,254	16,579	+213
Public safety and justice.....	162,306	171,147	174,647	+12,341
Community development.....	8,576	1,061	8,232	-344
Resources management.....	1,299	1,306	1,306	+7
General administration.....	80,625	82,830	82,830	+2,205
Subtotal, Special Programs and Pooled Overhead..	269,172	272,598	283,594	+14,422
Total, BIA Operations.....	402,556	436,440	437,686	+35,130
Total, Operation of Indian Programs.....	1,845,246	1,889,735	1,916,317	+71,071
BIA SPLITS				
Natural resources.....	(146,469)	(143,926)	(153,810)	(+7,341)
Forward-funding.....	(445,073)	(458,524)	(458,524)	(+13,451)
Education.....	(181,041)	(179,989)	(190,314)	(+9,273)
Community development.....	(1,072,663)	(1,107,296)	(1,113,669)	(+41,006)
Total, BIA splits.....	(1,845,246)	(1,889,735)	(1,916,317)	(+71,071)

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Construction				
Education.....	293,795	292,634	298,634	+4,839
Public safety and justice.....	5,013	5,044	5,044	+31
Resources management.....	38,918	39,162	39,162	+244
General administration.....	2,168	2,181	2,181	+13
Construction management.....	6,094	6,133	6,133	+39
Total, Construction.....	345,988	345,154	351,154	+5,166
Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians				
White Earth Land Settlement Act (Admin).....	621	625	629	+8
Hoopa-Yurok settlement fund.....	248	250	252	+4
Pyramid Lake water rights settlement.....	141	142	143	+2
Ute Indian water rights settlement.....	24,567	22,494	21,467	-3,100
Rocky Boy's.....	5,035	---	33	-5,002
Shivwits Band Settlement.....	18,876	---	123	-18,753
Santo Domingo Pueblo Settlement.....	3,116	9,864	9,884	+6,768
Colorado Ute Settlement.....	7,948	8,000	8,052	+104
Cherokee, Choctaw, and Chickasaw settlement.....	---	10,000	10,000	+10,000
Quinault Settlement.....	---	---	9,968	+9,968
Transfer from '03 FWS land acquisition.....	---	---	-4,968	-4,968
Total, Miscellaneous Payments to Indians.....	60,552	51,375	55,583	-4,969
Indian Guaranteed Loan Program Account				
Indian guaranteed loan program account.....	5,457	6,487	6,497	+1,040
TOTAL, BUREAU OF INDIAN AFFAIRS.....	2,257,243	2,292,761	2,329,551	+72,308
DEPARTMENTAL OFFICES				
Insular Affairs				
Assistance to Territories				
Territorial Assistance				
Office of Insular Affairs.....	5,261	6,321	6,321	+1,060
Technical assistance.....	13,374	7,561	12,561	-813
Maintenance assistance fund.....	2,285	2,300	2,300	+15
Brown tree snake.....	2,335	2,350	2,350	+15
Insular management controls.....	1,481	1,491	1,491	+10
Coral reef initiative.....	497	500	500	+3
Subtotal, Territorial Assistance.....	25,233	20,523	25,523	+290
American Samoa				
Operations grants.....	22,950	23,100	23,100	+150
Northern Marianas				
Covenant grants.....	27,720	27,720	27,720	---
Total, Assistance to Territories.....	75,903	71,343	76,343	+440
Compact of Free Association				
Compact of Free Association - Federal services.....	7,306	2,734	2,734	-4,572
Mandatory payments - program grant assistance.....	12,000	12,000	2,000	-10,000
Enewetak support.....	1,620	1,391	1,700	+80
Total, Compact of Free Association.....	20,926	16,125	6,434	-14,492
Total, Insular Affairs.....	96,829	87,468	82,777	-14,052
Departmental Management				
Departmental direction.....	13,318	13,524	13,524	+206
Management and coordination.....	28,283	30,322	28,917	+2,634
Hearings and appeals.....	8,145	8,280	8,080	-65
Central services.....	23,375	27,070	27,070	+3,695
Bureau of Mines workers compensation/unemployment.....	836	4,108	842	+6
Financial management system migration project.....	---	13,836	---	---
Public lands volunteers.....	---	---	500	+500

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Foreign currency account.....	---	---	-1,400	-1,400
Total, Departmental Management.....	71,957	97,140	77,533	+5,576
Working Capital Fund				
Working capital fund (cancellation).....	---	---	-20,000	-20,000
Financial management system migration project.....	---	---	11,700	+11,700
Subtotal, Working Capital fund.....	---	---	-8,300	-8,300
Payments in Lieu of Taxes				
Payments to local governments.....	218,570	200,000	227,500	+8,930
Office of the Solicitor				
Legal services.....	38,182	39,911	39,911	+1,729
General administration.....	9,280	9,418	9,418	+138
Ethics.....	---	1,045	1,045	+1,045
Total, Office of the Solicitor.....	47,462	50,374	50,374	+2,912
Office of Inspector General				
Audit.....	19,453	16,480	16,390	-3,063
Contracted CFO Audits.....	---	3,812	3,812	+3,812
Investigations.....	7,166	8,176	8,076	+910
Program integrity.....	1,478	2,155	1,855	+377
Policy and management.....	7,906	8,426	8,616	+710
Total, Office of Inspector General.....	36,003	39,049	38,749	+2,746
Office of Special Trustee for American Indians				
Federal Trust Programs				
Program operations, support, and improvements.....	137,845	273,347	187,366	+49,521
Executive direction.....	2,514	1,294	2,275	-239
Total, Federal Trust programs.....	140,359	274,641	189,641	+49,282
Indian Land Consolidation Program				
Indian land consolidation.....	7,928	20,980	21,980	+14,052
Total, Office of Special Trustee for American Indians.....	148,287	295,621	211,621	+63,334
Natural Resource Damage Assessment Fund				
Damage assessments.....	3,901	3,933	3,933	+32
Program management.....	1,352	1,450	1,450	+98
Restoration support.....	248	250	250	+2
Total, Natural Resource Damage Assessment Fund..	5,501	5,633	5,633	+132
TOTAL, DEPARTMENTAL OFFICES.....	624,609	775,285	685,887	+61,278
TOTAL, TITLE I, DEPARTMENT OF THE INTERIOR.....	9,632,471	9,763,661	9,863,746	+231,275
Appropriations.....	(9,712,471)	(9,793,661)	(9,794,746)	(+82,275)
Emergency appropriations.....	---	---	(99,000)	(+99,000)
Rescission.....	(-80,000)	(-30,000)	(-30,000)	(+50,000)
TITLE II - RELATED AGENCIES				
DEPARTMENT OF AGRICULTURE				
FOREST SERVICE				
Forest and Rangeland Research				
Forest and rangeland research.....	250,049	252,170	269,710	+19,661

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
State and Private Forestry				
Forest Health Management				
Federal lands forest health management.....	50,047	44,963	54,500	+4,453
Cooperative lands forest health management.....	30,836	25,088	45,300	+14,464
Emerging pest and pathogens fund.....	---	11,968	---	---
Subtotal, Forest Health Management.....	80,883	82,019	99,800	+18,917
Cooperative Fire Assistance				
State fire assistance.....	25,486	25,385	33,800	+8,314
Volunteer fire assistance.....	5,007	5,043	5,100	+93
Subtotal, Cooperative Fire Assistance.....	30,493	30,428	38,900	+8,407
Cooperative Forestry				
Forest stewardship.....	32,012	65,609	32,282	+270
Forest Legacy.....	68,380	90,809	64,934	-3,446
Urban and Community Forestry.....	35,999	37,893	35,299	-700
Economic action programs.....	26,268	---	25,925	-343
Forest resource information and analysis.....	4,964	4,006	5,000	+36
Subtotal, Cooperative Forestry.....	167,623	198,317	163,440	-4,183
International program.....	5,713	5,059	6,000	+287
Total, State and Private Forestry.....	284,712	316,823	308,140	+23,428
National Forest System				
Land management planning.....	71,726	70,868	70,868	-858
Inventory and monitoring.....	174,216	177,796	171,776	-2,440
Recreation, heritage and wilderness.....	252,542	254,941	258,232	+5,690
Wildlife and fish habitat management.....	132,936	134,794	137,375	+4,439
Grazing management.....	40,584	43,180	46,471	+5,887
Forest products.....	263,628	268,019	268,319	+4,691
Vegetation and watershed management.....	189,703	192,606	196,106	+6,403
Minerals and geology management.....	52,293	54,065	54,065	+1,772
Landownership management.....	92,411	91,692	92,692	+281
Law enforcement operations.....	80,275	80,628	83,862	+3,587
Valles Caldera National Preserve.....	3,130	984	3,150	+20
Total, National Forest System.....	1,353,444	1,369,573	1,382,916	+29,472
Wildland Fire Management				
Preparedness.....	677,996	609,747	680,000	+2,004
Fire suppression operations.....	351,964	604,580	604,580	+252,616
Supplemental appropriations (P.L. 108-83).....	283,000	---	---	-283,000
Borrowing repayment (emergency appropriations)....	---	---	301,000	+301,000
Other operations.....	341,008	327,448	356,632	+17,624
Other appropriations (P.L. 108-7).....	636,000	---	---	-636,000
Total, Wildland Fire Management.....	2,289,968	1,541,775	1,944,212	-345,756
Capital Improvement and Maintenance				
Facilities.....	202,312	200,876	217,040	+14,728
Roads.....	231,344	245,358	237,464	+6,120
Trails.....	69,226	78,337	75,650	+6,424
Infrastructure improvement.....	45,568	---	32,000	-13,568
Total, Capital Improvement and Maintenance.....	548,450	524,571	562,154	+13,704
Land Acquisition				
Forest Service				
Acquisitions.....	113,572	25,756	50,191	-63,381
Acquisition management.....	14,902	16,374	15,000	+98
Cash equalization.....	1,490	---	500	-990
Critical inholdings/wilderness protection.....	2,981	2,000	1,500	-1,481
Total, Land Acquisition.....	132,945	44,130	67,191	-65,754
Acquisition of lands for national forests, special acts.....	1,062	1,069	1,069	+7
Acquisition of lands to complete land exchanges.....	232	234	234	+2
Range betterment fund.....	3,380	3,000	3,000	-380

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Gifts, donations and bequests for forest and rangeland research.....	91	92	92	+1
Management of national forest lands for subsistence uses.....	5,506	5,535	5,535	+29
TOTAL, FOREST SERVICE.....	4,869,839	4,057,972	4,544,253	-325,586
DEPARTMENT OF ENERGY				
Clean Coal Technology				
Deferral.....	-87,000	---	-97,000	-10,000
Rescission.....	---	---	-88,000	-88,000
Total, Clean Coal Technology.....	-87,000	---	-185,000	-98,000
Fossil Energy Research and Development				
Clean coal power initiative.....	149,025	130,000	172,000	+22,975
FutureGen.....	---	---	9,000	+9,000
Fuels and Power Systems				
Central Systems				
Innovations for existing plants.....	22,056	22,000	22,000	-56
Advanced Systems				
Integrated gasification combined cycle.....	44,360	51,000	51,000	+6,640
Combustion systems including hybrid.....	10,332	---	5,000	-5,332
Turbines.....	16,889	13,000	13,000	-3,889
Subtotal, Advanced Systems.....	71,581	64,000	69,000	-2,581
Subtotal, Central Systems.....	93,637	86,000	91,000	-2,637
Sequestration R&D				
Greenhouse gas control.....	39,939	62,000	40,800	+861
Fuels				
Transportation fuels and chemicals.....	21,956	5,000	22,200	+244
Solid fuels and feedstocks.....	5,961	---	6,060	+99
Advanced fuels research.....	3,279	---	3,350	+71
Subtotal, Fuels.....	31,196	5,000	31,610	+414
Advanced Research				
Coal utilization science.....	8,941	9,000	12,000	+3,059
Materials.....	8,941	12,000	11,250	+2,309
Technology crosscut.....	11,078	9,500	11,467	+389
University coal research.....	2,981	5,000	2,981	---
HBCUs, education and training.....	993	2,000	993	---
Subtotal, Advanced Research.....	32,934	37,500	38,691	+5,757
Distributed Generation Systems - Fuel Cells				
Advanced research.....	3,477	10,000	10,000	+6,523
Systems development.....	9,935	6,000	11,000	+1,065
Vision 21-hybrids.....	13,412	5,000	13,000	-412
Innovative concepts.....	33,779	23,500	35,500	+1,721
Novel generation.....	3,005	2,500	2,500	-505
Subtotal, Distributed Generation Systems - Fuel Cells.....	63,608	47,000	72,000	+8,392
U.S./China Energy and Environmental Center.....	---	---	1,000	+1,000
Subtotal, Fuels and Power Systems.....	261,314	237,500	275,101	+13,787
Gas				
Natural Gas Technologies				
Exploration and production.....	23,298	14,000	22,480	-818
Gas hydrates.....	9,438	3,500	9,500	+62
Infrastructure.....	8,991	---	9,050	+59
Emerging processing technology applications.....	2,663	6,555	---	-2,663
Effective environmental protection.....	2,623	2,500	2,500	-123
Subtotal, Gas.....	47,013	26,555	43,530	-3,483

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Petroleum - Oil Technology				
Exploration and production supporting research.....	23,248	2,000	18,880	-4,568
Reservoir life extension/management.....	8,941	5,000	7,000	-1,941
Effective environmental protection.....	9,836	8,000	9,836	---
Subtotal, Petroleum - Oil Technology.....	42,025	15,000	35,516	-6,509
Cooperative R&D.....	8,186	8,000	8,500	+314
Fossil energy environmental restoration.....	9,652	9,715	9,715	+63
Import/export authorization.....	2,981	2,750	2,750	-231
Headquarters program direction.....	18,777	22,700	22,466	+3,689
Energy Technology Center program direction.....	68,452	70,085	70,085	+1,633
Clean coal program direction.....	---	---	15,000	+15,000
General plant projects.....	6,954	3,000	7,000	+46
Advanced metallurgical processes.....	5,961	10,000	10,000	+4,039
Use of prior year balances.....	---	-14,000	---	---
Transfer from SPR petroleum account.....	---	-5,000	---	---
National Academy of Sciences program review.....	497	---	500	+3
Total, Fossil Energy Research and Development...	620,837	514,305	681,163	+60,326
Naval Petroleum and Oil Shale Reserves				
Oil Reserves				
Production and operations.....	---	9,101	9,820	+9,820
Management.....	---	7,399	8,399	+8,399
Naval petroleum reserves Nos. 1 & 2.....	5,391	---	---	-5,391
Naval petroleum reserve No. 3.....	6,805	---	---	-6,805
Program direction (headquarters).....	5,519	---	---	-5,519
Total, Naval Petroleum and Oil Shale Reserves...	17,715	16,500	18,219	+504
Elk Hills School Lands Fund				
Elk Hills school lands fund.....	---	36,000	---	---
Advance appropriations.....	36,000	---	36,000	---
Total, Elk Hills School Lands Fund.....	36,000	36,000	36,000	---
Energy Conservation				
Vehicle technologies.....	---	157,623	180,223	+180,223
Fuel cell technologies.....	---	77,500	66,000	+66,000
Weatherization and intergovernmental activities				
Weatherization assistance grants.....	---	288,200	230,000	+230,000
State energy program grants.....	---	38,798	44,500	+44,500
State energy activities.....	---	2,353	2,353	+2,353
Gateway deployment.....	---	27,609	35,609	+35,609
Total, Weatherization and intergovernmental activities.....	---	356,960	312,462	+312,462
Distributed energy resources				
Building technologies.....	---	51,784	61,784	+61,784
Industrial technologies.....	---	52,563	60,613	+60,613
Biomass and biorefinery systems R&D.....	---	64,429	94,229	+94,229
Federal energy management program.....	---	8,808	7,600	+7,600
National climate change technology initiative.....	---	19,962	19,962	+19,962
Program management.....	---	9,500	---	---
Program management.....	---	76,664	86,064	+86,064
Building Technology, State and Community Sector				
Building research and standards				
Technology roadmaps and competitive R&D.....	2,342	---	---	-2,342
Residential buildings integration.....	12,397	---	---	-12,397
Commercial buildings integration.....	4,481	---	---	-4,481
Equipment, materials and tools.....	40,155	---	---	-40,155
Subtotal, Building research and standards.....	59,375	---	---	-59,375
Building Technology Assistance				
Weatherization assistance.....	223,537	---	---	-223,537
State energy program.....	44,708	---	---	-44,708
Community partnerships.....	17,920	---	---	-17,920
Energy star program.....	4,173	---	---	-4,173
Subtotal, Building technology assistance.....	290,338	---	---	-290,338

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Management and planning.....	14,001	---	---	-14,001
Subtotal, Building Technology, State and Community Sector.....	363,714	---	---	-363,714
Federal Energy Management Program				
Program activities.....	19,299	---	---	-19,299
Program direction.....	4,426	---	---	-4,426
Subtotal, Federal Energy Management Program.....	23,725	---	---	-23,725
Industry Sector				
Industries of the future (specific).....	71,646	---	---	-71,646
Industries of the future (crosscutting).....	58,228	---	---	-58,228
Management and planning.....	7,585	---	---	-7,585
Subtotal, Industry Sector.....	137,459	---	---	-137,459
Power Technologies				
Distributed generation technologies development.....	68,585	---	---	-68,585
Management and planning.....	1,609	---	---	-1,609
Subtotal, Power Technologies.....	70,194	---	---	-70,194
Transportation				
Vehicle technology R&D.....	163,212	---	---	-163,212
Fuels utilization R&D.....	20,052	---	---	-20,052
Materials technologies.....	37,157	---	---	-37,157
Technology deployment.....	15,995	---	---	-15,995
Management and planning.....	10,035	---	---	-10,035
Subtotal, Transportation.....	246,451	---	---	-246,451
Policy and management.....	41,780	---	---	-41,780
National Academy of Sciences program review.....	497	---	---	-497
Cooperative programs with States.....	2,981	---	---	-2,981
Energy efficiency science initiative.....	4,968	---	---	-4,968
Total, Energy Conservation.....	891,769	875,793	888,937	-2,832
Economic Regulation				
Office of Hearings and Appeals.....	1,477	1,047	1,047	-430
Strategic Petroleum Reserve				
Storage facilities development and operations.....	157,823	158,979	156,979	-844
Management.....	13,909	16,102	16,102	+2,193
Total, Strategic Petroleum Reserve.....	171,732	175,081	173,081	+1,349
SPR Petroleum Account				
Oil acquisition.....	6,954	---	---	-6,954
Rescission of previously appropriated funds.....	-5,000	---	---	+5,000
Transfer to Fossil energy research and development.....	---	(-5,000)	---	---
Total, SPR petroleum account.....	1,954	---	---	-1,954
Northeast Home Heating Oil Reserve				
Northeast home heating oil reserve.....	5,961	5,000	5,000	-961
Energy Information Administration				
National Energy Information System.....	80,087	80,111	82,111	+2,024
TOTAL, DEPARTMENT OF ENERGY.....	1,740,532	1,703,837	1,700,558	-39,974

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
INDIAN HEALTH SERVICE				
Indian Health Services				
Clinical Services				
IHS and tribal health delivery				
Hospital and health clinic programs.....	1,211,988	1,194,600	1,265,373	+53,385
Dental health program.....	99,633	105,566	105,817	+6,184
Mental health program.....	50,297	53,959	53,959	+3,662
Alcohol and substance abuse program.....	136,849	139,975	139,975	+3,126
Contract care.....	475,022	493,046	485,046	+10,024
Subtotal, Clinical Services.....	1,973,789	1,987,146	2,050,170	+76,381
Preventive Health				
Public health nursing.....	39,616	43,112	43,112	+3,496
Health education.....	10,991	11,940	11,940	+949
Community health representatives program.....	50,444	51,633	51,633	+1,189
Immunization (Alaska).....	1,546	1,580	1,580	+34
Subtotal, Preventive Health.....	102,597	108,265	108,265	+5,668
Urban health projects.....	31,323	31,568	32,014	+691
Indian health professions.....	31,114	35,417	31,158	+44
Tribal management.....	2,390	2,406	2,406	+16
Direct operations.....	60,176	56,607	61,471	+1,295
Self-governance.....	5,553	10,250	5,714	+161
Contract support costs.....	268,974	270,734	270,734	+1,760
Medicare/Medicaid Reimbursements				
Hospital and clinic accreditation (Est. collecting).....	(449,985)	(567,620)	(567,620)	(+117,635)
Total, Indian Health Services.....	2,475,916	2,502,393	2,561,932	+86,016
Indian Health Facilities				
Maintenance and improvement.....	49,507	47,331	49,507	---
Sanitation facilities.....	93,217	114,175	94,175	+958
Construction facilities.....	81,585	69,947	95,734	+14,149
Facilities and environmental health support.....	132,254	139,522	139,522	+7,268
Equipment.....	17,182	16,294	17,294	+112
Total, Indian Health Facilities.....	373,745	387,269	396,232	+22,487
TOTAL, INDIAN HEALTH SERVICE.....	2,849,661	2,889,662	2,958,164	+108,503
OTHER RELATED AGENCIES				
OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION				
Salaries and expenses.....	14,397	13,532	13,532	-865
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT				
Payment to the Institute.....	5,454	5,250	6,250	+796
SMITHSONIAN INSTITUTION				
Salaries and Expenses				
Museum and Research Institutes				
Anacostia Museum and Center for African American				
History and Culture.....	1,968	1,907	1,907	-61
Archives of American Art.....	1,790	1,849	1,849	+59
Arthur M. Sackler Gallery/Freer Gallery of Art.....	6,128	5,790	5,790	-338
Center for Folklife and Cultural Heritage.....	1,899	1,954	1,954	+55
Cooper-Hewitt, National Design Museum.....	3,030	3,126	3,126	+96
Hirshhorn Museum and Sculpture Garden.....	4,693	4,150	4,150	-543
National Air and Space Museum.....	20,269	21,498	21,498	+1,229
National Museum of African Art.....	4,435	4,566	4,566	+131
National Museum of American Art.....	8,273	7,739	7,739	-534
National Museum of American History.....	22,209	20,434	20,434	-1,775
National Museum of the American Indian.....	33,397	38,610	38,610	+5,213
National Museum of Natural History.....	44,690	43,319	43,319	-1,371
National Portrait Gallery.....	5,514	4,986	4,986	-528
National Zoological Park.....	24,515	18,323	18,723	-5,792

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Astrophysical Observatory.....	20,984	21,801	21,801	+817
Center for Materials Research and Education.....	3,438	3,542	3,542	+104
Environmental Research Center.....	3,487	2,912	2,912	-575
Tropical Research Institute.....	11,454	11,280	11,280	-174
Subtotal, Museums and Research Institutes.....	222,173	217,786	218,186	-3,987
Program Support and Outreach				
Outreach.....	8,329	9,393	9,393	+1,064
Communications.....	1,347	1,386	1,386	+39
Institution-wide programs.....	5,967	6,195	6,195	+228
Office of Exhibits Central.....	2,571	2,659	2,659	+88
Major scientific instrumentation.....	4,968	5,000	5,000	+32
Museum Support Center.....	2,453	1,678	1,678	-775
Smithsonian Institution Archives.....	1,663	1,664	1,664	+1
Smithsonian Institution Libraries.....	8,433	8,813	8,813	+380
Subtotal, Program Support and Outreach.....	35,731	36,788	36,788	+1,057
Administration.....	53,625	64,687	64,687	+11,062
Facilities Services				
Office of Protection Services.....	58,293	---	---	-58,293
Office of Physical Plant.....	90,374	---	---	-90,374
Facilities maintenance.....	---	40,615	40,615	+40,615
Facilities operations, security and support.....	---	141,821	141,821	+141,821
Subtotal, Facilities Services.....	148,667	182,436	182,436	+33,769
Offsetting reduction, FY 2003.....	---	-12,795	---	---
Offsetting reduction, FY 2004.....	---	-12,349	-7,349	-7,349
Rescission of prior year unobligated funds.....	-14,100	---	---	+14,100
Total, Salaries and Expenses.....	446,096	476,553	494,748	+48,652
Repair, Restoration and Alteration of Facilities				
Base program.....	82,883	---	---	-82,883
Construction				
National Museum of the American Indian.....	15,896	---	---	-15,896
Facilities Capital				
Revitalization.....	---	71,670	90,670	+90,670
Construction.....	---	10,000	10,000	+10,000
Facilities planning and design.....	---	8,300	8,300	+8,300
Total, Facilities capital.....	---	89,970	108,970	+108,970
TOTAL, SMITHSONIAN INSTITUTION.....	544,875	566,523	603,718	+58,843
NATIONAL GALLERY OF ART				
Salaries and Expenses				
Care and utilization of art collections.....	27,739	29,927	29,927	+2,188
Operation and maintenance of buildings and grounds....	16,599	21,757	20,757	+4,158
Protection of buildings, grounds and contents.....	17,729	19,717	19,717	+1,988
General administration.....	14,650	17,448	17,448	+2,798
Total, Salaries and Expenses.....	76,717	88,849	87,849	+11,132
Repair, Restoration and Renovation of Buildings				
Base program.....	16,125	11,600	11,600	-4,525
TOTAL, NATIONAL GALLERY OF ART.....	92,842	100,449	99,449	+6,607
JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS				
Operations and maintenance.....	16,204	16,560	16,560	+356
Construction.....	17,486	16,000	16,000	-1,486
TOTAL, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.....	33,690	32,560	32,560	-1,130

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS				
Salaries and Expenses				
Fellowship program.....	1,251	1,331	1,331	+80
Scholar support.....	655	647	647	-8
Public service.....	2,246	2,319	2,319	+73
General administration.....	1,955	1,897	1,897	-58
Smithsonian fee.....	207	284	284	+77
Conference planning.....	1,955	1,961	1,961	+6
Space.....	164	165	165	+1
TOTAL, WOODROW WILSON CENTER.....	8,433	8,604	8,604	+171
=====				
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES				
National Endowment for the Arts				
Grants and Administration				
Grants				
Direct grants.....	46,964	47,121	47,121	+157
Challenge America grants.....	16,889	10,200	13,200	-3,689
State partnerships				
State and regional.....	24,641	24,723	24,723	+82
Underserved set-aside.....	6,668	6,691	6,691	+23
Challenge America grants.....	---	6,800	8,800	+8,800
Subtotal, State partnerships.....	31,309	38,214	40,214	+8,905
Subtotal, Grants.....	95,162	95,535	100,535	+5,373
Program support.....	1,296	1,304	1,304	+8
Administration.....	19,274	20,641	20,641	+1,367
Total, Arts.....	115,732	117,480	122,480	+6,748
=====				
National Endowment for the Humanities				
Grants and Administration				
Grants				
Federal/State partnership.....	31,622	31,829	31,829	+207
Preservation and access.....	18,782	18,905	18,905	+123
Public programs.....	13,029	13,114	13,114	+85
Research programs.....	12,978	13,063	13,063	+85
Education programs.....	12,542	12,624	12,624	+82
Program development.....	394	397	397	+3
We The People Initiative grants.....	---	23,000	10,000	+10,000
Subtotal, Grants.....	89,347	112,932	99,932	+10,585
Administrative Areas				
Administration.....	19,572	20,946	20,946	+1,374
We The People Initiative administration.....	---	2,000	---	---
Total, Grants and Administration.....	108,919	135,878	120,878	+11,959
=====				
Matching Grants				
Treasury funds.....	5,649	5,686	5,686	+37
Challenge grants.....	10,368	10,436	10,436	+68
Total, Matching Grants.....	16,017	16,122	16,122	+105
Total, Humanities.....	124,936	152,000	137,000	+12,064
=====				
TOTAL, NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES.....	240,668	269,480	259,480	+18,812
=====				
COMMISSION OF FINE ARTS				
Salaries and expenses.....	1,216	1,422	1,422	+206

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS				
Grants.....	6,954	5,000	7,000	+46
ADVISORY COUNCIL ON HISTORIC PRESERVATION				
Salaries and expenses.....	3,643	4,100	4,000	+357
NATIONAL CAPITAL PLANNING COMMISSION				
Salaries and expenses.....	7,206	8,230	7,730	+524
UNITED STATES HOLOCAUST MEMORIAL MUSEUM				
Holocaust Memorial Museum.....	38,412	39,997	39,997	+1,585
PRESIDIO TRUST				
Operations.....	21,188	20,700	20,700	-488
=====				
TOTAL, TITLE II, RELATED AGENCIES.....	10,479,010	9,727,318	10,307,417	-171,593
Appropriations.....	(10,549,110)	(9,727,318)	(10,155,417)	(-393,693)
Emergency appropriations.....	---	---	(301,000)	(+301,000)
Advance appropriations.....	(36,000)	---	(36,000)	---
Rescission.....	(-19,100)	---	(-88,000)	(-68,900)
Deferrals.....	(-87,000)	---	(-97,000)	(-10,000)
=====				
TITLE IV - WILDLAND FIRE SUPPLEMENTAL				
DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Wildland fire management (contingent emergency appropriation).....	---	99,000	---	---
DEPARTMENT OF AGRICULTURE				
FOREST SERVICE				
Wildland fire management (contingent emergency appropriation).....	---	301,000	---	---
=====				
TOTAL, TITLE IV, WILDLAND FIRE SUPPLEMENTAL.....	---	400,000	---	---
=====				
GRAND TOTAL, ALL TITLES.....	20,111,481	19,890,979	20,171,163	+59,682
=====				

CONFERENCE TOTAL—WITH COMPARISONS

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	\$20,111,481
Budget estimates of new (obligational) authority, fiscal year 2004	19,890,979
House bill, fiscal year 2004	19,601,125
Senate bill, fiscal year 2004	20,012,291
Conference agreement, fiscal year 2004 ¹	20,171,163
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2003	+59,682
Budget estimates of new (obligational) authority, fiscal year 2004	+280,184
House bill, fiscal year 2004	+570,038
Senate bill, fiscal year 2004	+158,872

¹ Conference agreement excludes 0.646% across-the-board cut.

CHARLES H. TAYLOR,
BILL YOUNG,
RALPH REGULA,
JIM KOLBE,
GEORGE R. NETHERCUTT,
Jr.,
ZACH WAMP,
JOHN E. PETERSON,
DON SHERWOOD,
ANDER CRENSHAW,
NORMAN D. DICKS,
JOHN P. MURTHA,
JAMES P. MORAN,
JOHN W. OLVER,

Managers on the Part of the House.

CONRAD BURNS,
TED STEVENS,
THAD COCHRAN,
PETE DOMENICI,
ROBERT F. BENNETT,
JUDD GREGG NEW JERSEY,
BEN NIGHTHORSE
CAMPBELL,
SAM BROWNBACK,
BYRON L. DORGAN,
ROBERT C. BYRD,
PATRICK J. LEAHY,
ERNEST HOLLINGS,
HARRY REID,
DIANNE FEINSTEIN,
BARBARA A. MIKULSKI,

Managers on the Part of the Senate.

PROVIDING FOR RECOMMITTAL OF CONFERENCE REPORT ON H.R. 2115, FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 377 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 377

Resolved, That upon adoption of this resolution the conference report to accompany the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the

Federal Aviation Administration, and for other purposes, is hereby recommitted to the committee of conference.

□ 1830

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

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 377 is a rule providing for the conference report accompanying H.R. 2115, the Flight 100—Century of Aviation Reauthorization Act to be recommitted to the conference committee. In an effort to ensure support for the bill, the House committees of jurisdiction have committed to making this important legislation even better through another conference.

I would like to thank the gentleman from Alaska (Chairman YOUNG) for his extraordinary leadership on this issue, as well as the other Members who have worked hard to make this a reality as we continue to address the concerns of Members on both sides of the aisle.

Mr. Speaker, I urge my colleagues to support this important rule.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, I thank the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for yielding me the customary time.

Mr. Speaker, the conference report for H.R. 2115, the FAA Reauthorization Act, is not quite ready for prime time. The good news is that the conference report is complete. The bad news is that there is no way it can pass the House in its current form. That is why we are here today. By voting for this rule, the House will send this conference report back to the conference committee for further consideration, an action that is sorely needed.

Mr. Speaker, the reason we need to recommit this conference report back to the conference committee is simple: There are three major provisions in this bill that will undermine efforts to protect the American public, while weakening our country's competitive position in the international air cargo markets.

The first and most obvious problem with the conference report is the provision that would allow for the immediate privatization of 69 air traffic control towers, with the authority to privatize all other air traffic control towers after 4 years. If this provision becomes law, it will begin the dismantling of the air traffic control system

as we know it. We cannot allow our air traffic control system to be farmed out to the lowest bidder. Safety must come first, and we cannot do it on the cheap. Members on both sides of the aisle feel so strongly about this provision that they have pledged to vote against the conference report.

Mr. Speaker, FAA controllers responded magnificently during the tragic terrorist attacks of September 11. They successfully landed 4,482 aircraft within 2 hours without a single operational error. Their performance on that fateful day earned them the U.S. Department of Transportation's highest award for achievement. But the fact of the matter is they did an outstanding job before 9/11, and they have continued to do so every day since.

The FAA controllers and technicians are a highly-skilled group of dedicated professionals who deserve better than to be discarded just 2 short years after the world became so familiar with the challenges that they face. This conference report does not accord them the respect and the gratitude that they have earned and so rightly deserve.

Contrary to the various claims that have been made, this provision would not just affect airports that exclusively serve general aviation aircraft. Eighteen of the airports included in the list of 69 airports that could be privatized are served by commercial carriers. This includes Hanscom Airfield in my home State of Massachusetts, which is served by several commercial carriers, including Continental, Delta and Northwest. But even more alarming is the fact that 11 of these 69 air towers are among the 50 busiest in the country.

Now, as misguided as this provision is, the way it magically appeared in the conference report is just as galling. Not only was the provision not included in either bill passed by the House or the Senate, it runs completely counter to language in both the House and Senate bills that expressly prohibited the privatization of air traffic control. Yet, the conference committee, acting on orders from the White House, defied the wishes of the Members who serve in both Chambers and snuck this unwise, special-interest provision into the conference report.

This tactic, Mr. Speaker, is a new favorite of the Republican leadership. They ignore what the full House and full Senate have done, and secretly rewrite important bills in some back room. It is a terrible way to do the people's business. It makes a mockery of the legislative process and confirms the most cynical suspicions people have about how this Congress operates.

And it gets worse. A last minute one-word change in the conference report has changed antiterrorism training for flight crews from mandatory to discretionary. The Homeland Security Act of 2002 directed the Transportation Security Administration to issue security training guidelines for flight crews.

Section 603 of the FAA conference report guts this directive in order to give air carriers the authority to establish such training requirements.

The TSA has developed the training for Federal flight deck officers and the Federal air marshals. It only makes sense that the TSA should be responsible for developing the antiterrorism training for flight attendants so that there is a coordinated response from the entire flight crew in the event of a terrorist attack. To do anything less, Mr. Speaker, is to place special interests above passenger and crew safety, and that is absolutely unacceptable.

The third and final provision of this conference report that must be fixed is the giveaway exemption that will allow foreign airlines to carry air cargo between two U.S. domestic points, provided one of those domestic points is in Alaska and only in Alaska. There is no similar exemption for international air cargo going through Hawaii, Florida or California; just Alaska.

This provision represents an unprecedented change in U.S. transportation policy that for 200 years has protected domestic point-to-point service from foreign competition. No other country in the world grants U.S. carriers the kind of open access to its domestic transportation network that this provision would grant to foreign carriers operating in the United States. It is unfathomable that we would make such a dramatic change to long-standing transportation policy without a single hearing or a minute of debate.

Now, make no mistake, the Alaska cargo provision will add the U.S. aviation industry to manufacturing, textiles and other sectors of our economy that are hemorrhaging jobs to other countries. The U.S. airline industry has seen losses of \$7 billion per year since September 11, resulting in the layoffs of 150,000 American workers.

This provision will do nothing but harm our efforts to help the U.S. aviation industry recover, while widening the gaping holes that already exist in our homeland security with respect to screening air cargo.

So, Mr. Speaker, it is important that the conference committee not just meet to strip the privatization provision, an action that will not fully fix the problem, but that the conference actually reconvene and address all of the flaws now contained in this bill.

Mr. Speaker, I urge my colleagues to support this rule and send this conference report back to the conference committee, where, hopefully this time, the will of the House will be respected.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. PETERSON).

(Mr. PETERSON of Pennsylvania asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, as Representative of one of the largest rural districts east of the Mississippi and cochairman of the Rural Congressional Caucus, I rise today because I feel an obligation to uphold the will of the House, which seems to have been bypassed in this report.

Just several months ago, we had an amendment on the floor here that removed a provision that forced rural airports to pay a portion of up to 10 percent of the essential air service that helps them provide service in difficult times. The House removed it; the Senate removed it. Today, it is back here.

Now, it is limited to 10 communities and it will not hurt as many, but it is very possible that for these 10 communities, it could cost over \$100,000.

Rural airports have a very limited income stream. They do not have much means of income. They are fortunate to have money to match Federal money to pave their runways, fix their lights and run the airport.

So I ask that if this bill is recommitted to conference for other issues, and many other rural Members strongly urge the committee leadership, to remove Section 408, the Essential Air Service Local Participation Pilot Program, from this provision. I personally will find it extremely difficult, and many other rural Members will too, to support the conference report, and I do not want to be in that position.

Mr. Speaker, I include for the RECORD copies of letters signed by 48 House Members and 16 Senators.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 8, 2003.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science,
and Transportation, Dirksen Office Building,
Washington, DC.

Hon. FRITZ HOLLINGS,
Ranking Member, Committee on Commerce,
Science, and Transportation, Dirksen Office
Building, Washington, DC.

Hon. DON YOUNG,
Chairman, Committee on Transportation and
Infrastructure, Rayburn House Office
Building, Washington, DC.

Hon. JAMES OBERSTAR,
Ranking Member, Committee on Transportation
and Infrastructure, Rayburn House Office
Building, Washington, DC.

DEAR CHAIRMAN YOUNG, CHAIRMAN MCCAIN, RANKING MEMBER OBERSTAR, RANKING MEMBER HOLLINGS: We write out of grave concern for a provision added to the Vision 100—Century of Aviation Reauthorization Conference Report regarding the adoption of a local cost share for certain Essential Air Service communities. This addition to the conference report not only goes against the will of both the House and the Senate, but may also have a disastrous effect on many of our small rural airports. Therefore, we urge the conference committee to remove this language before bringing the report to the respective floors for a vote.

As you know, the local cost share provision was removed in H.R. 2115 by an amendment offered by Representatives McHugh, Peterson (PA) and Shuster, which passed by a voice vote. Likewise, a similar local cost share provision was removed from S. 824 by an amendment offered by Senator Bingaman.

It is our understanding that negotiations are currently under way to remove language

from the conference report regarding the privatization of air traffic controllers. This provides the conference committee an excellent opportunity to remove the EAS local match provision that was already stricken on both the House and Senate floors and not included in either bill brought to the conference committee.

Additionally, this provision will have untold effects on many small rural communities. It is unacceptable to force communities to pay up to \$100,000 in a local cost share, in addition to the many costs they currently incur in running a small local airport.

We respectfully request the removal of Section 408 from the Vision 100—Century of Aviation Reauthorization Act Conference Report before it is brought to the House and Senate floors for consideration and we look forward to working with you in the future to ensure rural communities continue to receive essential air service.

Sincerely,

John E. Peterson, Allen Boyd, Tom Osborne, Nick Rahall, Phil English, Max Burns, Bud Cramer, Earl Pomeroy, Steve Pearce, Ray LaHood, James A. Leach, _____, Lincoln Davis, _____, Michael H. Michaud.

U.S. SENATE,
Washington, DC, September 29, 2003.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science,
and Transportation, Dirksen Office Building,
Washington, DC.

Hon. ERNEST F. HOLLINGS,
Ranking Member, Committee on Commerce,
Science, and Transportation, Dirksen Office
Building, Washington, DC.

Hon. DON YOUNG,
Chairman, Committee on Transportation and
Infrastructure, Rayburn House Office
Building, Washington, DC.

Hon. JAMES OBERSTAR,
Ranking Member, Committee on Transportation
and Infrastructure, Rayburn House Office
Building, Washington, DC.

GENTLEMEN: We write out of grave concern for a provision added to the Vision 100—Century of Aviation Reauthorization conference report regarding the adoption of a local cost share for certain Essential Air Service communities. This addition to the conference report not only goes against the will of both the House and the Senate, but may also have a disastrous effect on many of our small rural airports. Therefore, we urge the conference committee to remove this language before bringing the report to the respective floors for a vote.

The local cost share provision was removed from S. 824 by a bipartisan amendment offered by 15 senators, which passed on a voice vote. Likewise, a similar local cost share provision was removed from H.R. 2115 by an amendment offered by Representatives McHugh, Peterson (PA) and Shuster.

It is our understanding that negotiations are currently under way to remove language from the conference report regarding the privatization of air traffic controllers. This provides the conference committee an excellent opportunity to remove the EAS local match provision that was already stricken on both the House and Senate floors and not included in either bill brought to the conference committee.

Additionally, this provision will have untold effects on many small rural communities. It is unacceptable to force communities to pay up to \$100,000 in a local cost share, in addition to the many costs they currently incur in running a small local airport.

We respectfully request the removal of Section 408 from the Vision 100—Century of

Aviation Reauthorization Act conference report before it is brought to the House and Senate floors for consideration, and we look forward to working with you in the future to ensure rural communities continue to receive essential air service.

Sincerely,

Jeff Bingaman, Olympia Snowe, Hillary Rodham Clinton, Patrick Leahy, Blanche L. Lincoln, Jim Jeffords, Mark Pryor, Tom Udall, Charles Schumer, Jim Daschle, Arlen Specter, E. Benjamin Nelson, Susan M. Collins, Chuck Grassley, Mark Dayton, Chuck Hagel.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 24, 2003.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science,
and Transportation, Dirksen Office Building,
Washington, DC.

Hon. FRITZ HOLLINGS,
Ranking Member, Committee on Commerce,
Science, and Transportation, Dirksen Office
Building, Washington, DC.

Hon. DON YOUNG,
Chairman, Committee on Transportation and
Infrastructure, Rayburn House Office
Building, Washington, DC.

Hon. JAMES OBERSTAR,
Ranking Member, Committee on Transportation
and Infrastructure, Rayburn House Office
Building, Washington, DC.

DEAR CHAIRMAN YOUNG, CHAIRMAN MCCAIN, RANKING MEMBER OBERSTAR, RANKING MEMBER HOLLINGS: We write out of grave concern for a provision added to the Vision 100—Century of Aviation Reauthorization Conference Report regarding the adoption of a local cost share for certain Essential Air Service communities. This addition to the conference report not only goes against the will of both the House and Senate, but may also have a disastrous effect on many of our small rural airports. Therefore, we urge the conference committee to remove this language before bringing the report to the respective floors for a vote.

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It is our understanding that negotiations are currently under way to remove language from the conference report regarding the privatization of air traffic controllers. This provides the conference committee an excellent opportunity to remove the EAS local match provision that was already stricken on both the House and Senate floors and not included in either bill brought to the conference committee.

Additionally, this provision will have untold affects on many small rural communities. It is unacceptable to force communities to pay up to \$100,000 in a local cost share, in addition to the many costs they currently incur in running a small local airport.

We respectfully request the removal of Section 408 from the Vision 100—Century of Aviation Reauthorization Act Conference Report before it is brought to the House and the Senate floors for consideration and we look forward to working with you in the future to ensure rural communities continue to receive essential air service.

Sincerely,

John E. Peterson, Allen Boyd, John McHugh, Jerry Moran, Bill Shuster, Chris Cannon, John Shimkus, Marion Berry, Barbara Cubin, Charles F. Bass, Ron Paul, John Tanner, Frank D. Lucas, Scott McInnis, Kenny C. Hulshof, Rick Renzi, Rob Bishop, Den-

nis A. Cardoza, Jim Gibbons, Jim Matheson, Ed Case, Anibal Acevedo-Vilá, Mike Ross, Tom Udall, Lane Evans, Timothy Johnson, Bernie Sanders, John Boozman, Tom Latham, Heather Wilson, Ron Lewis, Jo Ann Emerson, Doug Bereuter, Bart Stupak, Collin C. Peterson.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. DEFAZIO).

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

Mr. Speaker, the House finds itself in a bit of an awkward position here. The Federal aviation reauthorization legislation passed this body some months ago with little controversy, an excellent bill moving us forward with investment in the future of aviation air traffic control air safety. A quite similar bill passed the Senate, and it appeared we were on our way to meeting the October 1 deadline.

Unfortunately, something strange happened on the way to adopting a Federal aviation reauthorization, and that is White House ideology and politics and stupidity.

We were summoned to an emergency meeting of the conference the day before the House was to adjourn for the August recess, because the FAA bill was going to be brought to the floor the next day. There was just one little change, an unwritten amendment to privatize 71 air traffic control towers.

Well, the gentleman from Alaska (Chairman YOUNG) did not like that much, so, whoops, suddenly these deeply-held principles could be changed, and it was suddenly 69 towers could be privatized, because the two in Alaska did not need to be privatized anymore.

Now, when the Senator from Arizona was questioned as to how he came up with the list of 69 that presented to him by the White House, he said, oh, there were really good reasons for it. These were all just little VFR dinky airports and this would be a more efficient way to do it.

I said well, I wonder if he ever landed at Boeing Field in Seattle. I did not think Boeing was aware of the fact that that was just a VFR field, a little dinky field. I thought it was actually kind of crucial to the aviation industry of the United States of America and Boeing, our largest manufacturer, in fact, our only commercial manufacturer. Then others went on to question about others on the list. The bottom line was he was defending the indefensible.

The White House wants to say that it is not the business of the government of the United States of America, it is not the business of government employees, to control air traffic, to provide for safety and control of the national air space. That should be a private sector function. Somebody might be able to make a little bit of money doing it, despite the fact there is no successful model of privatization in the world. They are all more expensive and less efficient.

Well, what the heck, that does not matter to this White House. So what if

we gouge the taxpayers for more money, if someone can make a little money, and maybe we can bust another union here. That is all this is about. It is quite simple.

Both the House and the Senate, by near unanimous majorities, voted to not privatize the air traffic control system. But the ideologues at the White House presented to their compliant lap dogs that order, and they trotted into the conference with it. They got it done by voice vote, no one signed the conference report from this side of the aisle. But they have not been able to bring the bill to the floor because, guess what? They cannot get the support in the House or the Senate for what they wanted and what they got, which is privatization of air traffic control, jeopardizing the safety and the future of the air space of the United States of America.

Now they say, well, we will just go back to conference and strike it. Now, they are going to try the bait and switch rouse here which is to say, well, we will strike out that offensive and stupid provision out of the bill, you know, the arbitrary privatization of 69 air traffic control towers against the will of the Senate and the House. We will just strike that out altogether.

But, of course, what they are conveniently omitting there is that both the Senate and House had had affirmative language to prohibit privatization, and absent that, the ideologues at the White House can actually privatize more air traffic control towers, further jeopardizing the safety of the traveling public and the control of the air space of the United States of America. So that is what they are going to try now.

But I do not think that this House, the Members of this House or the Members of the other body, are that dumb that they are going to fall for that. I do not think it gives those who are weak-kneed enough cover to go in that direction.

It is the same issue: Do you believe in privatization of air traffic control or not. Do you want to follow the failed models of other countries that are more expensive and less efficient or not? That is the bottom line when this comes back up on Thursday.

They are going to say, oh, we took that out of the bill. It is underlying the bill without a prohibition, and the ideologues at the White House will sure as heck rush forward with privatization, because someone might be able to make a little bit of money. So what if it kills people and jeopardizes the air space.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, given the fact that I see the distinguished chairman of the Subcommittee on Aviation seated over there, perhaps he could give us some assurance that as we vote for this rule to send this flawed conference report

back to the conference committee, that maybe he can give us an assurance that the conference committee will be open and Members will be allowed to offer amendments in the committee.

□ 1845

Mr. Speaker, I am happy to yield to him if he would be willing to answer that question.

Mr. MICA. Mr. Speaker, I thank the gentleman; but I will close, hopefully, for our side and answer that question at that time.

Mr. MCGOVERN. Mr. Speaker, I appreciate the gentleman's response. We are all anxiously awaiting the answer to that question.

At this juncture I yield 9 minutes to the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member of the Committee on Transportation and Infrastructure.

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

I am pleased, Mr. Speaker, that we are finally going forward with the rule to commit the conference report back to conference, and I will vote for that motion. But I am concerned that going back to conference simply will repeat the sham we had the first time that there was a conference. I have served for 24 years on conference committees, and this is the first time I have been to a conference that did not have legislative language. We had concepts. So at a certain point I was allowed to offer a conceptual amendment to a concept that had been presented. And after some discussion, there was a vote, the concept that I offered was defeated on a voice vote, the bells rang for a vote in the House, and Senators were notified of a vote in their body. The conference dissolved and, the next thing I knew, the next day, miraculously, legislative language appeared and it contained a number of items that we were expecting; but we did not have it the day before, and it was an urgent matter to get this conference completed. That is 94 days ago. I marvel at the urgency that suddenly vanished along with the legislative language which also then miraculously appeared the next day.

There is a lot of good in this bill. We need to provide funding for the airport improvement program, facilities and equipment account for the operation air traffic control system. There are three issues that are very critical to the future of aviation. The first the gentleman from Oregon and the gentleman from Massachusetts on our side have discussed at some length, and that is privatization of the air traffic control system.

This is not the first time this issue has been raised before our Committee on Transportation and Infrastructure. When I chaired the Subcommittee on Aviation, it was raised by the first Bush administration and we had a discussion about it; and my colleague, the ranking member on the Republican

side, Mr. Clinger, and I both agreed that was a bad idea and it went away. Then it came back during the Clinton-Gore administration and it was more fully refined and defined, and I said it was a terrible idea and vigorously opposed it, with great support on the Republican side. Now that the idea has surfaced for a third time from a Republican administration, my colleagues, many of my colleagues on the other side of the aisle, suddenly have had a change of heart, or maybe many of them were not here in the House when the first two attempts were made. The fact is, this is just a very bad idea.

The second issue is to establish training guidelines for flight attendants. The House bill said, you "shall" establish these training guidelines. We were all agreed on that. We marched arm in arm together in subcommittee, in full committee, and to the House floor, and through the House. And then a one-word change in Senate floor debate from "shall" to "may" makes the whole thing speculative. We were all agreed that it was important. If you are going to arm the flight deck crew, have guns on the flight deck and you are going to have the sealed door, the bullet proof, bomb-proof door protecting the flight deck crew, the flight attendants say, what about us? Should we not have training? Should that not be mandatory? We say yes. This body voted "yes." But somehow, miraculously in conference, or in Senate floor debate, the White House said, no, we do not want it mandatory.

The question we have to raise is, are we a three-party government or are we a parliamentary system in which the legislative is merely an extension of the executive branch? This body has time and again stood up against the executive branch for what we believe, the people's elected representatives, is the right thing for the best national interest; and we made that decision here in an overwhelming vote, not to privatize, to train the flight attendants on board aircraft; and all of a sudden, that just vanished, succumbed.

Then the third issue is that of training cabin crews, I mean of cabotage, which we have never permitted previously to allow foreign airlines to ferry goods between cities. Well, that is, as the gentleman from Oregon said, the beginning of dissolution of another major sector of the American economy that other countries protect. Why should we let our guard down now just because that exchange of goods will take place in Alaska? I think that is just dead wrong.

The gentleman from Pennsylvania has very well expressed a fourth issue requiring small communities to underwrite essential air service. That was an issue that was fundamental to deregulation in 1978. I sat on the committee. I voted for deregulation because it had protection for essential air service for small communities that they would not have to pay for. Now we are going to bring that concept back and make it

almost a certainty that some communities in my district, if they do not have air service, the only way to get there is to be born there. Well, I do not want to see that happen; the gentleman from Pennsylvania does not want to see that happen; and we must not let that happen.

Then the thing that I find, the step that I find very unpalatable, two steps, one is we will just remove the offending language when we recommit this bill to conference about the 69 towers and go back to current law. That is the poison pill. The current law is the President's executive order stating that air traffic control is not an inherently governmental service. That then opens the whole system up for privatization. I know there is language that says the rest of the air traffic control until 2007 cannot be privatized; but once we start down that road, the whole chain becomes unraveled.

Then there is the second effort that we have been hearing about and reading about in news accounts of trading towers: if you agree to vote for this, we will take your tower out. Well, I find if you take this to its logical conclusion, eventually all the Members who have their tower in their district voted taken out of the privatization will have protected themselves against privatization, but they will be voting for the privatization system. So all of those who voted against privatization will have privatized towers. Those who want to vote for privatization will have their towers removed from the privatization requirement. I do not understand how anybody can take that home and sell that to their constituencies.

Let us commit this bill to conference. I appeal to the chairman of the subcommittee and the chairman of the full committee to have a real conference, not a sham. Let us gather the members together. Let us have full debate. Let us have a discussion of the merits of the issues. Let us have real give and take on this issue as we have done time and again historically in House-Senate conferences on aviation legislation. Let us do it the right way, not this back-door sham way.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MICA), the chairman of the Subcommittee on Aviation.

Mr. MICA. Mr. Speaker, I thank the gentleman from Florida for yielding me this time. I am pleased to address some of the issues relating to this motion to recommit.

First of all, I do support the motion to recommit the FAA reauthorization legislation and urge those on both sides of the aisle for this recommitment.

To answer the gentleman from Massachusetts' question to me previously about commitments that I would make as to what would be in and what would be out of the final legislation and conference report that comes out, I can make no guarantee tonight. I am but

one member of the conference committee, even though I chair the Subcommittee on Aviation and am willing to work with the other side.

But let me set some facts straight tonight as we conclude the debate on the motion to recommit. First of all, my colleagues heard the ranking member of the full committee just cite that air traffic control is an inherently governmental function and that somehow this has been politicized by our side of the aisle. Nothing, I say to my colleagues, could be further from the truth. In fact, for 7½ years of the Clinton administration, there was no inherently governmental label placed on FAA air traffic control. That was done in the last waning months of the Clinton administration as a bone to some of those in organized labor. But prior to that, there was no inherently governmental label. President Bush did remove that when he came into office and has asked for the option to look at which tower should be privatized or which should be contract towers and which should be fully FAA-operated towers.

The fact is, almost half, 219, of our towers today are contract towers. They are run by the FAA, but managed by a private company. The fact is, on September 11, half of the towers in this country that were contract towers, so-called privatized towers, also brought down the planes safely on September 11. The fact is, the President wanted the ability to look at every tower that is fully FAA-staffed and decide which should be fully FAA-staffed and which should be contract. We decided in this report, not just by picking towers at random, but by taking a report that was first done in the year 2000 by the Inspector General who looked at some 71 FAA, fully FAA-run towers. He looked at all 71 of them. And he came back and he said, based on first safety and secondly on cost, these are towers that should be looked at for becoming contract towers.

Then, not only in the year 2000 did he look at it, but NATCA, the union that runs air traffic control, asked for a relook and disputed the cost figures. So we asked for a relook. And in the year 2002, he conducted a relook; and we just got that report. It showed that the contract towers, in fact, when compared to the fully FAA towers, had a 2½ times better safety rate in the year 2000; and then the relook, I have a copy here, says 4½ times safer with a contract tower than a fully FAA; that is on the basis of safety.

Then just turning to the next page and looking at cost, the cost here, our analysis showed that the 12 contract towers on average cost about \$917,000 less to operate. So on the basis of safety and cost, it was safer to have contract towers. And they compared the 2000 study and the 2002 study which we just got in 2003, and both confirmed this.

But a campaign of disinformation to Members in Congress, to the public, and to everyone who has had the oppor-

tunity to see it, a campaign of disinformation to the tune of \$6 million has tried to say just the opposite of what the facts are. Now, these, I say to my colleagues, are the facts.

So we will take this back to conference, and we will revisit this issue. Anyone who would like, we will make a copy of this report available. But this campaign of disinformation is now forcing us to go back to conference. I make no guarantees as to what will come out of that conference. None of these provisions or the 69 towers that we have included were secretly written provisions.

□ 1900

That provision was voted on in open conference and the other side lost in this issue. So these are the facts that we deal with.

Finally, the cargo extension provision in Alaska, I hope we do not change that. Because if you want to see more jobs lost in the United States, if you want to see a transportation cargo hub moved from Alaska to Canada, go ahead and change this provision. And you will put thousands of people out of work and move cargo to another country. Try that. See how that works.

Finally, the local share match, we heard the plea of the rural communities. The administration wanted a match. We eliminated all the match except in 10 demo essential air service locations. And even with those 10 demos, we have allowed for a waiver. I hope we keep that provision that that allows that waiver and allows essential service.

Those are the facts. We can deal with fantasy, or we can deal with a multi-million dollar disinformation campaign. I urge the recommitment of this legislation, and I ask that you fasten your seat belts and put your tray tables in an upright and locked position and get ready for a ride to conference.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I have got my seat belt in place, tray table is up, waiting for a real conference. The points the gentleman from Florida raised are the kinds of issues that we should be discussing in the conference. We did not have that kind of discussion before, and if you go back to the report of the Inspector General and, as verified by, as reviewed further by GAO, you find that the selection of air traffic control towers was arbitrary, did not follow a consistent pattern, was flawed in the number of towers selected.

Furthermore, there are 63 million operations a year run by our FAA control towers. The contract towers handle a fraction of that amount, and they handle different kinds of traffic. And those are the kinds of issues I say to my good friend, the distinguished chairman of the Committee on Transportation and Infrastructure Subcommittee on Aviation, the gentleman from Florida (Mr.

MICA) that we should be discussing in the House-Senate conference. That is where we ought to have that debate, not here in 1-minute sound bites.

Mr. Speaker, the gentleman from Florida cited 7½ years of the Clinton administration not doing anything. That was because I, with the support of Republicans in the House, vigorously opposed the Gore reinventing government proposal to privatize air traffic control. We took it on head-on and stopped them dead in their tracks. I say to the gentleman, keep that in mind.

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

Mr. Speaker, let me just close by saying we are here today because the Republican leadership in the White House have forgotten that the House of Representatives is a deliberative body where Members of both parties insist that when they express their will, it will be respected and in conference committees. They do not like secret deals in back rooms.

The question that I ask the gentleman from Florida (Mr. MICA), the distinguished chairman of the Subcommittee on Aviation, was not a question of whether or not he could guarantee that certain provisions would be in the bill or provisions would be removed from the bill, what I asked him was very simply a guarantee that this would be an open conference, unlike what happened before, that this would be an open conference, an open process, a fair process, where Members of both parties, Democrats and Republicans, would have the opportunity to not only discuss issues, but to be able to offer their amendments. That was the question that the gentleman did not answer.

And I would hope, and I would urge all my colleagues to vote for this rule, to send this flawed conference report back to the conference committee and let us hope this time they get it right.

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

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

Mr. Speaker, I appreciate the debate. I think it is very important that the facts alluded to by Mr. MICA are here in writing, written down, black and white here. So the gentleman from Florida (Mr. MICA) has the copies available for the membership if any of the Members want to review the facts.

Ms. LINDA T. SANCHEZ of California. Mr. Speaker, today, the House of Representatives is making a procedural vote on whether not to recommit the FAA Reauthorization bill to conference. What this is really is an attempt to circumvent the real legislative process—an up or down vote on the merits of their proposal. Why is the Republican leadership doing this? Because they are trying to sneak through provisions that are seriously flawed and pose a major risk to flight safety and national security.

As a cochair of the newly created Congressional Labor and Working Families Caucus, I find it appalling that Congress would consider

privatizing air traffic controllers when our security is at a greater risk than ever. This and two other provisions in this bill would do less—not more—to protect us from terrorism, and seriously undermine the airline industry in our country and jeopardize the safety of our personal air travel.

First, this bill opens the door for private companies to purchase air traffic control towers from the Government. This means our Government will no longer be in control of the safety of our airspace. Privatizing the Nation's air traffic control system is a risky and dangerous experiment at a time when public safety is of the highest importance.

Also, under this bill flight attendants are no longer required to receive antiterrorism training. Following the events of 9/11, flight attendants want to be properly trained; passengers want them to be trained; and as a frequent flyer I personally want them to be trained.

Lastly, it would allow international airlines to carry cargo throughout the United States without it being properly screened or tracked. The proposed changes would affect national security as well as jeopardize the livelihood of our domestic industry.

Ironically, after 9/11, airport screeners were federalized because we realized that our safety depended on the individuals working those posts to be under Federal supervision. It is the same with air traffic controllers.

Look at it this way . . . the price of a plane ticket—\$235, the price of airport parking for a week—\$75, and the expertise and experience of air traffic controllers to land your airplane, priceless.

There is no price tag to our safety. For the safety for all Americans, I strongly urge my colleagues to vote “yes” to recommit the FAA Conference Report and take out these heinous provisions. Let's put safety first.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the resolution.

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

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

The SPEAKER pro tempore (Mr. GIBBONS). Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX this 15-minute vote on the House Resolution 377 will be followed by four other votes. The middle three votes in this series will be 5-minute votes. The first and last votes will be 15-minute votes.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 27, as follows:

[Roll No. 569]

YEAS—407

Abercrombie	Akin	Andrews
Ackerman	Alexander	Baca
Aderholt	Allen	Bachus

Baird	Dunn	Langevin
Baker	Edwards	Larsen (WA)
Baldwin	Ehlers	Larson (CT)
Ballance	Emanuel	Latham
Ballenger	Emerson	LaTourrette
Barrett (SC)	Engel	Leach
Bartlett (MD)	English	Lee
Barton (TX)	Eshoo	Levin
Bass	Etheridge	Lewis (CA)
Beauprez	Evans	Lewis (GA)
Beccerra	Everett	Lewis (KY)
Bereuter	Farr	Linder
Berkley	Fattah	Lipinski
Berman	Feeney	LoBiondo
Berry	Ferguson	Lofgren
Biggert	Filner	Lowe
Bilirakis	Flake	Lucas (KY)
Bishop (GA)	Foley	Lucas (OK)
Bishop (NY)	Forbes	Lynch
Bishop (UT)	Fossella	Majette
Blackburn	Frank (MA)	Maloney
Blumenauer	Franks (AZ)	Manzullo
Blunt	Frelinghuysen	Markey
Boehlert	Gallely	Marshall
Boehner	Garrett (NJ)	Matheson
Bonilla	Gerlach	Matsui
Bonner	Gibbons	McCarthy (MO)
Bono	Gilchrest	McCarthy (NY)
Boozman	Gillmor	McCotter
Boswell	Gingrey	McCrery
Boucher	Gonzalez	McDermott
Boyd	Goode	McGovern
Bradley (NH)	Goodlatte	McHugh
Brady (PA)	Gordon	McInnis
Brady (TX)	Goss	McIntyre
Brown (OH)	Granger	McKeon
Brown (SC)	Graves	McNulty
Brown, Corrine	Green (TX)	Meehan
Brown-Waite,	Greenwood	Meek (FL)
Ginny	Grijalva	Meeks (NY)
Burgess	Gutknecht	Menendez
Burr	Hall	Mica
Burton (IN)	Harman	Michaud
Buyer	Harris	Millender-
Calvert	Hart	McDonald
Camp	Hastings (FL)	Miller (FL)
Cannon	Hastings (WA)	Miller (MI)
Cantor	Hayes	Miller (NC)
Capito	Hayworth	Miller, Gary
Capps	Hefley	Miller, George
Capuano	Hensarling	Mollohan
Cardin	Herger	Moore
Cardoza	Hill	Moran (KS)
Carson (IN)	Hinchey	Moran (VA)
Carson (OK)	Hinojosa	Murphy
Carter	Hobson	Murtha
Case	Hoeffel	Musgrave
Castle	Holden	Myrick
Chocola	Holt	Nadler
Clay	Honda	Napolitano
Clyburn	Hookey (OR)	Neal (MA)
Coble	Hostettler	Neugebauer
Cole	Houghton	Ney
Collins	Hoyer	Northup
Conyers	Hulshof	Norwood
Cooper	Hunter	Nunes
Costello	Hyde	Nussle
Cox	Inslee	Oberstar
Cramer	Israel	Obey
Crane	Issa	Oliver
Crenshaw	Istook	Ortiz
Crowley	Jackson (IL)	Osborne
Cubin	Janklow	Ose
Culberson	Jefferson	Otter
Cummings	Jenkins	Owens
Cunningham	John	Oxley
Davis (AL)	Johnson (CT)	Pallone
Davis (CA)	Johnson (IL)	Pascarell
Davis (FL)	Johnson, E. B.	Pastor
Davis (IL)	Johnson, Sam	Paul
Davis (TN)	Jones (NC)	Payne
Davis, Jo Ann	Jones (OH)	Pearce
Davis, Tom	Kanjorski	Pelosi
Deal (GA)	Kaptur	Pence
DeFazio	Keller	Peterson (MN)
DeGette	Kelly	Peterson (PA)
Delahunt	Kennedy (MN)	Petri
DeLauro	Kennedy (RI)	Pickering
DeLay	Kildee	Pitts
Deutsch	Kilpatrick	Platts
Diaz-Balart, L.	Kind	Pombo
Diaz-Balart, M.	King (IA)	Pomeroy
Dicks	Kingston	Porter
Dingell	Kirk	Portman
Doggett	Klecza	Price (NC)
Doolittle	Kline	Putnam
Doyle	Knollenberg	Quinn
Dreier	Kolbe	Radanovich
Duncan	Kucinich	Rahall

Ramstad	Shadegg	Tiberi
Rangel	Shaw	Tierney
Regula	Shays	Toomey
Rehberg	Sherman	Towns
Renzi	Sherwood	Turner (OH)
Reyes	Shimkus	Turner (TX)
Reynolds	Shuster	Udall (CO)
Rodriguez	Simmons	Udall (NM)
Rogers (AL)	Simpson	Upton
Rogers (KY)	Skelton	Van Hollen
Rogers (MI)	Slaughter	Velazquez
Rohrabacher	Smith (MI)	Vitter
Ros-Lehtinen	Smith (NJ)	Walden (OR)
Ross	Smith (TX)	Walsh
Rothman	Smith (WA)	Wamp
Roybal-Allard	Snyder	Waters
Ruppersberger	Solis	Watson
Rush	Souder	Watt
Ryan (OH)	Spratt	Waxman
Ryan (WI)	Stark	Weiner
Ryun (KS)	Stearns	Weldon (FL)
Sabo	Stenholm	Weldon (PA)
Sanchez, Linda	Strickland	Weller
T.	Sullivan	Wexler
Sanchez, Loretta	Tancred	Whitfield
Sanders	Tanner	Wicker
Sandlin	Tauscher	Wilson (NM)
Saxton	Tauzin	Wilson (SC)
Schiff	Taylor (MS)	Wolf
Schrock	Taylor (NC)	Woolsey
Scott (GA)	Terry	Wu
Scott (VA)	Thomas	Wynn
Sensenbrenner	Thompson (CA)	Young (AK)
Serrano	Thompson (MS)	Young (FL)
Sessions	Tiahrt	

NOT VOTING—27

Bell	Gutierrez	Nethercutt
Burns	Hoekstra	Pryce (OH)
Chabot	Isakson	Royce
DeMint	Jackson-Lee	Schakowsky
Dooley (CA)	(TX)	Stupak
Fletcher	King (NY)	Sweeney
Ford	LaHood	Thornberry
Frost	Lampson	Visclosky
Gephardt	Lantos	
Green (WI)	McCollum	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1926

Mr. SOUDER changed his vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on one motion to suspend the rules and on three motions to instruct conferees previously postponed.

Votes will be taken in the following order:

H.R. 2359, a suspension;

H.R. 6, a motion to instruct;

H.R. 1, a motion to instruct;

HR. 1308, a motion to instruct, all by the yeas and nays.

Votes on suspending the rules with respect to H. Con. Res. 291 and H. Res. 409 will be taken tomorrow. The next three votes will be conducted as 5-minute votes. The fifth and final vote in this series will be a 15-minute vote.

BASIC PILOT EXTENSION ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2359, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2359, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 231, nays 170, not voting 33, as follows:

[Roll No. 570]

YEAS—231

Aderholt	Forbes	Miller (MI)
Akin	Fossella	Miller, Gary
Alexander	Franks (AZ)	Murphy
Bachus	Frelinghuysen	Musgrave
Baker	Gallely	Myrick
Barrett (SC)	Garrett (NJ)	Neugebauer
Bartlett (MD)	Gerlach	Ney
Barton (TX)	Gibbons	Northup
Bass	Gilchrest	Norwood
Beauprez	Gillmor	Nunes
Bereuter	Gingrey	Nussle
Biggett	Goode	Osborne
Billirakis	Goodlatte	Ose
Bishop (GA)	Goss	Otter
Bishop (UT)	Granger	Oxley
Blackburn	Graves	Pearce
Blunt	Greenwood	Pence
Boehlert	Gutknecht	Peterson (MN)
Boehner	Hall	Peterson (PA)
Bonilla	Harris	Petri
Bonner	Hart	Pickering
Bono	Hastings (WA)	Pitts
Boozman	Hayes	Platts
Boyd	Hayworth	Pombo
Bradley (NH)	Hefley	Pomeroy
Brady (TX)	Hensarling	Porter
Brown (SC)	Herger	Portman
Brown-Waite,	Hobson	Putnam
Ginny	Holden	Quinn
Burgess	Hookey (OR)	Radanovich
Burr	Hostettler	Ramstad
Buyer	Houghton	Regula
Calvert	Hulshof	Rehberg
Camp	Hunter	Renzi
Cannon	Hyde	Reynolds
Cantor	Issa	Rogers (AL)
Capito	Istook	Rogers (KY)
Carson (OK)	Janklow	Rogers (MI)
Case	Jenkins	Rohrabacher
Castle	John	Ros-Lehtinen
Chocola	Johnson (CT)	Ryan (WI)
Coble	Johnson (IL)	Ryun (KS)
Cole	Johnson, Sam	Saxton
Collins	Jones (NC)	Schrock
Costello	Keller	Sensenbrenner
Cox	Kelly	Sessions
Cramer	Kennedy (MN)	Shadegg
Crane	King (IA)	Shaw
Crenshaw	Kingston	Shays
Cubin	Kirk	Sherwood
Culberson	Kline	Shimkus
Cunningham	Knollenberg	Shuster
Davis (TN)	Kolbe	Simmons
Davis, Jo Ann	Latham	Simpson
Davis, Tom	LaTourette	Skelton
Deal (GA)	Leach	Smith (NJ)
DeFazio	Lewis (CA)	Smith (TX)
DeLay	Lewis (KY)	Souder
Diaz-Balart, L.	Linder	Spratt
Diaz-Balart, M.	Lipinski	Stearns
Doolittle	LoBiondo	Stenholm
Dreier	Lucas (OK)	Sullivan
Duncan	Manzullo	Tancred
Dunn	Marshall	Tanner
Ehlers	McCotter	Tauzin
Emerson	McCrery	Taylor (MS)
English	McHugh	Taylor (NC)
Everett	McInnis	Terry
Feeney	McIntyre	Thomas
Ferguson	McKeon	Tiahrt
Flake	Mica	Tiberi
Foley	Miller (FL)	Toomey

Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp

Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)

Wolf
Wu
Young (AK)
Young (FL)

NAYS—170

Abercrombie	Hinchey	Obey
Ackerman	Hinojosa	Olver
Allen	Hoeffel	Ortiz
Andrews	Holt	Owens
Baca	Honda	Pallone
Baird	Hoyer	Pascarell
Baldwin	Inslee	Pastor
Ballance	Israel	Paul
Becerra	Jackson (IL)	Payne
Berkley	Jefferson	Pelosi
Berman	Johnson, E. B.	Price (NC)
Berry	Jones (OH)	Rahall
Bishop (NY)	Kanjorski	Rangel
Blumenauer	Kaptur	Reyes
Boswell	Kennedy (RI)	Rodriguez
Boucher	Kildee	Ross
Brady (PA)	Kilpatrick	Rothman
Brown (OH)	Kind	Roybal-Allard
Brown, Corrine	Klecza	Ruppersberger
Capps	Kucinich	Rush
Capuano	Langevin	Ryan (OH)
Cardin	Larsen (WA)	Sabo
Carson (IN)	Larson (CT)	Sanchez, Linda
Clay	Lee	T.
Clyburn	Levin	Sanchez, Loretta
Conyers	Lewis (GA)	Sanders
Cooper	Lofgren	Sandlin
Crowley	Lowey	Schiff
Cummings	Lucas (KY)	Scott (GA)
Davis (AL)	Lynch	Scott (VA)
Davis (CA)	Majette	Serrano
Davis (FL)	Maloney	Sherman
Davis (IL)	Markey	Slaughter
DeGette	Matheson	Smith (WA)
Delahunt	Matsui	Snyder
DeLauro	McCarthy (MO)	Solis
Deutsch	McCarthy (NY)	Stark
Dicks	McDermott	Strickland
Dingell	McGovern	Tauscher
Doggett	McNulty	Thompson (CA)
Doyle	Meehan	Thompson (MS)
Edwards	Meek (FL)	Tierney
Emanuel	Meeks (NY)	Towns
Engel	Menendez	Turner (TX)
Eshoo	Michaud	Udall (CO)
Etheridge	Millender-	Udall (NM)
Evans	McDonald	Van Hollen
Farr	Miller (NC)	Velazquez
Fattah	Miller, George	Waters
Filner	Mollohan	Watson
Frank (MA)	Moore	Watt
Gonzalez	Moran (KS)	Waxman
Gordon	Moran (VA)	Weiner
Green (TX)	Murtha	Wexler
Grijalva	Nadler	Woolsey
Harman	Napolitano	Wynn
Hastings (FL)	Neal (MA)	
Hill	Oberstar	

NOT VOTING—33

Ballenger	Gephardt	Nethercutt
Bell	Green (WI)	Pryce (OH)
Burns	Gutierrez	Royce
Burton (IN)	Hoekstra	Schakowsky
Cardoza	Isakson	Smith (MI)
Carter	Jackson-Lee	Stupak
Chabot	(TX)	Sweeney
DeMint	King (NY)	Thornberry
Dooley (CA)	LaHood	Visclosky
Fletcher	Lampson	Whitfield
Ford	Lantos	
Frost	McCollum	

□ 1934

So (two-thirds not having voted in favor thereof) the motion was rejected. The result of the vote was announced as above recorded.

MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

The SPEAKER pro tempore (Mr. GIBBONS). The unfinished business is the vote on the motion to instruct on H.R. 6 offered by the gentleman from Massa-

chusetts (Mr. MARKEY) on which the yeas and nays were ordered.

The Clerk will designate the motion. The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Massachusetts (Mr. MARKEY).

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 346, nays 59, not voting 29, as follows:

[Roll No. 571]

YEAS—346

Abercrombie	Deutsch	Kelly
Ackerman	Diaz-Balart, L.	Kennedy (MN)
Aderholt	Diaz-Balart, M.	Kennedy (RI)
Alexander	Dicks	Kildee
Allen	Dingell	Kilpatrick
Andrews	Doggett	Kind
Baca	Doolittle	Kingston
Bachus	Doyle	Kirk
Baird	Dreier	Klecza
Baker	Duncan	Kline
Baldwin	Dunn	Kolbe
Ballance	Edwards	Kucinich
Bartlett (MD)	Ehlers	Langevin
Barton (TX)	Emanuel	Larsen (WA)
Bass	Emerson	Larson (CT)
Beauprez	Engel	Latham
Becerra	English	LaTourette
Bereuter	Eshoo	Leach
Berkley	Etheridge	Lee
Berman	Evans	Levin
Berry	Farr	Lewis (GA)
Billirakis	Fattah	Lewis (KY)
Bishop (GA)	Feeney	Lipinski
Bishop (NY)	Ferguson	LoBiondo
Bishop (UT)	Filner	Lofgren
Blackburn	Foley	Lowey
Blumenauer	Forbes	Lucas (KY)
Blunt	Fossella	Lucas (OK)
Boehlert	Frank (MA)	Lynch
Boehner	Frelinghuysen	Majette
Bono	Gallely	Maloney
Boswell	Gerlach	Manzullo
Boucher	Gibbons	Markey
Boyd	Gilchrest	Marshall
Bradley (NH)	Gillmor	Matheson
Brady (PA)	Gonzalez	Matsui
Brady (TX)	Goode	McCarthy (MO)
Brown (OH)	Goodlatte	McCarthy (NY)
Brown (SC)	Gordon	McCotter
Brown, Corrine	Granger	McCrery
Brown-Waite,	Graves	McDermott
Ginny	Green (TX)	McGovern
Burr	Greenwood	McHugh
Burton (IN)	Grijalva	McInnis
Buyer	Gutknecht	McIntyre
Calvert	Harman	McKeon
Capito	Harris	McNulty
Capps	Hastings (FL)	Meehan
Capuano	Hastings (WA)	Meek (FL)
Cardin	Hayworth	Meeks (NY)
Cardoza	Hefley	Menendez
Carson (IN)	Herger	Michaud
Carson (OK)	Hill	Millender-
Case	Hinchey	McDonald
Castle	Hinojosa	Miller (NC)
Clay	Hobson	Miller, George
Clyburn	Hoeffel	Mollohan
Coble	Holden	Moore
Cole	Holt	Moran (KS)
Conyers	Honda	Moran (VA)
Cooper	Hookey (OR)	Murphy
Costello	Hostettler	Murtha
Cox	Houghton	Musgrave
Cramer	Hoyer	Myrick
Crane	Hulshof	Nadler
Crenshaw	Hyde	Napolitano
Crowley	Inslee	Neal (MA)
Cummings	Israel	Neugebauer
Cunningham	Istook	Ney
Davis (AL)	Jackson (IL)	Northup
Davis (CA)	Janklow	Norwood
Davis (FL)	Jefferson	Nunes
Davis (IL)	Jenkins	Nussle
Davis (TN)	John	Oberstar
Davis, Jo Ann	Johnson (CT)	Obey
Davis, Tom	Johnson (IL)	Olver
Deal (GA)	Johnson, E. B.	Ortiz
DeFazio	Jones (NC)	Osborne
DeGette	Jones (OH)	Otter
Delahunt	Kanjorski	Owens
DeLauro	Kaptur	Pallone

Pascrell	Sabo	Tauscher
Pastor	Sanchez, Linda	Tauzin
Payne	T.	Taylor (MS)
Pearce	Sanchez, Loretta	Terry
Pelosi	Sanders	Thompson (CA)
Pence	Sandlin	Thompson (MS)
Peterson (MN)	Saxton	Tiahrt
Peterson (PA)	Schiff	Tierney
Petri	Schrock	Towns
Pickering	Scott (GA)	Turner (OH)
Pitts	Scott (VA)	Turner (TX)
Platts	Sensenbrenner	Udall (CO)
Pomeroy	Serrano	Udall (NM)
Porter	Shaw	Upton
Portman	Shays	Van Hollen
Price (NC)	Sherman	Velazquez
Quinn	Sherwood	Walden (OR)
Rahall	Shimkus	Walsh
Ramstad	Shuster	Wamp
Rangel	Simmons	Waters
Regula	Simpson	Watson
Rehberg	Skelton	Watt
Renzi	Slaughter	Waxman
Reyes	Smith (MI)	Weiner
Rodriguez	Smith (NJ)	Weldon (FL)
Rogers (KY)	Smith (WA)	Weldon (PA)
Rohrabacher	Snyder	Weller
Ros-Lehtinen	Solis	Wexler
Ross	Spratt	Whitfield
Rothman	Stark	Wilson (NM)
Roybal-Allard	Stearns	Wolf
Ruppersberger	Stenholm	Woolsey
Rush	Strickland	Wu
Ryan (OH)	Sullivan	Wynn
Ryan (WI)	Tancred	
Ryun (KS)	Tanner	

NAYS—59

Akin	Gingrey	Paul
Barrett (SC)	Goss	Putnam
Biggert	Hall	Radanovich
Bonilla	Hart	Reynolds
Bonner	Hayes	Rogers (AL)
Boozman	Hensarling	Rogers (MI)
Burgess	Hunter	Sessions
Camp	Issa	Shadegg
Cannon	Johnson, Sam	Smith (TX)
Cantor	Keller	Souder
Carter	King (IA)	Taylor (NC)
Chocola	Knollenberg	Thomas
Collins	Lewis (CA)	Tiberi
Cubin	Linder	Toomey
Culberson	Mica	Vitter
DeLay	Miller (FL)	Wicker
Everett	Miller (MI)	Wilson (SC)
Flake	Miller, Gary	Young (AK)
Franks (AZ)	Ose	Young (FL)
Garrett (NJ)	Oxley	

NOT VOTING—29

Ballenger	Green (WI)	McCollum
Bell	Gutierrez	Nethercutt
Burns	Hoekstra	Pombo
Chabot	Isakson	Pryce (OH)
DeMint	Jackson-Lee	Royce
Dooley (CA)	(TX)	Schakowsky
Fletcher	King (NY)	Stupak
Ford	LaHood	Sweeney
Frost	Lampson	Thornberry
Gephardt	Lantos	Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1941

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings will now resume on motions to instruct in the following order:

H.R. 1308, by the yeas and nays;

H.R. 1, by the yeas and nays.

MOTION TO INSTRUCT CONFEREES
ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 1308 offered by the gentlewoman from California (Ms. WOOLSEY) on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. WOOLSEY).

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 197, nays 208, not voting 29, as follows:

[Roll No. 572]

YEAS—197

Abercrombie	Grijalva	Oberstar
Ackerman	Hall	Obey
Alexander	Harman	Olver
Allen	Hastings (FL)	Ortiz
Andrews	Hill	Owens
Baca	Hinchey	Pallone
Baird	Hinojosa	Pascrell
Baldwin	Hoeffel	Pastor
Ballance	Holden	Payne
Becerra	Holt	Pelosi
Bereuter	Honda	Peterson (MN)
Berkley	Hooley (OR)	Pomeroy
Berman	Hoyer	Price (NC)
Berry	Inslee	Rahall
Bishop (GA)	Israel	Rangel
Bishop (NY)	Jackson (IL)	Reyes
Blumenauer	Jefferson	Rodriguez
Boswell	John	Ross
Boucher	Johnson, E. B.	Rothman
Boyd	Jones (OH)	Roybal-Allard
Brady (PA)	Kanjorski	Ruppersberger
Brown (OH)	Kaptur	Rush
Brown, Corrine	Kennedy (RI)	Ryan (OH)
Capps	Kildee	Sabo
Capuano	Kilpatrick	Sanchez, Linda
Cardin	Kind	T.
Cardoza	Kleczka	Sanchez, Loretta
Carson (IN)	Kucinich	Sanders
Carson (OK)	Langevin	Sandlin
Case	Larsen (WA)	Schiff
Castle	Larson (CT)	Scott (GA)
Clay	Leach	Scott (VA)
Clyburn	Lee	Serrano
Conyers	Levin	Sherman
Cooper	Lewis (GA)	Skelton
Costello	Lipinski	Slaughter
Cramer	Lofgren	Smith (WA)
Crowley	Lowe	Snyder
Cummings	Lucas (KY)	Solis
Davis (AL)	Lynch	Spratt
Davis (CA)	Majette	Stark
Davis (FL)	Maloney	Stenholm
Davis (IL)	Markey	Strickland
Davis (TN)	Marshall	Tanner
DeFazio	Matheson	Tauscher
DeGette	Matsui	Taylor (MS)
DeLauro	McCarthy (MO)	Thompson (CA)
Deutsch	McCarthy (NY)	Thompson (MS)
Dicks	McDermott	Tierney
Dingell	McGovern	Towns
Doggett	McIntyre	Turner (TX)
Doyle	McNulty	Udall (CO)
Edwards	Meehan	Udall (NM)
Ehlers	Meek (FL)	Upton
Emanuel	Meeks (NY)	Van Hollen
Engel	Menendez	Velazquez
Eshoo	Michaud	Waters
Etheridge	Millender-	Watson
Evans	McDonald	Watt
Farr	Miller (NC)	Waxman
Fattah	Miller, George	Weiner
Filner	Mollohan	Wexler
Frank (MA)	Moore	Woolsey
Gonzalez	Moran (VA)	Wu
Gordon	Nadler	Wynn
Green (TX)	Napolitano	
	Neal (MA)	

NAYS—208

Aderholt	Gilchrest	Otter
Akin	Gillmor	Oxley
Bachus	Gingrey	Paul
Baker	Goode	Pearce
Barrett (SC)	Goodlatte	Pence
Bartlett (MD)	Goss	Peterson (PA)
Barton (TX)	Granger	Petri
Bass	Graves	Pickering
Beauprez	Greenwood	Pitts
Biggert	Gutknecht	Platts
Bilirakis	Harris	Pombo
Bishop (UT)	Hart	Porter
Blackburn	Hastings (WA)	Portman
Blunt	Hayes	Putnam
Boehlert	Hayworth	Quinn
Boehner	Hefley	Radanovich
Bonilla	Hensarling	Ramstad
Bonner	Herger	Regula
Bono	Hobson	Rehberg
Boozman	Hostettler	Renzi
Bradley (NH)	Houghton	Reynolds
Brady (TX)	Hulshof	Rogers (AL)
Brown (SC)	Hunter	Rogers (KY)
Brown-Waite,	Hyde	Rogers (MI)
Ginny	Issa	Rohrabacher
Burgess	Istook	Ros-Lehtinen
Burr	Janklow	Ryan (WI)
Burton (IN)	Jenkins	Ryun (KS)
Buyer	Johnson (CT)	Saxton
Calvert	Johnson (IL)	Schrock
Camp	Johnson, Sam	Sensenbrenner
Cannon	Jones (NC)	Sessions
Cantor	Keller	Shadegg
Capito	Kelly	Shaw
Carter	Kennedy (MN)	Shays
Chocola	King (IA)	Sherwood
Coble	Kingston	Shimkus
Cole	Kirk	Shuster
Collins	Kline	Simmons
Cox	Knollenberg	Simpson
Crane	Kolbe	Smith (MI)
Crenshaw	Latham	Smith (NJ)
Cubin	LaTourette	Smith (TX)
Culberson	Lewis (CA)	Souder
Cunningham	Lewis (KY)	Stearns
Davis, Jo Ann	Linder	Sullivan
Davis, Tom	LoBiondo	Tancred
Deal (CA)	Lucas (OK)	Tauzin
DeLay	Manzullo	Taylor (NC)
Diaz-Balart, L.	McCotter	Terry
Diaz-Balart, M.	McCrery	Thomas
Doolittle	McHugh	Tiahrt
Dreier	McInnis	Tiberi
Duncan	McKeon	Toomey
Dunn	Mica	Turner (OH)
Emerson	Miller (FL)	Vitter
English	Miller (MI)	Walsh
Everett	Miller, Gary	Wamp
Feeney	Moran (KS)	Weldon (FL)
Ferguson	Murphy	Weldon (PA)
Flake	Musgrave	Weller
Foley	Myrick	Whitfield
Forbes	Neugebauer	Wicker
Fossella	Ney	Wilson (NM)
Franks (AZ)	Northup	Wilson (SC)
Frelinghuysen	Norwood	Nunes
Gallegly	Norwood	Wolf
Garrett (NJ)	Nussle	Young (AK)
Gerlach	Osborne	Young (FL)
Gibbons	Ose	

NOT VOTING—29

Ballenger	Green (WI)	McCollum
Bell	Gutierrez	Murtha
Burns	Hoekstra	Nethercutt
Chabot	Isakson	Pryce (OH)
DeMint	Jackson-Lee	Royce
Dooley (CA)	(TX)	Schakowsky
Fletcher	King (NY)	Stupak
Ford	LaHood	Sweeney
Frost	Lampson	Thornberry
Gephardt	Lantos	Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1949

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1 offered by the gentleman from Ohio (Mr. BROWN) on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Ohio (Mr. BROWN).

The vote was taken by electronic device, and there were—yeas 194, nays 209, not voting 31, as follows:

[Roll No. 573]

YEAS—194

Abercrombie	Green (TX)	Oberstar
Ackerman	Grijalva	Obey
Alexander	Harman	Oliver
Allen	Hastings (FL)	Ortiz
Andrews	Hill	Owens
Baca	Hinchey	Pallone
Baird	Hinojosa	Pascarell
Baldwin	Hoeffel	Pastor
Ballance	Holden	Payne
Becerra	Holt	Pelosi
Berkley	Honda	Pomeroy
Berman	Hookey (OR)	Price (NC)
Berry	Hoyer	Rahall
Bishop (GA)	Inslee	Rangel
Bishop (NY)	Israel	Reyes
Blumenauer	Jackson (IL)	Rodriguez
Boehrlert	Jefferson	Ross
Boswell	Johnson, E. B.	Rothman
Boucher	Jones (OH)	Roybal-Allard
Boyd	Kanjorski	Ruppersberger
Brady (PA)	Kaptur	Rush
Brown (OH)	Kennedy (RI)	Ryan (OH)
Brown, Corrine	Kildee	Sabo
Capps	Kilpatrick	Sanchez, Linda
Capuano	Kind	T.
Cardin	Kleczka	Sanchez, Loretta
Cardoza	Kucinich	Sanders
Carson (IN)	Langevin	Sandlin
Carson (OK)	Larsen (WA)	Schiff
Case	Larson (CT)	Scott (GA)
Clay	Lee	Scott (VA)
Clyburn	Levin	Serrano
Conyers	Lewis (GA)	Sherman
Cooper	Lipinski	Skelton
Costello	Lofgren	Slaughter
Cramer	Lowey	Smith (WA)
Crowley	Lucas (KY)	Snyder
Cummings	Lynch	Solis
Davis (AL)	Majette	Spratt
Davis (CA)	Maloney	Stark
Davis (FL)	Markey	Stenholm
Davis (IL)	Marshall	Strickland
Davis (TN)	Matheson	Sullivan
Davis, Tom	Matsui	Tanner
DeFazio	McCarthy (MO)	Tauscher
DeGette	McCarthy (NY)	Taylor (MS)
Delahunt	McDermott	Thompson (CA)
DeLauro	McGovern	Thompson (MS)
Deutsch	McHugh	Tierney
Dicks	McIntyre	Towns
Dingell	McNulty	Turner (TX)
Doggett	Meehan	Udall (CO)
Doyle	Meek (FL)	Udall (NM)
Edwards	Meeks (NY)	Van Hollen
Emanuel	Menendez	Velazquez
Emerson	Michaud	Waters
Engel	Millender-McDonald	Watson
Eshoo	Miller (NC)	Watt
Etheridge	Miller, George	Waxman
Evans	Mollohan	Weiner
Farr	Moore	Wexler
Fattah	Moran (VA)	Woolsey
Filner	Nadler	Wu
Frank (MA)	Napolitano	Wynn
Gonzalez	Neal (MA)	
Gordon		

NAYS—209

Aderholt	Gilchrest	Otter
Akin	Gillmor	Oxley
Bachus	Gingrey	Paul
Baker	Goode	Pearce
Barrett (SC)	Goodlatte	Pence
Bartlett (MD)	Goss	Peterson (MN)
Barton (TX)	Granger	Peterson (PA)
Bass	Graves	Petri
Beauprez	Greenwood	Pickering
Bereuter	Gutknecht	Pitts
Biggert	Hall	Platts
Bilirakis	Harris	Pombo
Bishop (UT)	Hart	Porter
Blackburn	Hastings (WA)	Portman
Blunt	Hayes	Putnam
Boehner	Hayworth	Quinn
Bonilla	Hefley	Radanovich
Bonner	Hensarling	Ramstad
Bono	Herger	Regula
Boozman	Hobson	Rehberg
Bradley (NH)	Hostettler	Renzi
Brady (TX)	Houghton	Reynolds
Brown (SC)	Hulshof	Rogers (AL)
Brown-Waite,	Hyde	Rogers (KY)
Ginny	Issa	Rogers (MI)
Burgess	Istook	Rohrabacher
Burr	Janklow	Ros-Lehtinen
Burton (IN)	Jenkins	Ryan (WI)
Buyer	Johnson (CT)	Ryun (KS)
Calvert	Johnson (IL)	Saxton
Camp	Johnson, Sam	Schrock
Cannon	Jones (NC)	Sensenbrenner
Cantor	Keller	Sessions
Capito	Kelly	Shadeegg
Carter	Kennedy (MN)	Shaw
Castle	King (IA)	Shays
Chocola	Kingston	Sherwood
Coble	Kirk	Shimkus
Cole	Kline	Shuster
Collins	Knollenberg	Simmmons
Cox	Kolbe	Simpson
Crane	Latham	Smith (MI)
Crenshaw	LaTourette	Smith (NJ)
Cubin	Leach	Smith (TX)
Culberson	Lewis (CA)	Souder
Cunningham	Lewis (KY)	Stearns
Davis, Jo Ann	Linder	Tancred
Deal (GA)	LoBiondo	Tauzin
DeLay	Lucas (OK)	Taylor (NC)
Diaz-Balart, L.	Manzullo	Terry
Diaz-Balart, M.	McCotter	Thomas
Doolittle	McCrery	Tiahrt
Dreier	McInnis	Tiberi
Duncan	McKeon	Toomey
Dunn	Mica	Turner (OH)
Ehlers	Miller (FL)	Upton
English	Miller (MI)	Vitter
Everett	Miller, Gary	Walden (OR)
Feeney	Moran (KS)	Walsh
Ferguson	Murphy	Wamp
Flake	Musgrave	Weldon (FL)
Foley	Myrick	Weldon (PA)
Forbes	Neugebauer	Weller
Fossella	Ney	Whitfield
Franks (AZ)	Northup	Wicker
Frelinghuysen	Norwood	Wilson (MN)
Gallegly	Nunes	Wilson (SC)
Garrett (NJ)	Nussle	Wolf
Gerlach	Osborne	Young (AK)
Gibbons	Ose	Young (FL)

NOT VOTING—31

Ballenger	Gutierrez	McCollum
Bell	Hoekstra	Murtha
Burns	Hunter	Nethercutt
Chabot	Isakson	Pryce (OH)
DeMint	Jackson-Lee	Royce
Dooley (CA)	(TX)	Schakowsky
Fletcher	John	Stupak
Ford	King (NY)	Sweeney
Frost	LaHood	Thornberry
Gephardt	Lampson	Visclosky
Green (WI)	Lantos	

□ 2005

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 6, the Energy Policy Act of 2003.

The form of the motion is as follows:

Ms. EDDIE BERNICE JOHNSON of Texas moves that (1) The House conferees shall be instructed to include in the conference report the provisions of section 837 of the Senate Amendment that concern reformulated gasoline in ozone nonattainment areas and ozone transport regions under the Clean Air Act.

(2) The House conferees shall be instructed to confine themselves to matters committed to conference in accordance with clause 9 of rule XXII of the House of Representatives with regard to any matters relating to ozone nonattainment and ozone transport.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. DAVIS of Florida. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003.

The form of the motion is as follows:

Mr. DAVIS of Florida moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed to reject the provisions of subtitle C of title II of the House bill.

PASS H.R. 3365, FALLEN PATRIOTS TAX RELIEF ACT

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

Mr. GIBBONS. Mr. Speaker, I rise this evening to express my strongest support for H.R. 3365, the Fallen Patriots Tax Relief Act. This bill addresses one of the most outrageous and unjust practices that I have ever witnessed as a Member of Congress.

Mr. Speaker, as a Member of this body, as a veteran of two wars, but more importantly as an American, it angers me to think that after losing a loved one in combat, a grieving family could be ordered to pay taxes on a gift presented to them on behalf of a grateful Nation.

Our men and women in uniform and the families who love them deserve the tremendous respect and gratitude of this Nation. We can show our respect and gratitude by repealing this onerous and unjust tax. Our Nation is truly grateful for the sacrifices of our men and women in uniform, and I urge my colleagues to join me in supporting our veterans and vote yes on H.R. 3365.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PORTER). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NATIONAL DOMESTIC VIOLENCE
AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, tonight I rise to recognize October 2003 as National Domestic Violence Awareness Month. Fortunately, in recent years we have made great strides in bringing attention to domestic violence and in providing assistance to its victims. It is critical that we raise awareness of the problem because domestic violence has historically been considered a private matter.

During 2001, there were almost 700,000 incidents of domestic violence. As we concentrate on national security and the economic state of our country, we cannot forget the crimes that disrupt homes and families in each and all of our communities. The fact is that domestic violence is occurring at an alarming rate. Recent statistics show that domestic violence makes up 20 percent of all violent crimes against women, and accounts for 33 percent of female murder victims. During 2001 in Kansas alone, one domestic violence incident occurred every 26 minutes.

Throughout this past year, I have spent time visiting with the domestic violence program directors in my district, and they have shared with me their concerns that domestic violence shelters and support agencies are now seeing victims with even more complicated needs. During these tough economic times, it is more difficult to find jobs and affordable housing to make women more self-sufficient and to give them the independence to escape their abusive environments.

With almost 20,000 incidents of domestic violence occurring in Kansas in 2001, the nine domestic violence service centers in the rural, 69-county district I represent are striving to serve all those in the community who may be affected by abuse. Our experience in Kansas has shown that proximity and access to safe facilities is crucial to helping women and children escape abusive environments.

Education and comprehensive community involvement are also essential to providing services and holding batterers accountable. Directors, employees, and volunteers work very hard to help domestic violence victims, but they cannot do it alone. In my district, domestic violence centers strengthen ties to the community by including law enforcement officers, county attorneys, social workers, and business leaders on their governing boards. In addition,

agencies in Kansas are able to draw upon the resources of a statewide network through the Kansas Coalition Against Sexual and Domestic Violence.

Congress also plays a role in preventing domestic violence and helping victims. Most domestic violence shelters are dependent primarily upon grants and local donations. Federal grants, made possible under the Violence Against Women Act, provide essential funds for prevention, enforcement, response, prosecution and victim services. We must continue to ensure that our shelters and crisis centers receive adequate funding.

Although we are generating increased awareness of domestic violence during the month of October, this is a crime that demands attention all year long. I appreciate the commitment of those who work every day to help victims of domestic violence, and I applaud the efforts of those nine service centers in my district, including Dodge City, Emporia, Garden City, Hays, Hutchinson, Liberal, Salina, and Ulysses, Kansas. Through education, funding, and support, we must continue to work together to provide safe environments for victims and end the tragic cycle of domestic violence.

□ 2015

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2443, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2003

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108-331) on the resolution (H. Res. 416) providing for consideration of the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. Res. 75, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108-332) on the resolution (H. Res. 417) providing for consideration of the joint resolution (H.J. Res. 75) making further continuing appropriations for the fiscal year 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a

privileged report (Rept. No. 108-333) on the resolution (H. Res. 418) waiving points of order against the conference report to accompany the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HONORING MARTHA GIBBONS, LATE WIFE OF FORMER CONGRESSMAN SAM GIBBONS

The SPEAKER pro tempore (Mr. PORTER). Under a previous order of the House, the gentleman from Florida (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Florida. Mr. Speaker, tonight I rise in honor of Martha Gibbons, who hand in hand with her husband, former Congressman Sam Gibbons, faithfully and selflessly served the Tampa Bay area.

Sam and Martha were partners in all that they did. During Sam's 34 years in Congress, Martha was Sam's right hand. From her desk in his office, Martha helped Sam respond to letters from constituents, and she gave countless tours of the Capitol to visitors from Tampa. Martha served as Sam's campaign manager and joined him on all his travels, both in his congressional district and around the world. Sam served as chairman of the House Committee on Ways and Means Subcommittee on Trade and, by his side, Martha played an important role in representing the United States during international trips and meetings.

While in Washington, Martha also served as president of the Congressional Club, the International Friends Club, and the Florida House Foundation; and throughout her life she was active in a host of civic and charitable organizations. Tampa Bay residents will always see Martha's legacy at the University of South Florida in Tampa. Martha worked with her husband to provide the legislative authority for the creation of the University of South Florida. The Sam and Martha Gibbons Alumni Center located on the USF campus in Tampa stands in honor of their efforts.

Those who had the pleasure of getting to know Martha will remember her warmth and graciousness, her boundless energy, and the strength with which she supported all of her husband's endeavors in our community. Martha was and always will be a near-perfect model of grace and the best of Southern charm and hospitality. She represented our community in a manner that made us very proud. Tampa, Florida, and the entire Nation is a better place in countless ways thanks to Martha's work.

Martha's recent passing, I know, is an enormous loss for Sam, their three very talented sons and seven grandchildren. On behalf of the Tampa Bay community and all of us here in Congress, I extend my deepest sympathies.

PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, for some time, the gentleman from Minnesota (Mr. GUTKNECHT), the gentlewoman from Missouri (Mrs. EMERSON), myself and a number of others, Congressmen from the Democrat side, the gentleman from Vermont (Mr. SANDERS), our independent Congressman, have been working very hard to make sure that Americans do not pay any more for their pharmaceutical products than they do in other parts of the industrialized world.

One of the things we found out when we were doing our investigation was that some of the pharmaceutical products that are sold in Canada sell for one-seventh or one-eighth or one-tenth of what they sell for in the United States. Tamoxifen, for instance, which is one of the drugs of choice for a woman who has breast cancer, costs seven times as much in the United States as it does Canada. That just is not right. Americans should not pay a disproportionate amount of the costs of research and development for a pharmaceutical product or advertising or anything else as they do in other parts of the world.

Yet Americans are bearing an undue amount of the burden of producing these products. Toward that end, a number of us have been working to try to get that changed through reimportation of pharmaceutical products from Canada, from Germany, from Spain, from other industrialized nations so that Americans get the benefit of the lower prices. The prices of pharmaceuticals have been rising at about 15 percent a year and Americans simply cannot afford that tremendous amount of increase year after year after year. We have seniors that are going to pharmacies with prescriptions saying, how much is it? If it is too much, they say, well, maybe I'll be back tomorrow. Or maybe they buy half a prescription and they split it in two, and that is not sufficient for the problems that they face. So we have been working on this.

We now find that we have a lot of allies in the States around this country. Governor Blagojevich of Illinois, one of our former Democrat colleagues from the Congress, did some research and found out in the State of Illinois for State employees, the State would save \$91 million a year in Illinois alone if they went to a reimportation plan. Today, Mayor Bloomberg of New York, a Republican, has said that he is going to look into this to try to do it to save money because New York is strapped for cash. The Governor of Minnesota, a Republican, has said that he is going to do it, and it is going to save tens of millions of dollars for the State of Minnesota. The Governor of Iowa is working on it. The mayor of Springfield, Massachusetts.

Mayors in Vermont and across the country, Governors and mayors, are

starting to realize that they are strapped for cash and need money to run their governments for fire protection, education, safety and other causes; and they need that money. They either raise it through taxes or find ways to economize in their States and cities. They have found they can save tens of millions of dollars across this country in each city and State by buying pharmaceutical products from outside the United States, the very same products that we buy here, made by the same manufacturers. There is no difference. The only difference is Americans pay six or seven times or as much as 10 times more than they do in other countries. That is not right.

There is a groundswell of support to bring about positive change in the cost of pharmaceuticals across this Nation. It is a groundswell that is not going to stop.

I would like to say to my friends in the pharmaceutical industry, it is time to sit down and reason with Members of Congress to try to find a solution to this problem rather than have Americans having to import the same products you are selling here in the United States from other countries. It makes no sense for you to sell them to Canada and for us to have to reimport them in order to save the taxpayers, the people of this country, millions of dollars and save the Governors and mayors of the States and cities of this country millions and maybe even billions of dollars. We spend over \$200 billion a year for State and Federal employees for their pharmaceutical products, I understand; and it is estimated by experts we can save 30 percent, that is, \$60 billion a year could be saved if we had a fair pricing like they do in Canada, Spain, Germany, and elsewhere. That could pay for the Medicare prescription drug program that we have all been talking about.

We need to get with the program. The pharmaceutical industry needs to get with the program. We want them to make a profit. We want them to have money for research and development, and we want them to get their tax credits; but we do not want them to burden the American taxpayer with all of these expenses, and that is what is going to happen if we do not deal with this now.

I would just like to say once again, Mr. Speaker, if anybody in the pharmaceutical industry is listening, we want to work with you to solve this problem; but one way or another, Americans are going to get a fair price for their pharmaceutical products. If we have to fight for reimportation, we will do it that way; or we will deal with you to do it a better way.

THE ECONOMY'S TRUE VICTIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I rise this evening to remind my col-

leagues of our most pressing domestic problem, the plight of our unemployed workers. I really should not have to offer this reminder to my colleagues. The recent newspaper headlines and the heart-wrenching stories from our unemployed constituents should be reminder enough. But it looks like this Chamber's leadership unfortunately needs to be reminded that the true victims of this recession are not corporations, but the millions of Americans who have lost their jobs over the last 3 years.

It is no secret that our manufacturing industry has been the hardest hit. Of the 3.2 million jobs lost over the past 3 years, 2.7 million of them were good-paying manufacturing jobs that provide a livable wage and sustain this country's middle class. These job losses were not the result of increased American productivity. They are the result of flawed American tax and trade policies that actually provide incentives for American companies to ship their jobs overseas. That is right, to ship these jobs overseas. In the name of free trade, we have forced our companies to compete against businesses in countries with no or little environmental standards and labor standards and that pay their workers low wages. And how do our companies react? They are forced to scour their books to find any and every cost to cut. They cannot disregard environmental regulations because that is the law. They cannot deny their American workers fair labor protections because that is the law. But what they can do is reduce labor costs by moving production to an overseas land without these worker or environmental protections.

Despite all that this country has sacrificed for free trade, the World Trade Organization, the WTO, has now ruled that this country's foreign sales corporation and extraterritorial income laws are illegal tax subsidies. Considering that these tax provisions were enacted specifically to help our manufacturing sector, this ruling comes at an extremely difficult time for the manufacturing and other export industries. With a staggering trade deficit that seems only to rise, the last thing our export industry needs is to be slapped with \$4 billion in sanctions from the WTO.

So the answer is clear. Congress must fix the problem to comply with international trade law. If only it were so easy. Our friends on the Committee on Ways and Means, the gentleman from Illinois (Mr. CRANE) and the gentleman from New York (Mr. RANGEL), have recognized the burden that a solution would place on our manufacturers who receive billions of dollars annually from these laws. They also recognize the tremendous impact that the manufacturing sector has on our country, that manufacturing has long been the engine of economic growth in this country. Not only does the manufacturing industry drive our gross domestic product, our GDP; it drives our job

growth. In fact, every million dollars in manufacturing sales creates 14 jobs, eight in manufacturing and six in our service sector. In contrast, every million dollars sold in the service sector only creates 3.5 jobs.

So when faced with tight budgets and record unemployment, it does not take a genius to see that we get the most bang for our buck by shoring up our manufacturing sector. The gentleman from Illinois and the gentleman from New York have put forth a bill that would fix this tax provision while mitigating the negative effects on our manufacturing industry. Most important, however, the aptly titled Jobs Protection Act would provide the necessary incentives to keep these well-paying manufacturing jobs here in the United States. With this bill they hit the nail on the head. The AFL-CIO knows it, the National Association of Manufacturers knows it, and 149 of my colleagues know that this is the right direction to go.

Unfortunately, it is becoming all too clear that the fix is on. Just this morning, the Committee on Ways and Means chairman rammed a competing bill through his committee. Sure this bill fixes our problem with the WTO, but it only exacerbates the problems experienced by our manufacturing sector. They will tell you that the Thomas bill cuts the tax rate for manufacturing and production income, and it does; but it also includes a package of international tax provisions that only encourages companies to send more of their production jobs overseas. Sure we want to increase our exports, but I want those exports to be American products, not American jobs. The Thomas bill's focus on multinational corporations at the expense of our manufacturing workers is no way to restore strength to our ailing manufacturing sector. And it is no way to alleviate this country's unemployment problems, either.

When we consider these issues, let us remember that our unemployed workers are the true victims of our economic downturn. Let us keep in mind that they are desperately depending on us to help them. Let us not let them down.

OXI DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I rise proudly to celebrate "oxi" day. The historical significance of this day and what it meant to the outcome of World War II cannot be overstated. By October of 1940, World War II had begun and the Nazi war machine was already in high gear. Along with Hitler's ally, Italian dictator Benito Mussolini, the German and Italian forces were threatening the whole of Europe. European nations were bowing to tyranny and destruction as the Germans and the

Italians marched through Europe. Great Britain endured German's aerial bombardment, forcing Hitler to seek another avenue to subdue the British. Hitler intended to eliminate British operations in the Mediterranean in order to weaken their ability to deter German advances.

To achieve this, Hitler needed the Axis powers to strike at British forces in Greece. By conquering Greece, Hitler would gain access to an important connecting link with Italian bases in the Dodecanese Islands. This would give the Italians a stranglehold on British positions in Egypt where British forces were already facing attack from the Italian Army in North Africa. The British considered the defense of Egypt vital to Allied positions in the oil-rich Middle East.

On October 28, 1940, the Italian ambassador in Athens presented an insulting ultimatum to Greek Prime Minister Metaxas, demanding the unconditional surrender of Greece or Italy would declare war and invade Greece. Mussolini had given the Greek Prime Minister Metaxas 3 hours to reply.

□ 2030

Prime Minister Metaxas responded with the now historic word "oxi," which means "no" in Greek. Italy then invaded.

It is important to note that in addition to Greece having a population seven times smaller than Italy, the disparity in their armed forces was even greater. Italy had close to 10 times the firepower of Greece in its army and navy and seven times the troops. Italy's large air force had total air superiority, since Greece had a very small defensive air force. However, despite their lack of equipment, the Greek army proved to be well-trained and resourceful. Within a week of the invasion, it was clear that Italian forces were suffering serious setbacks, despite having control of the air and fielding superior armored vehicles.

On November 14, the Greek army launched a counter-offensive and quickly drove the Italian forces back into Albania. The fighting continued for a few more months. In a last ditch effort to bring the war to a close before the Italians would be forced to ask Hitler to intervene, they launched another assault on March 12, 1941. After 6 days of fighting, the Italians made only insignificant gains, and it became clear that German intervention was necessary.

On April 6, 1941, Hitler ordered the German invasion of Greece. It took the Germans 5 weeks to finally end the conflict. This delay proved to be critical to the outcome of the war.

Due to Mussolini's humiliating defeat by the Greeks in Albania and Greece, Hitler was compelled to capture the Balkans, mainly Yugoslavia and Greece, thus delaying his Barbarossa plan to invade and capture the Soviet Union before the winter of 1941. The Greek resistance, both in Albania

and in the other famous battle in Crete, altered, favorably for the allies, his Barbarossa timetable by at least 6 months.

Perhaps most importantly, the Germans never gained the advantage against the British. Although Germany had conquered much of Europe, its inability to decimate British and Russian forces early in the war would eventually prove to be fatal. Thanks to the heroic Greek resistance and their countless sacrifices, the war tide had been permanently changed for Hitler due to the delay of this critical timetable.

Nearly one million Hellenes died during that time. That was 14 percent of the population in 1940. That is equivalent, Mr. Speaker, to losing 39 million people in this country today in the case of a war to defend our country.

The entire Western world, discouraged and fearful of the Axis powers and the growing ugly war, took hope from these incredible victories. British Prime Minister Winston Churchill said of the Greeks, "Today we say the Greeks fight like heroes; from now on we will say that heroes fight like Greeks."

A very small number of those Greeks who fought like heroes are still alive today. Some now are American citizens. One of these heroes lives in my Congressional district, Mr. Demetrios Palaskas, who, along with others, has shared those traumatic stories of the mountain fighting by the rag-tag Greeks against such a powerful equipped invader. We all salute you, Mr. Palaskas, you and your many fellow heroes, for helping to keep the world free.

Mr. Speaker, "oxi" day is an inspiration to all those who cherish democracy and freedom. It marks defiance against terrible odds. As an American of Greek descent, I am proud to honor the memory of those brave patriots who fought for freedom for themselves and ultimately for all the free world on this important day.

CONCERNS REGARDING INTERIOR APPROPRIATIONS CONFERENCE REPORT

The SPEAKER pro tempore (Mr. PORTER). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I want to express my deep concerns regarding the fiscal 2004 Interior appropriations conference report which was just reported out of the Committee on Rules, and in particular a provision relative to American Indian trust accounts. This provision would prevent the use of any Federal funds to conduct a complete historical accounting of Individual Indian Money Accounts as recently ordered by the U.S. District Court for the District of Columbia.

Mr. Speaker, this provision should not be included in the Interior conference report because it was not included in S. 1391, the Senate-passed Interior appropriations bill, or H.R. 2691, the House-passed Interior appropriations bill. Furthermore, this provision completely circumvents the House Committee on Resources, which retains authority over all issues impacting Native Americans, including trust reform.

I would like to point out this is the not the first time language has been inserted into the Interior appropriations bill that would seek to legislate a resolution to the trust reform issue. Just this past July there was an attempt to add similar language that would have authorized the Secretary of Interior to unilaterally settle any claim relating to the balance of the individual Indiana accounts. That language was successfully stricken from the Interior appropriations bill before the bill was subsequently approved by the House.

At that time, members of the Committee on Resources were told that they would have an opportunity to come up with a legislative solution to the trust reform issue without interference by the appropriators. The Committee on Resources has begun a series of hearings on the issue, with an eye towards accomplishing that goal in this Congress. But it was envisioned that Congressional action would complement the court action and not circumvent it.

While this bill contains some provisions that are Native American friendly, if this language is allowed to move forward the negative effects will be felt throughout Indian Country. Prohibiting the Department of Interior to use Federal funds to implement the U.S. District Court's decision essentially permits the Department to do nothing to move towards settlement of the Individual Indian Money Accounts, and only further delays resolving a century old dispute.

Mr. Speaker, a fair and equitable resolution to trust reform can only be reached by having all the necessary stakeholders at the negotiating table. Accordingly, I urge my colleagues to vote no on the Interior appropriations conference report, and I hope that this provision relative to the American Indian Trust Accounts can be stricken from the bill before it is finally sent to the President for his signature.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

(Mr. BURGESS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DO RIGHT BY OUR MILITARY FAMILIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, yesterday was the bloodiest day in Iraq since our forces took control of the country. These latest deaths of humanitarian relief workers, Iraqi police and another American serviceman illustrate the extreme dangers that continue to confront our military and the civilian population in Iraq.

When the President commands and Congress authorizes to send our sons and daughters, fathers and mothers into harm's way, then we have a special duty to take care of the families and the survivors of those servicemen and women who sacrificed their lives.

This is why, Mr. Speaker, I strongly support increasing the military death gratuity to \$12,000, restoring its tax exempt status and providing these funds to the families and the survivors of those Armed Forces personnel who have perished on or following September 11, 2001. I am very pleased that the House will vote on this urgent matter tomorrow.

As of this morning, 350 American military personnel have lost their lives in Iraq. At least 67 others have perished in Operation Enduring Freedom, mainly in Afghanistan. Among those who have fallen are nine men from Massachusetts, including Marine Captain Benjamin W. Sammis, age 29, from the town of Rehobeth in my own Congressional District. They range in age from 20 to 40. They served in the Army, the Marines and in the Army National Guard. They were privates, specialists, sergeants, lieutenants and captains, and they lost their lives in Afghanistan, the Philippines and Iraq.

Every day we awake to news of yet another American who has paid the ultimate sacrifice for service to our country. At such times, it matters not at all whether you are liberal or conservative, Republican or Democrat. In the face of such loss, we are united in sorrow and in our common need to express our respect and condolences to the families and loved ones of that soldier, sailor, airman or marine.

We are also united in wanting to ensure that the surviving family's most pressing needs are provided for. Currently these families receive only \$6,000 as a death benefit, and half of that is subject to tax. Mr. Speaker, that is simply wrong.

On September 5, I introduced H.R. 3019, to increase the military death gratuity to \$12,000, exempt it from taxes and make it retroactive to September 11, 2001. My colleague the gentleman from Arizona (Mr. RENZI) recently introduced nearly identical legislation, H.R. 3566, and it is his bill that the Republican leadership will move to the floor tomorrow.

Mr. Speaker, I am proud to be a cosponsor of his bill, and the gentleman from Arizona (Mr. RENZI) and others will be speaking about it later this evening. I am pleased that the House leadership has turned its attention to this matter, and I urge all my colleagues on both sides of the aisle to vote in favor of H.R. 3566 tomorrow.

Mr. Speaker, it is no secret to the Members of this House that the current military death gratuity needs to be fixed. Historically, the death gratuity has been tax exempt. But when Congress last increased the death benefit to \$6,000, half of this amount became subject to taxation. On several occasions Congress has attempted to rectify this mistake by passing the Armed Forces Tax Fairness Act. Unfortunately, that bill remains stalled at the Speaker's desk.

While efforts are underway in the defense authorizations conference to double the death benefit and make it retroactive to September 11, 2001, only passage of H.R. 3566 can remedy the unfair tax burden on our military families.

Mr. Speaker, tomorrow the House will do the right thing by our military families and pass H.R. 3566. I would urge the House majority leadership to ensure that the other body also approves the bill and sends it to the President before Congress adjourns. Only if this bill becomes law can we guarantee that grieving families are not burdened with an unexpected tax bill.

But, Mr. Speaker, that is not enough. I also call on the House Republican leadership to act now to ensure the Armed Forces Tax Fairness Act be sent to the President so that other tax incentives that benefit our uniformed men and women, especially our Guard and Reserves, may go into effect.

It is astonishing to me that this Congress can provide billions of dollars in tax relief to the wealthiest in our society, but it fails to move this modest set of tax incentives for the men and women who put their lives on the line every single day in defense of freedom. So while I am glad that tomorrow we will do something positive, we still have much more to do before the actions of this Congress match its rhetoric.

Mr. Speaker, I include for the record the names of the Massachusetts military personnel who have fallen in combat since September 11, 2001.

MEMBERS OF U.S. ARMED FORCES FROM MASSACHUSETTS KILLED IN ACTION OR DIED WHILE ON ACTIVE DUTY, SEPTEMBER 11, 2001 TO CURRENT DATE

(Information may be partial or incomplete.)

(Sources: CNN "Forces: U.S. and Coalition Casualties" and Central Command Public Affairs Office/U.S. Department of Defense)

(1) Staff Sergeant Joseph P. Bellavia, Age: 28, Unit: 716th Military Police Battalion, 16th Military Police Brigade, XVIII Airborne Corps, U.S. Army, Hometown: Wakefield, MA, Date and Place of Death: October 16, 2003 in Karbala, Iraq.

(2) Specialist Mathew G. Boule, Age: 22, Unit: 2nd Battalion, 3rd Aviation Regiment, 3rd Infantry Division, U.S. Army, Hometown: Dracut, MA, Date and Place of Death: April 2, 2003 in central Iraq.

(3) Staff Sergeant Joseph Camara, Age: 40, Unit: 115th Military Police Company, Army National Guard, Hometown: New Bedford, MA, Date and Place of Death: May 21, 2003 in an area south of Baghdad, Iraq.

(4) Sergeant Justin W. Garvey, Age: 21, Unit: 1st Battalion, 187th Infantry Regiment, 3rd Brigade, 101st Airborne Division, U.S. Army, Hometown: Townsend, MA, Date and Place of Death: July 20, 2003 in Tallifur, Iraq.

(5) Private First Class John D. Hart, Age: 20, Unit: 1st Battalion, 508th Infantry Regiment, 173rd Airborne Brigade, U.S. Army, Hometown: Bedford, MA, Date and Place of Death: October 18, 2003 in Taza, Iraq.

(6) 1st Lieutenant Brian M. McPhillips, Age: 25, Unit: 2nd Tank Battalion, 2nd Marine Division, U.S. Marines, Hometown: Pembroke, MA, Date and Place of Death: July 27, 2003 in central Iraq.

(7) Captain Benjamin W. Sammis, Age: 29, Unit: Marine Aircraft Group 39, 3rd Marine Aircraft Wing, U.S. Marines, Hometown: Rehoboth, MA, Date and Place of Death: April 4, 2003 in Ali Aziziyah, Iraq.

(8) Sergeant First Class Daniel H. Petithory, Age: 32, Unit: U.S. Army, Hometown: Cheshire, MA, Date and Place of Death: December 5, 2001 in Afghanistan.

(9) Staff Sergeant Bruce A. Rushforth, Jr., Age: 35, Unit: U.S. Army, Hometown: Middleboro, MA, Date and Place of Death: February 21, 2002 in the Philippines.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

(Mr. HENSARLING addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SUPPORTING THE FALLEN PATRIOTS TAX RELIEF ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, I do not want to be redundant in terms of the eloquence of my predecessor, the gentleman from Massachusetts (Mr. MCGOVERN), and what he has already so adequately articulated, but I rise in support of what was initially the McGovern bill, referred to as the Fallen Patriots Tax Relief Act, and I will support, of course, the Renzi bill, which I understand will be considered on the floor tomorrow, also known as the Fallen Patriots Tax Relief Bill.

Mr. Speaker, I want to commend the gentleman from Massachusetts (Mr. MCGOVERN) for bringing this subject matter to the ears and eyes of America, and particularly to the House of Representatives, which has responsibility for its passage. The bill will increase the military benefit to \$12,000 and make it tax exempt, an idea certainly that is long overdue in terms of its implementation.

We cannot be concerned about the cost of the bill. I have been reading the CQ reports and other analyses of what this bill will eventually cost, particularly that section that suggests that it go back retroactively to September 11, 2001 and provide exemption for those who were in the service at that time forward.

Currently 340 American military personnel have lost their lives in Operation Iraqi Freedom, and 92 in Oper-

ation Enduring Freedom in Afghanistan and in the Philippines. While an examination of the bill shows it does in fact impose a great cost on the American people, the cost of the lives cannot be measured in terms of dollars.

The death tax gratuity payment of \$6,000, of which \$3,000 is taxable, is proposed to be increased to \$12,000 in terms of the gratuity payment, and the entire amount would be tax-free, which is, of course, no less than right. The deceased's surviving spouse, parents, children, brothers and sisters should not have to worry about running afoul of the IRS because their loved one just lost their life in the line of duty. The bill also extends the filing deadline for income tax purposes, an idea, of course, whose time has come and passed.

I want to commend the authors of both bills for bringing this very needed legislation to the House, Mr. Speaker, and also the fact that it provides the National Guard and Reserve members an above-the-line tax deduction for overnight transportation, meals and lodging expenses for those who travel more than 100 miles.

□ 2045

The National Guard is indeed a vital aspect of our military operation of this Nation and should be treated with respect and with the kind of exemptions that they so rightly deserve.

I understand that the bill also, Mr. Speaker, eliminates the qualifying 5-year period from capital gains on the sale of the residence while the taxpayer or taxpayer's spouse serves on qualified official extended duty as a member of the Armed Forces or the foreign services.

Again, Mr. Speaker, I am proud that the House of Representatives has come to this point to rectify an injustice that has existed in law insofar as it has affected the military men and women who serve and who sacrifice and so many of them who lose their lives as a result of preserving the freedom of this Nation. I support the legislation, and I encourage Members of the House to do likewise.

The SPEAKER pro tempore (Mr. PORTER). Under a previous order of the House, the gentleman from Florida (Mr. FEENEY) is recognized for 5 minutes.

(Mr. FEENEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Florida.

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

There was no objection.

AN IDEA WHOSE TIME HAS COME

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, this afternoon and earlier in the Special Orders, our colleague, the gentleman from Indiana (Mr. BURTON), talked about a meeting that we had, a forum that we conducted today in Boston, Massachusetts. We had about seven or eight Members of the House, and we had a forum talking about the issue of prescription drugs and how much Americans pay for prescription drugs relative to what industrialized countries around the world pay for those same drugs. It was sort of appropriate that we had this forum in Boston; and I observed at the beginning of the meeting that a little over 200 years ago there were patriots who began to throw tea in Boston Harbor because a king in England had imposed a half-penny tax on tea, and they were mad as hell and they were not going to take it anymore. That same spirit of that Boston Tea Party was alive today and that spirit is growing.

At that forum we had Governor Pawlenty of the State of Minnesota. I have to tell my colleagues I was so proud of him because he outlined the plan that he has for Minnesotans to allow them to have access to world-class drugs at world market prices. Now, he did not put a number on it, but my estimate is that Minnesotans will save at least \$50 million by simply opening up markets as we do with virtually every other product. He also said in his remarks that the States are the laboratories of democracy and that it is time for the States to take the leadership and demonstrate what can be done in terms of opening up markets and saving consumers billions.

We also had the Attorney General from the State of Massachusetts. He made a very good point, that as these big pharmaceutical companies now are reaching out and saying we are not going to ship as many drugs to Canada, he reminded us and them that there are antitrust laws on the books and if the Federal Government will not enforce them, then the States will.

We also had representatives from Governor Blagojevich from the State of Illinois who talked about their plan and his plan and how he believes that they can save the State of Illinois \$91 million. That is \$91 million that can be spent on children. That is \$91 million that can be spent on firefighters and police officers to keep the State safer.

We also had Dr. Steve Schondelmeir, who is a pharmacist himself, teaches pharmacology at the University of Minnesota. He estimated that Americans next year will spend at least \$220 billion on prescription drugs. He went on to say that he believed that if you simply opened up markets, that markets would begin to level. He agrees with me or I agree with him that the goal is not for Americans to go to other countries to buy prescription drugs; the goal is to open up markets, and markets level. Prices here in the

United States would come down at least 30 percent.

Now, I am not good in mathematics, but 30 percent of \$220 billion is over \$60 billion a year. That would be the largest tax cut we could ever give the American people. If the goal of the tax cut is to allow Americans to keep and spend more of their own money, then market access certainly should be part of that equation.

We also had Dr. Elizabeth Wenner, who has her own program going in the State of Vermont to encourage the patients there in her clinics to buy their drugs and make it easier for them to legally and safely buy those drugs from pharmacists across the border in Canada. She has numbers to demonstrate how much their patients have saved; and the average, believe it or not, is over 60 percent.

Then we had Mayor Albano, the mayor of Springfield, Massachusetts. He began his voluntary plan for city employees there and he has only been operating for a few months, and his estimates are that they have saved \$600,000. We are talking about real money, I say to my colleagues. It is not just about seniors; it is about everybody.

Victor Hugo said, more powerful than an invading army is an idea whose time has come. I do not know what is going to happen in the conference committee, but I know this: you cannot hold back an idea whose time has come.

PASS THE ARMED FORCES TAX FAIRNESS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS. Mr. Speaker, earlier this year, the House majority leader, the gentleman from Texas (Mr. DELAY), said this, and I quote: "Nothing is more important in the face of war than cutting taxes."

As someone who represents Fort Hood in Texas where 17,000 soldiers have left, now fighting in Iraq, I find the gentleman's priorities to be somewhat bizarre. I think he is wrong, and I think the American people would agree that he is wrong. In a time of war, nothing is more important than supporting our troops and our military families.

I find it shameful that the same majority leader who said, "Nothing is more important than cutting taxes during a time of war," has actually, along with the Speaker of the House, kept bottled up right here in the well of the House for 7 months the Armed Forces Tax Fairness Act, an act that would provide some meager tax benefits for brave servicemen and -women and their families, including our military personnel now in Iraq, in Afghanistan. The same House Republican leadership who earlier this year fought so hard to pass a \$230,000 tax break to

American citizens making \$1 million this year in dividend income cannot seem to say we can afford to pass a modest tax benefit bill for military servicemen and -women even though our Nation is at war.

I find it amazing that that same House leadership today thought that we had enough time in the Congress to rename three post offices this afternoon; but they have not had time in 7 months, in 7 months, to grab the Armed Forces Tax Fairness Act and bring it to the floor of the House, which they could do tomorrow and we could pass by unanimous consent.

I think it sends a terrible message to our military families and to those in combat, in harm's way, that we can pass a \$230,000 tax break for people making \$1 million in dividend income this year sitting safely in their homes and offices in America, but we cannot afford or we cannot find time to help out a little bit with real estate tax benefits, with gratuity tax benefits, which we will partly deal with tomorrow with the Renzi-McGovern bill, but also with benefits to help Guardsmen and Reservists pay for the cost of their travel and overnight stay and meals when they are doing training for our country.

Mr. Speaker, I think the House Republican leadership should explain to the American people why they would hold up the Armed Forces Tax Fairness Act simply because the Senate added an amendment, and then passed the bill unanimously, to pay for that military benefit by shutting the loophole on Benedict Arnolds who turn their backs on our country, renounce their citizenship, just to simply avoid paying American taxes. It seems to me that the gentleman from Texas (Mr. DELAY) and the gentleman from Illinois (Mr. HASTERT) should explain why, at least in their actions, they are saying, in effect, that protecting Benedict Arnolds is more important than providing tax benefits for our brave servicemen and -women.

Now, I commend the gentleman from Arizona (Mr. RENZI) and the gentleman from Massachusetts (Mr. MCGOVERN). I think the gentleman from Massachusetts (Mr. MCGOVERN) originally introduced this bill back in September, but I commend the gentleman from Arizona (Mr. RENZI) for his leadership tomorrow on the bill to provide increased death benefit gratuities, as someone who just received two death notices from Fort Hood soldiers in my district today. That is the right thing to do, although, frankly, I am not sure we should be too proud of the fact that we are increasing the military death combat benefit to surviving family members to \$12,000. Families whose loved ones lost their lives in the September 11 tragedy received on average over \$1 million from various sources, and yet we are increasing the death gratuity to \$12,000.

Now, even that death gratuity benefit, as important as it is, and I will

vote for it and we will probably pass it unanimously tomorrow; but let us keep it in perspective. If we assume approximately 300 deaths so far in the Iraqi war and in Afghanistan and in that whole combat arena, that is going to cost the American taxpayers about \$1.8 million, million. Yet the House Committee on Ways and Means today found time and the affordability to pass a \$40 billion tax cut to multinational corporations and, overall, a \$60 billion tax cut.

Mr. Speaker, we should pass the Armed Forces Tax Fairness Act. Our servicemen and women deserve no less.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

(Mr. MARIO DIAZ-BALART of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Florida.

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

There was no objection.

DEATH GRATUITY TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I really appreciate what the gentleman from Massachusetts (Mr. MCGOVERN) from the Democratic side and the gentleman from Arizona (Mr. RENZI) from the Republican side are doing. I want to explain as to some of the speeches I have heard tonight. This is an effort; I go back myself. I hate to talk about myself, but for 2 years I have been trying to get this death gratuity tax removed. In fairness to the leadership, both Democrat and Republican, we have passed to the Senate, five times over 2 years, a bill, a larger bill than this bill, that would have removed the death gratuity and also some of the other issues that would have been fair to our military as it relates to tax fairness that the gentleman from Texas, my friend, mentioned. I do not know about the recent bill, but the bills that we passed in the

last five times in the last 2 years would have accomplished some of these considerations for our men and women in uniform.

I just want to mention very quickly that this year, and I want to thank the gentleman from Massachusetts (Mr. MCGOVERN), my bill dealt with removing the death gratuity 2 years ago; but it was \$6,000. That was the cap on the death gratuity amount. I am glad that the McGovern bill and the Renzi bill both move it up to \$12,000. It is what it should be. But for me, when I started this effort 2 years ago, I say to the gentleman from Texas (Mr. EDWARDS), it dealt with eliminating the death gratuity tax.

So again I want to say that I am pleased tonight that we are all, both Republican and Democrat, believing that the military tax fairness bill that has been sent over a few months ago has not been taken up by the Senate side, and I do not know the status on this side of a second bill.

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

Mr. JONES of North Carolina. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Speaker, first I want to commend the gentleman. He has been courageous in standing up for military families and veterans, one of only two Republicans to sign the discharge petition on concurrent receipt.

The gentleman was mistaken in that the Senate has taken no action on the Armed Forces Tax Fairness Act. They passed that unanimously 97 to 0 in March, 7 months ago. It has been sitting here at the Speaker's desk, and if the House Republican leadership would bring it to the floor tomorrow, we could pass it unanimously. Apparently, what they object to in passing the bill is closing the Benedict Arnold tax loophole.

Mr. JONES of North Carolina. Mr. Speaker, reclaiming my time, I thank the gentleman for correcting me. I was mistaken about the Senate's action and I stand corrected. I will say, and then I will yield back the balance of my time, because I think even though we all have our reasons for feeling that some action has not been taken and possibly, I will say this, that I believe that we all, in a bipartisan way, support our men and women in uniform, we support their families, and we want to make sure that those who have given their lives for this country that the families are adequately compensated; not that there is enough, quite frankly, to pay those who have given their lives for this country.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New York.

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

There was no objection.

FOREIGN POLICY CONCERNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I appreciate the comments of the gentleman from North Carolina (Mr. JONES) and the gentleman from Texas (Mr. EDWARDS) and the good work they have done. I have come to the House floor night after night since July sharing concerns about the treatment of our men and women in uniform in Iraq, concerns about the basis of our Iraq policy, concerns about the \$87 billion we are spending in Iraq, in addition to the \$1 billion a week we have already been spending; about the corruption and the ineptness of the Bush administration and their all-too-often focusing more on the private contractors like Halliburton and Bechtel than they have on the safety of our armed services and our troops.

□ 2100

And as a result, Mr. Speaker, I have shared these from my constituents night after night since July about these issues. I would like to do that again this evening.

Paula from Akron, Ohio, writes, "We need to be concerned with our troubled economy at home. This country doesn't have \$87 billion to send overseas when we have an education system that is in shambles and millions out of work."

Cory of Copley, Ohio, writes, "Please do not give the administration another blank check so they can continue their oil wars. Tell them to pull out of Iraq and let the U.N. take control. The administration has lied to the country. Please do your part in returning our country to the people."

I think Cory was talking about some of the statements from some of the top leaders in this country about weapons of mass destruction and other issues which have proven to be not true.

Karen of Broadview Heights writes, "We have been way too patient with men who clearly do not know what they are doing and who do not care how much of the taxpayers' money they spend to do it."

Michael of Strongsville writes, "I think it is either irresponsible or insane, or perhaps both, to have huge tax cuts at the same time we are spending huge amounts for war." What Michael is referring to is that this Congress and the President have passed a tax cut where the average millionaire gets a \$93,000 tax cut while half of the people in my State got literally zero dollars in

a tax cut. "I hope our legislative branch of government," Michael writes, "deliberates long and hard before coughing up another \$87 billion."

Colette of Strongsville writes, "To give them \$73 billion more to continue their real aim, contracts for Halliburton, Bechtel, and others in corporate America, would be a crime against the people in the United States who now reel with economic deterioration at home. It is time to hold those accountable who led us into such a dark place in our Nation's history." What Colette is talking about, Mr. Speaker, is that we spend a billion a week today, before the \$87 billion appropriation, a billion dollars a week in Iraq today.

The President has by and large privatized the military in the sense that one-third of that billion now goes to private contractors, Halliburton, Bechtel, other major companies, all of those companies are major contributors to the President, to his campaign. The President has raised almost \$100 million already. Much of it comes from these companies.

I would add too that Halliburton, the company where Vice President CHENEY, before Governor Bush tapped him as his running mate, Vice President CHENEY was CEO of this company. He still is receiving \$13,000 a month from Halliburton while Halliburton is getting, literally, hundreds of millions of dollars in unbid contracts.

So what we see, Mr. Speaker, and what Colette obviously is upset about, is we are privatizing, in many ways, much of the military, \$300 million a week going to these private companies in unbid contracts, and those companies are still paying, in one case, the Vice President of the United States \$13,000 a month.

Sandy of Hinckley, Ohio, writes, "It is of extreme importance for the future of this country to hold President Bush accountable. We lost a great deal in human life and money for claims that even President Bush cannot now and does not now defend."

Vera of Strongsville writes, "I want my tax dollars rebuilding us, not Iraq or any other country. \$87 billion would go a long way here in the United States. Secretary Rumsfeld and his team need to be replaced with some honest and caring people who will tell the truth and do the best things for the Iraqi people and will bring our troops home safely."

Mr. Speaker, a couple of weeks ago when the \$87 billion was approved by this body, I had an amendment that required that all U.S. companies which relocated their headquarters to an offshore tax haven would be ineligible for any government contracts. In other words, if a company moved offshore to avoid taxes, they could no longer get any government contracts to do work in Iraq.

Unfortunately, the Bush administration opposed that amendment. The Republican leadership in this House

would not even allow that amendment to be offered. That is what I mean, and what many of these letter writers mean, when they talk about the corruption and the incompetence of the Bush administration and the failure of the Bush administration to provide safe drinking water and body armor and other things for our troops to protect them and supply them in a far-away land.

CONDEMNING RELIGIOUSLY INSENSITIVE REMARKS OF GENERAL WILLIAM BOYKIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, today 16 of my colleagues and I have introduced a resolution calling on the President of the United States to censure and reassign General Boykin for his religiously intolerant remarks against people of Islamic faith.

As Members of Congress, we should all be embarrassed and disturbed by General Boykin's controversial remarks made in uniform over a period of time which includes such statements as, quote, "Our spiritual enemy will only be defeated if we come against them in the name of Jesus." "I knew that my God was a real God and the Muslim God was an idol." "Islamic extremists hate the United States because we are a Christian nation." And, "President Bush is in the White House because God put him there."

These remarks do untold damage to our efforts to reach out to the Iraqi people and the Muslim world and to battle terrorism.

Last week the President rightly criticized the Prime Minister of Malaysia for his anti-Semitic remarks by telling him his comments were, quote, "wrong and divisive," end quote. I agree with these criticisms, but the administration must show the world that it is willing to condemn all religiously intolerant remarks, including those that occur within our own military.

President Bush's failure so far to criticize General Boykin's remarks make it imperative for Congress to demand action. Our Nation must show the world that we will not stand for the type of intolerant behavior exhibited by General Boykin.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 17, 2003.

Hon. DONALD H. RUMSFELD,
Secretary of Defense,
The Pentagon, Washington, DC.

DEAR MR. SECRETARY: I am writing to express my extreme displeasure over Lieutenant General William Boykin's remarks about the war and the Muslim religion. Lt. Gen. Boykin serves as deputy undersecretary of defense for intelligence and is charged with heading a Pentagon office that focuses on finding Osama bin Laden, Saddam Hussein and other targets. This is a critical policymaking position, and it is outrageous that someone who holds such extreme, closed-minded, zealous views would be allowed such a prominent position in our military.

Lt. Gen. Boykin's remarks over the past few years, including remarks that Islamic extremists hate the United States because "we're a Christian nation," that "our spiritual enemy will only be defeated if we come against them in the name of Jesus," that President Bush "is in the White House because God put him there," and that Boykin's "god was a real god and [the Muslim god] was an idol," are disgraceful and wholly inappropriate for a man in his position. These remarks are inflammatory to Muslims in our communities and abroad.

While every American has the freedom to speak his mind and express his opinion, it is essential that those who hold high profile, policymaking positions in our government exercise judgment in their public speaking. Lt. Gen. Boykin clearly lacks such judgment. I urge you to reassign or reprimand him; we cannot afford to have such an extremist speaking on behalf of our nation and our military.

Sincerely,

JOHN CONYERS, JR.
Ranking Member

LT. GEN. BOYKIN CONTROVERSY CHRONOLOGY

June 2002: William G. ("Jerry") Boykin speaks from the pulpit at the First Baptist Church of Broken Arrow, Okla., describing photos that he had taken of Mogadishu, Somalia from an army helicopter in 1993. He said that he noticed a strange dark mark over the city and that he had an imagery interpreter trained by the military look at the mark in the photo. "Ladies and gentlemen, this is your enemy," he said to the congregation as he flashed the pictures on a screen. He continued, "It is a demonic presence in that city that God revealed to me as the enemy."

January 2003: Boykin tells the following story in a speech at a church in Daytona, Fla.: "There was a man in Mogadishu named Osman Atto," whom Boykin described as a top lieutenant of Mohammed Farah Aidid. When Boykin's Delta Force commandos went after Atto, they missed him by seconds, he said. "He went on CNN and he laughed at us, and he said, 'They'll never get me because Allah will protect me.'" "Well, you know what?" Boykin continued. "I knew that my God was bigger than his. I knew that my God was a real God and his was an idol."

June 2003: Pentagon announces that Secretary of Defense Donald Rumsfeld has nominated Boykin for a third star and names him to a new position as deputy undersecretary of defense for intelligence. Boykin's duties include reinvigorating Rumsfeld's "High Value Target Plan" to track down Osama bin Laden, Saddam Hussein, Mullah Omar and other terrorist leaders. Boykin speaks from the pulpit of the Good Shepherd Community Church in Sandy, Ore., displaying slides of Osama bin Laden, Saddam Hussein, and North Korea's Kim Jung I. He asks the congregation, "Why do they hate us? The answer to that is because we're a Christian nation. . . . We are hated because we are a nation of believers." Our "spiritual enemy," Boykin continued, "will only be defeated if we come against them in the name of Jesus."

October 15, 2003: Audio and videotapes of Boykin's appearances before religious groups while wearing his Army uniform over the last two years surface and are reported on by NBC News on the "Nightly News with Tom Brokaw."

October 16, 2003: Rumsfeld declines to criticize Boykin's remarks and praises the general's military record. Gen. Richard Myers, chairman of the Joint Chiefs of Staff, issues a statement that he did not think Boykin broke any rules.

October 17, 2003: Pentagon officials confirm General Meyers' assessment and report that

lawyers in the Department of Defense General Counsel's office found no legal grounds for action against Lt. Gen. Boykin after a preliminary review of Boykin's reported remarks. Rep. John Conyers, Jr. sends a letter to Defense Secretary Rumsfeld calling for him to reassign or reprimand Boykin, arguing that "While every American has the freedom to speak his mind and express his opinion, it is essential that those who hold high profile, policymaking positions in our government exercise judgment in their public speaking. Lt. Gen. Boykin clearly lacks such judgment." Senate Armed Services Committee Chairman John Warner joined the ranking minority member of his committee, Sen. Carl Levin, in asking Defense Secretary Rumsfeld to refer this matter to the Department of Defense Inspector General to conduct an investigation into the conduct and remarks made by Boykin and asking that Boykin be reassigned while the investigation was pending. Boykin issues an apology to ". . . those who might have been offended by [his] statements . . ." and denied he was anti-Islam.

October 20, 2003: In response to a statement made by Malaysia's Prime Minister Mahathir Mohamad that "the Jews rule the world by proxy" and that Islamic nations should unite against being "defeated by a few million Jews," President Bush takes Mohamad aside during the economic summit in Bangkok and tells him that what he said was "wrong and divisive," and that "it stands squarely against what I believe in."

October 21, 2003: Rep. Conyers issues a statement to Rumsfeld arguing that the "Inspector General review of General Boykin's statements . . . is insufficient to deal with the growing controversy." Rep. Conyers continues, "What we need from the Administration now is a clear and resolute condemnation of remarks which are hateful and racist in nature and content. The fact that General Boykin, our lead military official in charge of rooting out terrorism, can be permitted to spew invectives which undermine not only our friends and allies, but millions of our own citizens without being reassigned from his sensitive position is shameful."

October 22, 2003: President Bush is asked by reporters about Gen. Boykin's comments during his trip to Asia. Bush says that the subject had come up during his meeting with Muslim leaders from Asian countries and offers a mild rebuke of Gen. Boykin's controversial statements: "I said, [Boykin] didn't reflect my opinion . . . it just doesn't reflect what the government thinks." Bush goes on to say that Gen. Boykin will not be reassigned as a result of his controversial remarks.

H. RES. 419

Whereas Lieutenant General William Boykin, United States Army, who is currently serving as Deputy Under Secretary of Defense for Intelligence and War-Fighting Support, has recently made a number of intolerant remarks against people of the Islamic faith while wearing his military uniform during numerous public addresses;

Whereas those remarks by Lieutenant General Boykin include the following: Islamic extremists hate the United States because "we're a Christian nation"; "Our spiritual enemy will only be defeated if we come against them in the name of Jesus"; President Bush "is in the White House because God put him there"; "I knew that my God was a real God, and [the Muslim God] was an idol"; "The enemy that has come against our nation is a spiritual enemy" named Satan;

Whereas Islam is a monotheistic faith, a faith whose followers are an integral part of the social fabric of America and many other countries;

Whereas the position currently held by Lieutenant General Boykin requires him to interact routinely with Muslims from all over the world;

Whereas Lieutenant General Boykin has failed to retract his remarks or to issue a full apology for those controversial and divisive statements;

Whereas the remarks made by Lieutenant General Boykin have impaired the image of the United States worldwide and threaten to endanger United States forces in Iraq and Afghanistan; and

Whereas such remarks by a high-ranking military official undermine the war on terrorism by insulting Muslim allies of the United States and Muslim citizens of the United States, including those Muslim citizens in the United States Armed Forces: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns bigotry and intolerance against any religious group, including people of the Islamic faith; and

(2) calls on the President—

(A) to clearly censure Lieutenant General William Boykin, United States Army, for his religiously intolerant remarks against people of the Islamic faith; and

(B) to reassign Lieutenant General Boykin to a new position in which his views will not impact United States Government policy decisions toward Muslims.

HOW IS A SURGEON TO SURVIVE IN BUSINESS?

The SPEAKER pro tempore (Mr. PORTER). Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise again this week as I have done in previous weeks to call attention to declining Medicare reimbursement for physicians. Effective January 1, 2004, physicians and other providers paid pursuant to the Medicare physician fee schedule face at least a 4.2 percent cut in reimbursements.

For nearly 40 years, Medicare has provided necessary health care to those millions of patients across this country. Another steep cut in reimbursement rates is now forcing many physicians who care for Medicare patients to make very difficult choices. Complicating the situation, Mr. Speaker, further, is the fact that doctors in some areas are experiencing double and even triple-digit percentage increases of their liability premiums. In a host of States, like my State of Georgia, surgeons are scrambling to find affordable liability insurance, if it is available at all.

When doctors are forced out of practice, patient access to care is further compromised. Fewer doctors overall translates into greater difficulty obtaining an appointment for every patient but especially those who rely on Medicare.

Earlier this year we passed H.R. 5, the HEALTH Act to combat the problem of increased liability premiums at the Federal level. Unfortunately, this commonsense legislation has now languished in the Senate. I reiterate my support for this bill, and I urge its

swift passage by the entire Congress so that President Bush can sign it into law this year.

Until that time, however, one of the main costs of running a medical practice for many high-risk specialists, including general surgeons, will continue to be liability insurance. Looking at this chart, you can easily see that increases in liability premiums have grossly outpaced Medicare reimbursement.

Using information collected by the independent trade publication Medical Liability Monitor, this chart compares the average liability premiums for general surgeons to the Medicare physician payment update. In 2001, physicians received a 5.1 percent Medicare payment update. During that same period liability premiums increased 14.6 percent. Then the next year Medicare physician payments were cut 5.4 percent. While doctors are trying to manage this cut, their liability premiums spiked to an additional 29 percent. There is no doubt that at least with respect to liability premiums, Medicare reimbursement continues to fall far behind the cost of doing business.

As an OB/GYN myself, I can assure you that a physician's practice is indeed a small business. When faced with decreasing income and soaring expenses, doctors cannot simply increase the cost of patient visits. To keep medical practices open, doctors make tough choices. Some doctors delay the purchase of new equipment; others reduce the size of the staff. Many increase the percentage of non-Medicare patients they see, leaving insufficient time in a busy schedule to see a sufficient number of Medicare patients.

Mr. Speaker, I would like to relay a story that demonstrates just how the cuts in physician reimbursements are affecting medical practices in my home State of Georgia. Dr. Harry Sherman, former president of the Georgia chapter of the American College of Surgeons, has lived in Georgia for more than 70 years. He remembers when Congress first enacted Medicare. Now, about 40 percent of his surgical patients are Medicare.

I recently had an opportunity to speak with Dr. Sherman at the American College of Surgeons annual meeting in Chicago. During our conversation, it became clear to me that Dr. Sherman obtains a great deal of personal satisfaction from treating Medicare patients.

As a physician myself, I understand that unique bond that develops between doctor and patient, but as the cost of doing business continues to increase and the level of reimbursement drops, further and further, he admits that it influenced his decision about when to retire.

Dr. Sherman is one of Georgia's most seasoned surgeons. He was born and raised in Georgia, and is truly an asset to his community and his patients. When continued Medicare payment cuts are forcing good surgeons like Dr.

Sherman to retire for financial reasons, something is badly wrong.

One of the greatest achievements of the Medicare program is the access to high-quality care it has brought to our Nation's seniors and disabled patients. This level of access cannot be expected to continue in the face of deep Medicare cuts and growing liability premiums.

Mr. Speaker, doctors are the linchpin of the Medicare system. Let us not force them out of the system. Stop the 4.2 percent Medicare physician cut; help doctors help those who need their care the most.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

OXI DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

Mrs. MALONEY. Mr. Speaker, today I join people of Greek descent in Astoria, New York, the country, and the world in saluting the courageous acts of the Greeks against Mussolini and Hitler.

October 28, 2003, marks the 63rd anniversary of a very historic day in Greek history. On October 28, 1940, the Italian Minister in Athens gave an ultimatum to the Prime Minister of Greece, demanding the unconditional surrender of Greece. His answer was "Oxi," which means "no" in Greek.

Military success for the Italians would have sealed off the Balkans from the south and helped Hitler's plan to invade Russia. In fact, the Italian army was fully equipped, well supplied, and backed by superior air and naval power. They were expected to overrun Greece within a short time. Fortunately, the Greek Army proved to be well trained and resourceful despite their lack of military equipment.

In less than a week after the Italians first attacked, it was clear that their forces had suffered a serious setback in spite of having control of the air and fielding armored vehicles. On November 14th, the Greek Army launched a counteroffensive and quickly drove Italian forces far back into Albania. On December 6th, the Greeks captured Porto Edda and continued their advance along the seacoast toward Valona. By February 1, 1941, the Italians had launched strong counterattacks, but the determination of the Greek Army coupled with the severity of the winter weather, nullified the Italians' efforts.

The Italians launched another offensive on March 12, 1941, but after six days of fighting, the Italians made only small gains, and it became clear that German intervention was necessary if the Italians were going to win.

On March 26th, Hitler declared that he would make a clean sweep of the Balkans. It took him five weeks, until the end of April, to subdue Greece. It turned out to be an important five weeks. These five weeks delayed Hitler's invasion of Russia and contributed to the Germans' failure in Russia.

The victory of the Greek Army against the Italians astonished the world. The heroic stance by the Greeks against insurmountable odds, was the first glimmer of hope for the Allies, and today we can take great pride in those who risked their lives to defend their country.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WATERS) is recognized for 5 minutes.

(Ms. WATERS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

PASS THE FALLEN PATRIOTS TAX RELIEF ACT, H.R. 3365

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Mr. Speaker, I rise to urge passage of the Fallen Patriots Tax Relief Act, H.R. 3365, which has been introduced by the distinguished gentleman from Arizona (Mr. RENZI). Contemporaneous with the Persian Gulf conflict, Congress increased from \$3,000 to \$6,000, the military death gratuity payable to the survivors of deceased members of our Armed Forces.

Unfortunately, unlike the original \$3,000 benefit, this additional \$3,000 to the survivors of our fallen patriots was left exposed to taxation. This cannot continue. The Fallen Patriots Tax Relief Act will restore the military death gratuity to its rightful and tax exempt status and increase the military death gratuity for survivors of our fallen patriots up to a total of \$12,000, retroactively effective to September 11, 2001.

Mr. Speaker, of course, so many today are tempted to measure their compassion in money. Let us make no mistake, no amount of money will mute or diminish these survivors' immeasurable pain, an immeasurable pain which can only be told by the mounting of time and the mercy of God.

□ 2115

Yet, still in support of and in tribute to our fallen and their families, our hu-

manitarianism compels us to try. Consequently, in support of our troops and their families our words are prolific.

Now, during this current Persian conflict, our deeds must best our rhetoric. It is the least and not the last we must do for those who have so terribly sacrificed and suffered for our freedom, for our country, for us.

FALLEN PATRIOTS TAX RELIEF ACT OF 2003

The SPEAKER pro tempore (Mr. PORTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from Arizona (Mr. RENZI) is recognized for 60 minutes as the designee of the majority leader.

Mr. RENZI. Mr. Speaker, I want to begin by recognizing the steadfast leadership provided by my colleagues, especially the gentleman from North Carolina (Mr. JONES) who has fought for this legislation, for this issue, for over 2 years, as well as the gentleman from Massachusetts (Mr. MCGOVERN), who without their original initiatives, the Fallen Patriots Tax Relief Act would not have become a reality and gained such bipartisan support. In addition, I want to thank them for their guidance on this bill and their strong cooperation in drafting this legislation.

Mr. Speaker, H.R. 3365, the Fallen Patriots Tax Relief Act of 2003, addresses the death gratuity paid to a survivor of a military member of the United States, which historically has been exempt from taxation. An oversight in the Tax Code after gratuity was increased to \$6,000 left half of this payment subject to taxation. The benefit was designed to assist survivors of deceased members of the military with their financial needs during the period following the soldier's death and before other survivor benefits become available.

The first section of this legislation raises the death gratuity payment to \$12,000. This increase has already been funded in the Defense Appropriations Act recently signed into law.

The second section of this bill amends the U.S. Tax Code to restore the payment to its historical full tax exempt status. This provision applies to deaths occurring on or after September 11, 2001, in order to provide for the families of those military personnel who lost their lives at the onset of the war on terrorism.

At a time when our Nation's sons and daughters and their families are making great sacrifices on behalf of this Nation, it is unconscionable to ask them to shoulder a tax burden on a gift intended to be free from taxation.

What is most important to remember when considering this significant legislation is that this bill will help families with the loss of their loved ones; the death gratuity payment must remain as a gift to the surviving family as a gesture of a grateful Nation and be done in a manner which dignifies their ultimate sacrifice.

The bipartisan support on this legislation shows that Congress recognizes the sacrifices made by these men and women of our Armed Forces against the war on terror.

What motivated me to become involved are three of our fallen patriots from my district in rural Arizona. The first was Spencer Karol, a 20-year-old Army Specialist with the 165th Military Intelligence Battalion from Holbrook, Arizona. Spencer was raised in California until his family moved to Holbrook while he was a junior in high school. He graduated from Holbrook High in 2001 and signed up with the Army with two of his friends. They were sent to Iraq this year.

Specialist Karol's mother, Bridget, a single mother, depended on her son for assistance, and he did so willingly. She said, "He helped me with his younger brothers. I, being a single mother, needed help on our ranch fixing roofs, putting up fences, clearing brush, with the livestock and he did all of it on his own without ever having to be told."

When he was not helping his mother in caring for his little brothers he was involved in community service activities that included helping the Hashknife Sheriff's Posse. His mom said he was also good with computers and worked a short time in the Navajo County Assessor's Office before going off to boot camp. She said he liked music and that Spencer was a gentleman. He liked to play the guitar and piano and was loved by his family and community.

Specialist Karol died when his vehicle was hit by an explosive device on patrol while looking for enemy combats on October 6, 2003, at Ar Ramadi, Iraq. This legislation gives Spencer Karol's mother the ability to cover the funeral expenses to bury her son.

Secondly, Private Lori Piestewa of the much-publicized 507th Maintenance Division was the first Native American woman on record known to be killed in action in our Nation's history. As a testament to her proud Hopi Indian warrior tradition, Lori went back into the thick of battle outside of An Nasirah, Iraq, to help her fellow soldiers, including Private Jessica Lynch, escape an Iraqi ambush. Lori was a 23-year-old single mother of two. She has a mountain and freeway named after her in Arizona, but her family still pays taxes on the payment they received from Lori's sacrifice.

This legislation corrects this injustice and gives her children added support.

Finally, 27-year-old Army Specialist Alyssa Peterson was a great athlete and graduated at the top of her class. She was good with languages and gracious to her family and friends.

I would like to share with you an essay that this bright, energetic young woman wrote when she was in fifth grade as a student at Sechrist Middle School in Flagstaff, Arizona.

Alyssa wrote, "What is an American patriot? I believe an American patriot

can be anyone who lives in America. I think that no matter what anyone does with their time, they can be a patriot each day. To be a patriot you need to be a loyal American. You need to stand up for what is right. You need to be the best person you can be. A patriot needs to help America be a better place to live. Cleaning up litter is being patriotic. Obeying traffic rules is being patriotic. Helping our neighbors and giving of ourselves is being patriotic. Participating in your school activities is being patriotic, just like adults participate in voting for our government leaders and laws is patriotic. A patriot obeys all the laws of the land. Patriotism is an attitude which shows up every day in our actions. No one needs to wait to be a patriot."

Let us all reflect on Alyssa's words by not waiting any longer to pass the Fallen Patriots Tax Relief Act of 2003 and give proper tribute and honor to those who have given their all.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Ms. PELOSI) for today on account of business in the district.

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. STUPAK (at the request of Ms. PELOSI) for today and the balance of the week on account of a death in the family.

Mr. ROYCE (at the request of Mr. DELAY) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Florida, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, October 29, 30, 31, and November 3 and 4.

Mr. HENSARLING, for 5 minutes, today and October 29.

Mr. FEENEY, for 5 minutes, today and October 29.

Mr. GUTKNECHT, for 5 minutes, today and October 29, 30, and 31.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1146. An act to implement the recommendations of the Garrison Unit Joint Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota; to the Committee on Resources.

In addition to the Committee on Energy & Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1194. An act to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems; to the Committee on the Judiciary.

S. 1768. An act to extend the national flood insurance program; to the Committee on Financial Services.

ADJOURNMENT

Mr. RENZI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 29, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

4915. A letter from the Staff Director, Office of Regulatory and Management Services, Forest Service, Department of Agriculture, transmitting the Department's final rule — Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities (RIN:0596-AB89) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4916. A letter from the Staff Director, Office of Regulatory and Management Services, Forest Service, Department of Agriculture, transmitting the Department's final rule — Forest Land Enhancement Program (RIN: 0596-AB95) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4917. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Emerald Ash Borer; Quarantine and Regulations [Docket No. 02-125-1] received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4918. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Sapote Fruit Fly [Docket No. 03-032-3] received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4919. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Imported Fire Ant; Approved Treatments [Docket No. 02-115-2] received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4920. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Change in Disease Status of East Anglia With Regard to Classical Swine Fever [Docket No. 00-080-3] received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4921. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Vinclozolin; Time-Limited Pesticide Tolerances [OPP-2003-0311; FRL-7327-6] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4922. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02-02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4923. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal pertaining to commissioned military officers serving in the position of Associate Director of Central Intelligence for Military Support; to the Committee on Armed Services.

4924. A letter from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting the Department's final rule — Housing Choice Voucher Program Homeownership Option; Eligibility of Units Owned or Controlled by a Public Housing Agency; Correction [Docket No. FR-4759-C-04] (RIN: 2577-AC39) received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4925. A letter from the Regulations Coordinator, OP/RPMS, Department of Health and Human Services, transmitting the Department's final rule — Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 [Docket No. 02N-0276] (RIN: 0910-AC40) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4926. A letter from the Regulations Coordinator, OP/RPMS, Department of Health and Human Services, transmitting the Department's final rule — Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2003 [Docket No. 02N-0278] (RIN 0910-AC41) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4927. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality

Implementation Plans; State of Utah; State Implementation Plans Corrections [SIP NO. UT-001-0048, UT-001-0049, FRL-7573-8] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4928. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerator Units; Control of Emissions From Existing Large Municipal Waste Combustors; Nevada; American Samoa; Northern Mariana Islands [NV-AM-NMI-103-NEGDECa; FRL-7572-5] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4929. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Municipal Solid Waste Landfill Location Restrictions for Airport Safety [RCRA-2002-0034, FRL-7573-6] (RIN: 2050-AE91) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4930. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — West Virginia: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7575-1] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4931. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Modifications to the Attainment Plans for the Baltimore Area and Cecil County Portion of the Philadelphia Area to Revise the Mobile Budgets Using MOBILE6 [MD146-3103; FRL-7578-1] received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4932. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Oregon; Grants Pass PM-10 Nonattainment Area Redesignation to Attainment and Designation of Area for Air Quality Planning Purposes [Docket # OR-02-003a; FRL-7572-7] received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4933. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Oregon; Klamath Falls PM-10 Nonattainment Area Redesignation to Attainment and Designation of Area for Air Quality Planning Purposes [Docket # OR-02-002a; FRL-7568-7] received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4934. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ada County/Boise, Idaho Area [ID-02-003; FRL-7568-9] received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4935. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Non-attainment New Source

Reviwe (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement Exclusion [FRL-7575-9; Electronic Docket OAR-2002-0068; Legacy Docket A-2002-04] (RIN: 2060-AK28) received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4936. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revised MOBILE6-based Motor Vehicle Emission Budget for the Pennsylvania Portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area [PA-201-4401a; FRL-7570-4] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4937. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Mexico; Revision to Motor Vehicle Emission Budgets in Bernalillo County, New Mexico Carbon Monoxide Air Quality Maintenance Plan Using MOBILE6 [NM-46-4-7615a; FRL-7571-1] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4938. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; State of Iowa [IA 187-1187a; FRL-7569-9] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4939. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of Authority to the Washington State Department of Ecology, Benton Clean Air Authority, Northwest Air Pollution Authority, Olympic Regional Clean Air Agency, Puget Sound Clean Air Agency, Spokane County Air Pollution Control Authority, and Southwest Clean Air Agency for New Source Performance Standards [FRL-7567-8] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4940. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, El Dorado County Air Pollution Control District and Santa Barbara County Air Pollution Control District [CA 253-0405a; FRL-7567-2] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4941. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Virginia; Approval of Financial Assurance Regulations for the Commonwealth's Municipal Solid Waste Landfill Permitting Program [FRL-7569-4] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4942. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Space Station Licensing Rules and Policies [IB Docket No. 02-34]; 2000 Biennial Regulatory Review — Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations [IB Docket No. 00-248] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4943. A letter from the Associate Chief, CPD, Wireline Competition Bureau, Federal

Communications Commission, transmitting the Commission's final rule — Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements [WC Docket No. 02-112] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4944. A letter from the Deputy Chief, Policy Division, Consumer & Governmental Affairs Bureau, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers [CC Docket No. 94-129] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4945. A letter from the Assistant Chief, WCB, TAPD, Federal Communications Commission, transmitting the Commission's final rule — Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers [CC Docket No. 00-256]; Federal-State Joint Board on Universal Service [CC Docket No. 96-45] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4946. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Revision of Part 15 of the Commission's Rules Regarding Ultra-Wideband Transmission Systems [ET Docket No. 98-153] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4947. A letter from the Associate Chief, Competition Policy Division, Federal Communications Commission, transmitting the Commission's final rule — The Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996 [CC Docket No. 96-128] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4948. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CC Docket No. 98-67]; Americans with Disabilities Act of 1990 [CG Docket No. 03-123] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4949. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Alamo Community, New Mexico) [MM Docket No. 00-158 RM-9921] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4950. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.0202(b), FM Table of Allotments, FM Broadcast Stations. (Manning and Moncks Corner, South Carolina) [MM Docket No. 01-121 RM-10125] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4951. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Grants, Milan, and Shiprock, New Mexico) [MM Docket No. 01-118 RM-10106]; (Van Wert and Columbus Grove, Ohio) [MM Docket No. 01-

119 RM-10127]; (Lebenon and Hamilton, Ohio and Fort Thomas, Kentucky) [MM Docket No. 01-122 RM-10130] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4952. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Junction, Texas) [Dkt No.01-198 RM -10213]; (Dilley, Texas) [Dkt No.01-200 RM-10215]; (Goree, Texas) [Dkt No.01-202 RM-10217]; (Leakey, Texas) [Dkt No.01-203 RM-10 218]; (Sweetwater, Texas) [Dkt No.01-204 RM-10219]; (Arnett, Oklahoma a) [Dkt No.01-236 RM-10242]; (Sayre, Oklahoma) [Dkt No.01-237 RM-10243]; (Hebbbronville, Texas) [Dkt No.01-238 RM-10244]; (Bruni, Texas) [Dkt No.01-239 RM-10245]; (Rison, Arkansas) [Dkt. No.01-240 RM-10246]; (Matador, Texas) [Dkt. No.01-270 RM-10277]; (Turkey, Texas) [Dkt. No.01-272 RM-10279]; to the Committee on Energy and Commerce.

4953. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations. (Longview, Texas) [MM Docket No. 03-121 RM-10707] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4954. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.0202(b), Table of Allotments, FM Broadcast Stations. (Ephraim, Wisconsin) [MM Docket No. 00-238 RM-10008] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4955. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: Standardized NUHOMS-24P, -52B, -61BT, -32PT, and -24PHB Revision (RIN: 3150-AH27) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4956. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to the Netherlands (Transmittal No. DTC 096-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4957. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Japan (Transmittal No. DTC 090-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4958. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to the United Kingdom, France, and Germany (Transmittal No. DTC 095-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4959. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Japan (Transmittal No. DTC 091-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4960. A letter from the Secretary, Department of Defense, transmitting a letter on the

approved retirement of General Charles R. Holland, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on International Relations.

4961. A letter from the Attorney-Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4962. A letter from the United States Capitol Police Board, transmitting the Board's report to Congress, pursuant to Public Law 108—7, section 1014; to the Committee on House Administration.

4963. A letter from the Staff Director, Office of Regulatory and Management Services, Forest Service, Department of Agriculture, transmitting the Department's final rule — Land Uses; Revenue-Producing Visitor Services in Alaska (RIN: 0596-AB57) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4964. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 100203B] received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4965. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 100203A] received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4966. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the Report of the Proceedings of the Judicial Conference of the United States, held in Washington D.C., on March 18, 2003, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

4967. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, South Branch of the Elizabeth River to the Albemarle and Chesapeake Canal, Chesapeake, VA [CGD05-02-108] (RIN: 1625-AA09) received October 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4968. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety/Security Zone; Cove Point Liquefied Natural Gas Terminal, Chesapeake Bay, Maryland [CGD05-03-153] (RIN: 1625-AA00) received October 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4969. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Lower Grand River (Alternating Route), Grosse Tete, LA [CGD08-03-041] received October 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4970. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Port of Anchorage, Knik Arm, Alaska [COTP Western Alaska 03-003] (RIN: 1625-AA00) received October 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4971. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Port Valdez and Valdez Narrows, Valdez, AK [COTP Prince William Sound 03-002] (RIN: 1625-AA00) received October 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4972. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wisconsin Central Rail Road Bridge Fox River, Green Bay, Wisconsin [CGD09-03-270] (RIN: 1625-AA00) received October 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. Supplemental report on H.R. 2359. A bill to extend the basic pilot program for employment eligibility verification, and for other purposes (Rept. 108-304 Pt. 2).

Mr. POMBO: Committee on Resources. House Concurrent Resolution 268. Resolution expressing the sense of the Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas and that are threatening the continued viability of United States commercial and recreational fisheries (Rept. 108-327). Referred to the House calendar.

Mr. POMBO: Committee on Resources. H.R. 313. A bill to modify requirements relating to allocation of interest that accrues to the Abandoned Mine Reclamation Fund (Rept. 108-328). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2766. A bill to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado; with an amendment (Rept. 108-329). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR of North Carolina. Committee of Conference. Conference report on H.R. 2691. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108-330). Ordered to be printed.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 416. Resolution providing for consideration of the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes (Rept. 108-331). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 417. Resolution Providing for consideration of the joint resolution (H.J. Res. 75) making further continuing appropriations for the fiscal year 2004, and for other purposes (Rept. 108-332). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 418. Resolution Waiving points of order against the conference report to accompany the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004 and for other purposes (Rept. 108-333). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JONES of North Carolina (for himself, Mr. HOSTETTLER, Mr. CAPUANO, Mr. TAYLOR of Mississippi, Mr. COBLE, Mr. DELAHUNT, and Mr. LOBIONDO):

H.R. 3374. A bill to amend title 14, United States Code, to authorize the Commandant of the Coast Guard, after informing the Secretary of the department in which the Coast Guard is operating, to make such recommendations to the Congress relating to the Coast Guard as the Commandant considers appropriate; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 3375. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income health care subsidy payments made to employers by local governments on behalf of volunteer firefighters; to the Committee on Ways and Means.

By Mr. BEAUPREZ:

H.R. 3376. A bill to amend title 40, United States Code, to authorize the Administrator of General Services to lease and redevelop certain Federal property on the Denver Federal Center in Lakewood, Colorado; to the Committee on Transportation and Infrastructure.

By Mrs. DAVIS of California (for herself, Mr. WAXMAN, and Mr. DINGELL):

H.R. 3377. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to dietary supplements; to the Committee on Energy and Commerce.

By Mr. GILCHREST:

H.R. 3378. A bill to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries; to the Committee on Resources.

By Mr. HILL (for himself, Mr. HOSTETTLER, Ms. CARSON of Indiana, Mr. BURTON of Indiana, Mr. VISCLOSKEY, Mr. PENCE, Mr. CHOCOLA, Mr. SOUDER, and Mr. BUYER):

H.R. 3379. A bill to designate the facility of the United States Postal Service located at 3210 East 10th Street in Bloomington, Indiana, as the "Francis X. McCloskey Post Office Building"; to the Committee on Government Reform.

By Mr. JONES of North Carolina:

H.R. 3380. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act concerning the use of Federal disaster assistance for hazard mitigation measures; to the Committee on Transportation and Infrastructure.

By Ms. NORTON:

H.R. 3381. A bill to enhance the rights of crime victims, to establish grants for local governments to assist crime victims, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Alabama:

H.R. 3382. A bill to amend titles II and XVIII of the Social Security Act to waive certain waiting periods for Social Security disability and Medicare benefits in the case of a terminally ill, disabled individual; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO (for himself, Mr. ENGEL, Mr. ACKERMAN, Mr. BISHOP of

New York, Mr. BOEHLERT, Mr. CROWLEY, Mr. FOSSELLA, Mr. HINCHEY, Mr. HOUGHTON, Mr. ISRAEL, Mr. KING of New York, Mrs. KELLY, Mrs. LOWEY, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MCNUITY, Mr. MEEKS of New York, Mr. NADLER, Mr. OWENS, Mr. QUINN, Mr. RANGEL, Mr. REYNOLDS, Ms. SLAUGHTER, Mr. SWEENEY, Mr. TOWNS, Ms. VELAZQUEZ, Mr. WALSH, and Mr. WEINER):

H.R. 3383. A bill to name the Department of Veterans Affairs medical center in the Bronx, New York, as the "James J. Peters Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. WU:

H.R. 3384. A bill to amend the Internal Revenue Code of 1986 to repeal the limitations on the maximum amount of the deduction of interest on education loans; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.J. Res. 75. A joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes; to the Committee on Appropriations.

By Ms. ROS-LEHTINEN (for herself, Mr. PALLONE, and Mr. NADLER):

H. Con. Res. 311. Concurrent resolution expressing the sense of Congress that the international community should recognize the plight of Jewish refugees from Arab countries and that the United Nations Relief and Works Agency for Palestine Refugees in the Near East should establish a program for resettling Palestinian refugees; to the Committee on International Relations.

By Mr. KILDEE:

H. Con. Res. 312. Concurrent resolution recognizing the valuable contributions of higher education faculty in the education of our Nation's students; to the Committee on Education and the Workforce.

By Mr. SENSENBRENNER (for himself, Mr. HYDE, Mr. DINGELL, Mr. TAUZIN, Mr. BOEHNER, Mr. SMITH of Texas, Mr. FERGUSON, Mr. MCCOTTER, Mr. SMITH of New Jersey, Mr. JONES of North Carolina, Mr. BALLENGER, Ms. ROS-LEHTINEN, Mrs. MYRICK, Mr. BURR, Mr. STUPAK, Mr. VITTER, Mr. SHAW, Ms. HART, Mr. TOM DAVIS of Virginia, Mr. KLECZKA, Mr. OBEY, Mr. LEACH, Ms. GINNY BROWN-WAITE of Florida, Mr. KANJORSKI, Mr. KENNEDY of Minnesota, Mr. GREEN of Wisconsin, Mr. QUINN, Mr. MURPHY, Ms. BORDALLO, Mr. ACEVEDO-VILA, and Mr. RENZI):

H. Con. Res. 313. Concurrent resolution to urge the President, on behalf of the United States, to present the Presidential Medal of Freedom to His Holiness, Pope John Paul II, in recognition of his significant, enduring, and historic contributions to the causes of freedom, human dignity, and peace and to commemorate the Silver Jubilee of His Holiness' inauguration of his ministry as Bishop of Rome and Supreme Pastor of the Catholic Church; to the Committee on Government Reform.

By Mr. ENGLISH (for himself, Mr. DELAY, Mr. BALLENGER, Mr. GREEN of Wisconsin, Mr. MANZULLO, Mr. ROGERS of Michigan, Mr. STENHOLM, Ms. PRYCE of Ohio, Mr. COLLINS, Mr. BAKER, Mr. GILLMOR, Mrs. BIGBERT, Ms. HART, Mr. KING of Iowa, Mr. MCINTYRE, Mr. SOUDER, Mr. HILL, Mr. DEMINT, Mr. HAYWORTH, Mr. COBLE, Mr. EVERETT, Mr. PLATTS, Mr. EHLERS, Mr. HAYES, Mr. BURR, Mr. NORWOOD, Mr. BOSWELL, Mr. LIPINSKI, Mrs. MYRICK, Mr. JOHNSON of Illinois, Mr. OTTER, Mr. UPTON, Mr. FORD, Mr. SENSENBRENNER, Mr. OXLEY, Mr.

RYAN of Wisconsin, Mr. SHUSTER, Mr. BROWN of South Carolina, Mr. CRAMER, Mr. MCINNIS, and Mr. GOODLATTE):

H. Res. 414. A resolution to encourage the People's Republic of China to fulfill its commitments under international trade agreements, support the United States manufacturing sector, and establish monetary and financial market reforms; to the Committee on Ways and Means.

By Mr. MEEK of Florida (for himself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DAVIS of Florida, Mr. HASTINGS of Florida, Mr. KELLER, Mr. FOLEY, Mr. DEUTSCH, Mr. MICA, Ms. HARRIS, Ms. GINNY BROWN-WAITE of Florida, Mr. SHAW, Ms. CORRINE BROWN of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. PUTNAM, Mr. FEENEY, Mr. MILLER of Florida, Mr. CRENSHAW, Mr. STEARNS, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. GOSS, Mr. BOYD, Mr. WELDON of Florida, Mr. BILIRAKIS, and Mr. YOUNG of Florida):

H. Res. 415. A resolution congratulating the Florida Marlins for winning the 2003 World Series; to the Committee on Government Reform.

By Mr. CONYERS (for himself, Mr. PASCRELL, Mr. KUCINICH, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. WEINER, Mr. MEEKS of New York, Mr. WEXLER, Mr. McDERMOTT, Ms. MCCOLLUM, Ms. WATERS, Ms. LEE, Mr. HONDA, Ms. LOFGREN, Ms. WATSON, Mr. HINCHEY, and Mr. MEEHAN):

H. Res. 419. A resolution condemning religiously intolerant remarks and calling on the President to clearly censure and reassign Lieutenant General Boykin for his religiously intolerant remarks; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY:

H. Res. 420. A resolution unequivocally condemning the damaging rhetoric of Lieutenant General William G. Boykin, United States Army, which has promoted hateful stereotypes of the religion of Islam; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

208. The SPEAKER presented a memorial of the General Assembly of the State of Ohio, relative to House Resolution No. 131 memorializing the United States Congress to support efforts to establish National Funeral Service Education Week; to the Committee on Government Reform.

209. Also, a memorial of the Senate of the State of Wisconsin, relative to Senate Resolution No. 18, memorializing the United States Congress to pass legislation that will immediately and permanently prohibit any state from imposing a tax on access to the Internet; to the Committee on the Judiciary.

210. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution No. 6 memorializing the United States Congress to pass the Human Cloning Prohibition Act of 2003; jointly to the Committees on the Judiciary and Energy and Commerce.

ADDITIONAL SPONSORS

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

- H.R. 142: Ms. LORETTA SANCHEZ of California.
H.R. 218: Mr. REYES.
H.R. 220: Mr. SIMPSON.
H.R. 369: Ms. PELOSI and Mr. GUTIERREZ.
H.R. 371: Mr. LAHOOD.
H.R. 375: Mr. MICA and Mr. JOHN.
H.R. 423: Mr. FOSSELLA.
H.R. 476: Mr. JANKLOW.
H.R. 673: Mr. WAMP.
H.R. 687: Mr. RAMSTAD, Mrs. EMERSON, and Ms. GRANGER.
H.R. 716: Mr. BOSWELL and Mr. PRICE of North Carolina.
H.R. 737: Mr. OWENS and Mr. BISHOP of Georgia.
H.R. 738: Mr. GRIJALVA and Mrs. JONES of Ohio.
H.R. 742: Mr. SOUDER and Mr. SANDERS.
H.R. 768: Mr. NEY and Mr. DAVIS of Alabama.
H.R. 785: Mrs. NAPOLITANO.
H.R. 802: Mr. FILNER.
H.R. 833: Mr. TOWNS.
H.R. 840: Mr. SWEENEY.
H.R. 857: Mr. WHITFIELD and Ms. NORTON.
H.R. 869: Mr. OWENS.
H.R. 876: Mr. TAYLOR of Mississippi, Mr. CARDOZA, and Mr. BALLENGER.
H.R. 882: Mr. ROSS.
H.R. 898: Mr. RAHALL.
H.R. 935: Mr. PRICE of North Carolina.
H.R. 936: Mr. LEWIS of Georgia, Ms. WATERS, Mr. MEEKS of New York, Mr. BALLANCE, Mr. THOMPSON of Mississippi, Mr. CONYERS, Mr. WYNN, Mr. FATTAH, and Ms. KAPTUR.
H.R. 944: Mr. RODRIGUEZ, Mr. McNULTY, Mr. CUMMINGS, Ms. WATSON, and Mr. GONZALEZ.
H.R. 992: Mr. KINGSTON.
H.R. 1080: Mr. MORAN of Virginia.
H.R. 1083: Mr. CAMP.
H.R. 1102: Mr. BOEHLERT.
H.R. 1125: Mr. LAMPSON.
H.R. 1157: Mr. BELL, Mr. DAVIS of Florida, and Mr. MEEKS of New York.
H.R. 1200: Mr. CLAY, Mr. TOWNS, Mr. BERMAN, Mr. JACKSON of Illinois, Mr. FRANK of Massachusetts, and Mr. GEORGE MILLER of California.
H.R. 1205: Mr. ISRAEL.
H.R. 1212: Mr. ALLEN.
H.R. 1231: Mr. SHAW, Ms. CARSON of Indiana, and Mr. EMANUEL.
H.R. 1258: Mr. JACKSON of Illinois, Mr. BELL, Mr. GREEN of Texas, and Mr. OWENS.
H.R. 1286: Mr. MICHAUD.
H.R. 1288: Mr. STENHOLM, Mr. OSE, and Mr. CRAMER.
H.R. 1294: Mr. SHAYS.
H.R. 1316: Mr. RYAN of Ohio and Mr. WOLF.
H.R. 1322: Mr. STARK, Ms. LOFGREN, Mr. MURTHA, Mr. McDERMOTT, Mr. OWENS, and Mr. BERMAN.
H.R. 1345: Mr. SHAYS.
H.R. 1385: Mr. WILSON of South Carolina and Mr. BISHOP of Georgia.
H.R. 1406: Mr. EMANUEL and Mr. ISAKSON.
H.R. 1472: Mr. DAVIS of Illinois.
H.R. 1482: Mr. MICHAUD.
H.R. 1483: Mr. UDALL of New Mexico.
H.R. 1582: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1585: Mr. GUTIERREZ.
H.R. 1653: Mr. TURNER of Ohio and Mr. WEXLER.
H.R. 1657: Mr. McDERMOTT.
H.R. 1684: Mr. UDALL of New Mexico, Mr. ALLEN, Mr. NADLER, and Mr. PAYNE.
H.R. 1708: Mr. OSE and Mr. TURNER of Ohio.
H.R. 1726: Mr. FRANK of Massachusetts.
H.R. 1798: Mr. PETERSON of Pennsylvania.
H.R. 1819: Mr. JACKSON of Illinois, Mr. LINCOLN DIAZ-BALART of Florida, Mr. EMANUEL and Mr. MANZULLO.
H.R. 1822: Mr. McDERMOTT, Ms. WATERS, Mrs. CAPPS, Ms. ESHOO, and Mr. McKEON.
H.R. 1824: Mr. WU, Mr. CANTOR, Mr. ENGLISH, Mr. BONNER, Ms. DeLAURO, and Mr. SIMMONS.
H.R. 1833: Mr. PUTNAM and Mr. POMEROY.
H.R. 1890: Mrs. JOHNSON of Connecticut.
H.R. 1910: Mr. DUNCAN.
H.R. 1916: Mr. FRANK of Massachusetts, Mr. MANZULLO, Ms. HART, and Mr. QUINN.
H.R. 1943: Mr. UPTON.
H.R. 1993: Mr. FILNER.
H.R. 1997: Mrs. MILLER of Michigan.
H.R. 2131: Mr. McKEON.
H.R. 2169: Ms. WATSON.
H.R. 2176: Mr. GREEN of Wisconsin.
H.R. 2181: Mr. WELLER.
H.R. 2203: Ms. LEE and Mr. WEINER.
H.R. 2216: Mr. FILNER and Mr. McCOTTER.
H.R. 2239: Ms. MILLENDER-McDONALD, Mr. LIPINSKI, Mrs. CAPPS, Mr. BELL, and Mr. MORAN of Virginia.
H.R. 2256: Mr. McDERMOTT.
H.R. 2260: Mr. SCHROCK, Mr. OLVER, Ms. SCHAKOWSKY, Mr. SULLIVAN, Mr. MARIO DIAZ-BALART of Florida, and Mrs. WILSON of New Mexico.
H.R. 2262: Ms. CARSON of Indiana.
H.R. 2318: Mr. JACKSON of Illinois.
H.R. 2339: Mr. HOLT.
H.R. 2347: Mr. HENSARLING, Mr. MARIO DIAZ-BALART of Florida, and Mr. PUTNAM.
H.R. 2349: Mr. JACKSON of Illinois.
H.R. 2365: Mr. ISRAEL.
H.R. 2389: Ms. SCHAKOWSKY.
H.R. 2450: Mr. ROHRABACHER.
H.R. 2511: Mr. RYAN of Ohio and Ms. LEE.
H.R. 2558: Ms. HARRIS.
H.R. 2671: Mr. BURGESS, Mr. UPTON, and Mr. CAMP.
H.R. 2695: Mr. ENGLISH and Mr. MURPHY.
H.R. 2699: Mr. DEUTSCH, Mr. GREENWOOD, Mr. STRICKLAND, and Mrs. EMERSON.
H.R. 2705: Mr. GRIJALVA, Mr. PRICE of North Carolina, Mr. CARDOZA, and Mr. DAVIS of Florida.
H.R. 2711: Mr. MANZULLO, Ms. HART, and Mr. STUPAK.
H.R. 2728: Mr. SULLIVAN.
H.R. 2729: Mr. SULLIVAN.
H.R. 2730: Mr. SULLIVAN.
H.R. 2731: Mr. SULLIVAN.
H.R. 2768: Mr. EHLERS, Mr. McKEON, Ms. DeLAURO, Mrs. MCCARTHY of New York, and Mr. HALL.
H.R. 2771: Mr. ACKERMAN, Mr. HINCHEY, Mrs. MALONEY, and Mr. TOWNS.
H.R. 2787: Mr. INSLEE.
H.R. 2832: Mr. GUTIERREZ.
H.R. 2849: Mr. MCGOVERN, Mr. LEVIN, Mr. BRADLEY of New Hampshire, and Mr. HOFFFEL.
H.R. 2908: Mr. WALSH.
H.R. 2929: Mr. RADANOVICH.
H.R. 2932: Mr. OWENS.
H.R. 2970: Mr. ALLEN.
H.R. 2986: Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. REYNOLDS.
H.R. 3019: Mr. HONDA, Ms. LEE, Ms. NORTON, Mr. KILDEE, Mrs. CHRISTENSEN, Mr. ROSS, Mr. REYES, Ms. WATERS, Ms. DeLAURO, Ms. MILLENDER-McDONALD, Mr. SNYDER, Mr. TOWNS, Mr. ALEXANDER, Mr. HOFFFEL, Ms. BORDALLO, Mr. WYNN, Mr. CASE, Ms. CARSON of Indiana, Mr. POMEROY, Mr. FILNER, Mr. ISRAEL, Mr. COOPER, Ms. HOOLEY of Oregon, Mr. EDWARDS, Mr. BISHOP of Georgia, Mr. MATHESON, Mr. KLECZKA, Mr. EVANS, and Mr. FARR.
H.R. 3027: Mr. OWENS.
H.R. 3042: Mr. BURGESS and Mr. HALL.
H.R. 3049: Mr. PAYNE.
H.R. 3051: Mr. FALEOMAVAEGA, Mr. SERRANO, and Mr. RUPPERSBERGER.
H.R. 3052: Mr. PLATTS.
H.R. 3063: Mr. ACKERMAN and Mr. OWENS.
H.R. 3092: Mr. CARSON of Oklahoma.
H.R. 3112: Mrs. MILLER of Michigan and Mr. ROGERS of Michigan.
H.R. 3122: Ms. HART.
H.R. 3125: Mr. CANNON and Mr. KING of Iowa.
H.R. 3129: Mr. GRIJALVA.
H.R. 3133: Mr. ROTHMAN and Mr. SERRANO.
H.R. 3142: Mr. JANKLOW, Mr. BOEHLERT, Mr. McINNIS, Ms. HARMAN, Ms. LINDA T. SANCHEZ of California, and Mr. CAPUANO.
H.R. 3155: Ms. WOOLSEY.
H.R. 3171: Ms. ESHOO, Ms. LINDA T. SANCHEZ of California, and Mr. OWENS.
H.R. 3178: Mr. MANZULLO, Mr. QUINN, Mr. ACKERMAN, Mr. MARSHALL, Ms. SCHAKOWSKY, Mr. MURTHA, Mr. RAHALL, and Mr. KLINE.
H.R. 3180: Mr. JACKSON of Illinois.
H.R. 3184: Mr. MILLER of North Carolina.
H.R. 3188: Mr. HAYES and Mr. NETHERCUTT.
H.R. 3190: Mr. GRAVES, Mr. DOOLITTLE, Mr. SHIMKUS, Mr. BARTLETT of Maryland, and Mr. ROGERS of Alabama.
H.R. 3192: Mr. BISHOP of Georgia, Mr. ACKERMAN, Mr. OWENS, Mr. DAVIS of Tennessee, and Mr. BERRY.
H.R. 3219: Mr. BARTON of Texas, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MILLER of North Carolina, Mr. SHERMAN, Mr. LAMPSON, Ms. LOFGREN, Ms. WOOLSEY, Mr. BELL, Mr. ORTIZ, Mr. THORNBERRY, Mr. SANDLIN, Mr. MATHESON, Mr. WU, Mr. UDALL of Colorado, Mr. HONDA, Mr. DAVIS of Tennessee, Mr. BAIRD, Mr. WEINER, Mr. CARDOZA, Mr. LARSON of Connecticut, and Mr. COSTELLO.
H.R. 3226: Mr. EVANS.
H.R. 3227: Mr. SWEENEY and Mr. WYNN.
H.R. 3228: Mr. HEFLEY, Mr. BARRETT of South Carolina, Mr. MILLER of North Carolina, and Ms. WOOLSEY.
H.R. 3243: Mr. WYNN, Ms. MILLENDER-McDONALD, and Mr. OWENS.
H.R. 3244: Mr. CROWLEY, Mr. TIERNEY, Mr. ALLEN, Mr. OLVER, Mr. ACKERMAN, Ms. HOOLEY of Oregon, Mr. PRICE of North Carolina, Mr. WYNN, Mrs. CHRISTENSEN, and Mr. SANDERS.
H.R. 3251: Ms. WATSON.
H.R. 3263: Mr. WEXLER, Mrs. TAUSCHER, Mr. McCOTTER, Mr. MCGOVERN, Mr. BLUMENAUER, Mr. LANTOS, Mr. GUTKNECHT, and Mr. RENZI.
H.R. 3266: Mr. FOSSELLA and Mr. WILSON of South Carolina.
H.R. 3277: Mr. KANJORSKI.
H.R. 3287: Mr. CASTLE, Mr. SMITH of Washington, Mr. PUTNAM, Mr. BARRETT of South Carolina, and Mrs. MUSGRAVE.
H.R. 3293: Mr. PASTOR, Mr. DAVIS of Alabama, Ms. NORTON, Mr. BOUCHER, Mr. ROSS, Mr. LAHOOD, Mr. CLAY, Mr. McDERMOTT, Mr. CONYERS, Ms. WATERS, Mr. KLECZKA, Ms. MILLENDER-McDONALD, Mr. McNULTY, Mr. WYNN, Ms. DeLAURO, and Mr. GRIJALVA.
H.R. 3295: Ms. HART and Mr. GERLACH.
H.R. 3304: Mr. KILDEE and Mr. CONYERS.
H.R. 3318: Mr. VITTER.
H.R. 3319: Mr. HOSTETTLER.
H.R. 3323: Mrs. NAPOLITANO.
H.R. 3325: Mr. ACEVEDO-VILA, Mrs. CAPPS, Ms. MCCOLLUM, Ms. WATERS, and Mrs. DAVIS of California.
H.R. 3341: Mr. SPRATT, Mr. ISRAEL, Mr. FARR, Mr. McDERMOTT, and Mr. BROWN of Ohio.
H.R. 3344: Mrs. CHRISTENSEN and Mr. ACEVEDO-VILA.
H.R. 3350: Mr. KLECZKA, Mr. GRIJALVA, and Mr. CLAY.
H.R. 3352: Ms. KILPATRICK.
H.R. 3353: Ms. BORDALLO, Mr. McDERMOTT, Mr. TAYLOR of North Carolina, Mr. LEWIS of Georgia, Ms. JACKSON-LEE of Texas, Mr. WYNN, Mr. FATTAH, Ms. NORTON, Mr. JEFFERSON, Ms. SLAUGHTER, Mr. EVANS, and Mr. SCOTT of Virginia.
H.R. 3355: Mr. RANGEL and Mr. WYNN.
H.R. 3357: Mr. MARKEY.
H.R. 3358: Mr. HERGER, Mr. KLINE, Mr. KING of Iowa, and Ms. HART.
H.R. 3365: Mr. MCGOVERN, Mr. GERLACH, Mr. ROGERS of Alabama, Mr. HAYES, Mr.

TAYLOR of Mississippi, Mr. MCINTYRE, Mr. SMITH of New Jersey, Ms. KILPATRICK, Mrs. MUSGRAVE, Mr. GRAVES, Mr. BURGESS, Mr. TERRY, Mr. TAYLOR of North Carolina, Mr. TANCREDO, Mr. BEREUTER, Mr. REYES, Mr. HASTINGS of Florida, Mr. ROSS, Mr. WILSON of South Carolina, Mr. SHAYS, Mr. CASE, Mr. PRICE of North Carolina, Ms. WATERS, Mr. ALEXANDER, Mr. HOFFEL, Mr. SNYDER, Mr. COOPER, Mr. POMEROY, Mr. KOLBE, Ms. HOOLEY of Oregon, Mr. BARTLETT of Maryland, Mr. MATHESON, Ms. GINNY BROWN-WAITE of Florida, Ms. HARRIS, Mr. KENNEDY of Rhode Island, Mr. FORD, Mr. GUTKNECHT, Mr. FEENEY, Mr. ETHERIDGE, Mr. GIBBONS, and Mr. MCCOTTER.

H.J. Res. 22: Mr. HASTINGS of Washington, and Mr. THOMPSON of California.

H. Con. Res. 111: Mr. FARR.

H. Con. Res. 126: Mr. KOLBE.

H. Con. Res. 218: Mr. MORAN of Virginia and Mr. HOUGHTON.

H. Con. Res. 247: Mr. SAXTON, Mr. ABERCROMBIE, Mr. GREEN of Wisconsin, Mr. WU, Mr. GEORGE MILLER of California, Mr. GUTIERREZ, Mr. QUINN, Mr. HINOJOSA, Ms. LOFGREN, Mr. NETHERCUTT, and Ms. LEE.

H. Con. Res. 249: Mr. OWENS.

H. Con. Res. 280: Mr. HONDA, Mr. POMBO, and Mr. PENCE.

H. Con. Res. 281: Mr. CUMMINGS and Mr. OWENS.

H. Con. Res. 285: Mr. COBLE, Ms. SLAUGHTER, and Ms. HART.

H. Con. Res. 288: Mr. WEINER, Mr. ACKERMAN, Mr. SANDERS, Mr. HASTINGS of Florida, Mr. LEACH, Mr. ISRAEL, Mr. HINCHEY, Mr. DINGELL, Mr. CARDIN, Mr. GUTIERREZ, Mr. MARKEY, Mrs. MALONEY, Mr. MORAN of Virginia, Mrs. CAPPs, Mr. DELAHUNT, Mr. KUCINICH, Mr. SCHIFF, Mr. HOUGHTON, Mr. McNULTY, and Mr. WEXLER.

H. Con. Res. 302: Mrs. MUSGRAVE, Mr. GREENWOOD, Mr. LANGEVIN, Mr. STEARNS, Mr. ENGEL, Mr. BERRY, Mr. FEENEY, Mr. FALEOMAVAEGA, Mr. GREEN of Wisconsin, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, Mr. BURTON of Indiana, Mr. BILIRAKIS, Ms. CORRINE BROWN of Florida, Mr. CROWLEY, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. TERRY, Mr. McNULTY, Mr. JONES of North Carolina, Mr. BALLANCE, Mr. COX, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. ACKERMAN.

H. Con. Res. 306: Mr. PALLONE and Ms. KILPATRICK.

H. Con. Res. 307: Mr. VAN HOLLEN, Mr. COSTELLO, Mr. TOM DAVIS of Virginia, Mr. TOWNS, Mr. WEXLER, and Mr. WILSON of South Carolina.

H. Con. Res. 308: Mr. EVANS, Mr. DINGELL, Mr. McDERMOTT, Mr. DAVIS of Tennessee, Ms. LEE, Mr. COSTELLO, Mr. WYNN, Mrs. CHRISTENSEN, and Mr. BURTON of Indiana.

H. Res. 60: Ms. WOOLSEY, Mr. BISHOP of Georgia, and Ms. LOFGREN.

H. Res. 157: Ms. ESHOO, Mr. SANDERS, Mrs. TAUSCHER, and Mr. UDALL of Colorado.

H. Res. 167: Mr. FALEOMAVAEGA.

H. Res. 291: Mr. BROWN of Ohio, Mr. HOLT, and Mr. FRANK of Massachusetts.

H. Res. 313: Ms. MILLENDER-MCDONALD, Mr. FOLEY, Mr. HOLDEN, Mr. RUPPERSBERGER, Mr. CAPUANO, Mr. FILNER, Mr. MCGOVERN, and Mr. OWENS.

H. Res. 378: Mr. PUTNAM and Mr. KINGSTON.

H. Res. 384: Mr. FALEOMAVAEGA.

H. Res. 393: Mrs. TAUSCHER, Mr. McNULTY, Mr. SIMMONS, Mr. WOLF, Ms. DUNN, Ms. MILLENDER-MCDONALD, Mr. BELL, Mr. FRANK of Massachusetts, Mr. GREENWOOD, Mr. WEXLER, Mr. CROWLEY, Mr. CONYERS, Ms. ROYBAL-ALLARD, Mr. MORAN of Virginia, and Mrs. NAPOLITANO.

H. Res. 394: Mr. SCHROCK, Mr. BOSWELL, Mr. RYAN of Wisconsin, and Mr. SULLIVAN.

H. Res. 402: Mr. COBLE and Mr. SMITH of Washington.

H. Res. 409: Mr. SESSIONS, Mr. BRADY of Texas, Mr. PENCE, Mr. CARTER, Mr. KING of Iowa, Mr. CRANE, Mr. BACHUS, Mr. CHABOT, Mr. HENSARLING, Mr. OTTER, Mr. DOOLITTLE, Mrs. MUSGRAVE, Mr. TANCREDO, Mr. BURGESS, Mr. WILSON of South Carolina, Mr. WELDON of Florida, Mr. GOODE, Mr. FRANKS of Arizona, Mr. BARRETT of South Carolina, Mr. SOUDER, Mr. ISAKSON, Mr. SAXTON, Mr. BURTON of Indiana, Mr. GRAVES, Mr. MILLER of Florida, Mr. GERLACH, Mr. MANZULLO, Mr. FERGUSON, Mr. LINDER, Mr. BOOZMAN, Mr. GREENWOOD, Mr. DEMINT, Mr. FEENEY, Mr. BROWN of South Carolina, Mr. JONES of North Carolina, Mr. SULLIVAN, Mr. GARRETT of New Jersey, Mr. GUTKNECHT, Ms. HART, Mr. BARTLETT of Maryland, Mr. HAYES, Mr. COLE, Ms. HARRIS, Mr. TIAHRT, Mr. FLAKE, Mr. HAYWORTH, Mr. JANKLOW, Mr. BEAUPREZ, Mr. PEARCE, Mr. PITTS, Mrs. WILSON of New Mexico, Mr. RYUN of Kansas, Mr. BARTON of Texas, Mr. SHAYS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ROHRABACHER, Mr. SWEENEY, Mr. ROGERS of Alabama, Mr. SMITH of New Jersey, Mr. SHADEGG, Mr. WEINER, Mr. HOLDEN, Mr. WU, Ms. DELAURO, Mr. INSLEE, Mr. ENGEL, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. ISRAEL, Mrs. MALONEY, Mr. ROTHMAN, Mr. LANTOS, Mr. WEXLER, Mrs. TAUSCHER, Mr. HASTINGS of Florida, Mr. CARDIN, Mrs. LOWEY, Mr. MATSUI, Mr. CROWLEY, Mr. SANDLIN, Mr. MENENDEZ, Mrs. MCCARTHY of New York, Mr. EMANUEL, Mr. ACKERMAN, Mr. ETHERIDGE, Mr. BERMAN, Mr. MARKEY, Ms. WATSON, Mr. HOFFEL, Ms. MCCARTHY of Missouri, Mr. WYNN, Mr. CARDOZA, Ms. SCHAKOWSKY, Ms. LOFGREN, Mr. PALLONE, Mr. HONDA, Mr. SHERMAN, Mr. NADLER, Mr. SCHIFF, Mr. BELL, Mrs. DAVIS of California, Mr. CARSON of Oklahoma, Mr. FROST, Ms. HARMAN, and Mr. McNULTY.

H. Res. 410: Mr. EVANS, Ms. WATERS, and Ms. LORETTA SANCHEZ of California.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2443

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 1: At the end of title VI, insert the following new section:

SEC. 6. BUY AMERICAN REQUIREMENTS FOR AIRCRAFT.

No aircraft, including helicopters, may be acquired (directly or indirectly) by the Coast Guard unless the aircraft are manufactured in the United States using components at least 65 percent of which are manufactured in the United States.

H.R. 2443

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 2: Insert at the end of title VI the following new section:

SEC. 6. LIMITATION ON BRIDGE ALTERATION PROJECTS.

The Coast Guard may conduct bridge alteration projects using amounts authorized under section 101(1)(B)(iv) of this Act only to the extent that the steel, iron, and manufactured products used in such projects are produced in the United States, unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable.

H.R. 2443

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 3: At the end of title VI, insert the following new section:

SEC. 6. SPECIAL RULES FOR APPLYING BUY AMERICAN ACT.

(a) ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES.—With respect to any acquisition made with amounts made available

under this Act or any amendment made by this Act of articles, materials, or supplies that are subject to section 2 of the Buy American Act (41 U.S.C. 10a), such section shall be applied to such acquisition by substituting “at least 65 percent” for “substantially all”.

(b) CONTRACTS FOR CONSTRUCTION, ALTERATION, OR REPAIR.—With respect to any contract for the construction, alteration, or repair of any public building or public work entered into with amounts made available under this Act or any amendment made by this Act that is subject to section 3 of the Buy American Act (41 U.S.C. 10b), such section shall be applied to such contract by substituting “at least 65 percent” for “substantially all”.

H.R. 2443

OFFERED BY: MR. JONES OF NORTH CAROLINA
AMENDMENT NO. 4: At the end of title II add the following:

SEC. . RECOMMENDATIONS TO CONGRESS BY COMMANDANT OF THE COAST GUARD.

Section 93 of title 14, United States Code, is amended—

(1) in paragraph (w) by striking “and” after the semicolon at the end;

(2) in paragraph (x) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(y) after informing the Secretary, make such recommendations to the Congress relating to the Coast Guard as the Commandant considers appropriate.”.

H.R. 2443

OFFERED BY: MR. ENGEL

AMENDMENT NO. 5: At the end of title VI (page 43, after line 2), insert the following:

SEC. . PATROL OF NAVIGABLE WATERS ADJACENT TO NUCLEAR FACILITIES.

(a) REQUIREMENT.—Chapter 5 of title 14, United States Code, is further amended by adding at the end the following:

“§99. Patrol of navigable waters adjacent to nuclear facilities

“The Coast Guard shall patrol all navigable waters that are adjacent to a production facility or utilization facility, as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014), on a daily basis.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 14, United States Code, is amended by adding at the end the following:

“99. Patrol of navigable waters adjacent to nuclear facilities.”.

H.R. 2443

OFFERED BY: MR. ENGEL

AMENDMENT NO. 6: Page 43, after line 2, insert the following:

SEC. . SECURITY ASSESSMENT OF INDIAN POINT ENERGY CENTER.

Not later than one year after the date of the enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall—

(1) conduct a security assessment of Indian Point Energy Center, located in Westchester County, New York; and

(2) submit to the Congress a report on the findings of that assessment.

H.R. 2443

OFFERED BY: MR. ENGEL

AMENDMENT NO. 7: Page 43, after line 2, insert the following:

SEC. . SECURITY ASSESSMENT OF INDIAN POINT ENERGY CENTER.

Not later than one year after the date of the enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall—

(1) conduct a security assessment of navigable waters adjacent to Indian Point Energy Center, located in Westchester County, New York; and

(2) submit to the Congress a report on the findings of that assessment.

H.R. 2443

OFFERED BY: MR. OBERSTAR

AMENDMENT NO. 8: In the amendment to section 409, in lieu of the text proposed to be inserted (page , beginning at line) insert the following:

**SEC. 409. REVISION OF BASES FOR DOCUMENT
SUSPENSION AND REVOCATION
CASES.**

Section 7703 of title 46, United States Code, is amended—

(1) by striking “or” after the semicolon at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and
(3) by adding at the end the following:

“(4) operates a vessel in a negligent manner or interferes with the safe operation of a vessel, so as to endanger the life, limb, or property of a person; or

“(5) poses a terrorism security risk.”.

H.R. 2443

OFFERED BY: MS. MILLENDER-MCDONALD

AMENDMENT NO. 9: At the end of title VI (page 43, after line 2), add the following:

SEC. ____ . PORT SECURITY GRANT AUTHORITY.

Section 70107 of title 46, United States Code, is amended—

(1) in subsection (a) by striking “Secretary of Transportation, acting through the Maritime Administrator,” and inserting “Secretary”;

(2) by striking “Secretary of Transportation” each place it appears and inserting “Secretary”; and

(3) by striking “Department of Transportation” each place it appears and inserting “Department of Homeland Security”.



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No. 153

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.

O God, who is our refuge and strength, our shelter in the time of storms, we begin this day by looking to You for guidance and discernment. Thank You for daily victories over our worst selves and for fellowship with You.

Bless our Senators. Give them strength for their difficult tasks, victory over temptation, and fulfillment in their work.

Help each of us to stand guard against those thoughts and passions that lead us from You. May our consciousness of Your presence become more real with each hour of every day.

We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will resume consideration of the nomination of Michael Leavitt to be Administrator of the Environmental Protection Agency. There will be 1 hour of debate prior to the nomination. I am pleased this distinguished nominee for the President's

Cabinet will receive an up-or-down vote and anticipate his confirmation by an overwhelming majority this morning.

Following the disposition of the Leavitt nomination, the Senate will resume debate on the foreign operations appropriations bill. There are several amendments pending to the bill. We hope to begin scheduling votes on those amendments. Senator MCCONNELL will be here following the nomination vote. We anticipate completing action on the bill during today's session. Therefore, Senators should expect rollcall votes throughout the day and possibly votes into the evening, if necessary.

Each day I come to the floor I mention the schedule and the remaining business before the Senate. Again, I would like to reiterate that the days of this session are waning, but we have a full legislative agenda and executive matters to finish. We have the appropriations bills and the conference reports, Healthy Forests—and the tragic events in California underscore the need for this crucial legislation. Regarding the Fair Credit Reporting Act, we are in discussions, and I hope an agreement can be reached on its consideration. If not, it will be necessary to take the procedural steps to ensure that the Senate does act on this very important piece of bipartisan legislation.

We have the Internet tax moratorium. Discussions are underway on an agreement to allow us to act before the expiration of the existing law.

On the climate change legislation, we have a 6-hour agreement. I hope we can possibly use less time than those 6 hours. We are looking for an available time to consider it this week.

We have the judicial nominations as well.

Again, I hope to make efficient use of the Senate's time over the coming days, and I hope and look forward to working with the Democratic leadership so we can consider these bills

under time agreements and in a timely fashion.

Everybody is aware of the scheduling challenges we have during this time of year. But with the cooperation of all Members, we will be able to finish our work and adjourn at the earliest possible time. As always, I thank our colleagues and Senators for their cooperation and energy and patience to accomplish this as we go forward.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The assistant Democratic leader.

Mr. REID. Mr. President, while the distinguished majority leader is in the Chamber, the Senator from Kentucky and I had a conversation on the floor here last night—it was public in nature—indicating that it was the majority leader's intention for us to work on November 10 and 11 that is, Monday and Tuesday of the week after next.

I totally support that. If we are going to get out of here, we have to work that week. The leader set November 7 as a time when we should get out. I think that will be nearly impossible. We may. I hope, if we are going to try to adjourn on November 14, that Members will understand we are going to have to do more than Monday and Tuesday than have votes on judges. We are going to have to go into substantive matters and all during Monday have votes. If we are going to come at 5 o'clock and have a relatively unimportant vote, then I don't think we will accomplish much.

If we have, I repeat, any intention, any hope of getting out of here on November 14—which I hope we could do—we are going to have to work Monday and Tuesday. I fully support the majority leader.

As I said last night on the floor, the veterans of the State of Nevada would also understand why, on an important holiday, Veterans Day, we would be

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



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here doing the people's business. A lot of the business we are doing relates directly to the veterans.

So I hope, if we are going to work those 2 days, they are meaningful, hard days.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, through the Chair in response, it is our objective to adjourn as soon as we possibly can, completing the business before us. Thus, there is a very good possibility we will be able to finish our work that week.

A lot of people do want to be back at home, and rightfully so, for Veterans Day itself. That Monday before Veterans Day we will have to have a productive day here if our goal is to finish that week.

I do want to keep flexible. Right now, I ask the understanding of my colleagues because it very much depends on what happens over the next several days on the floor of the Senate. That is why we have to keep moving ahead with appropriations and see what happens with the supplemental in conference today, see the progress with the energy and medicare conferences. For right now, we need flexibility, but I think based on the comments the Democratic whip just made, as well as mine, if we have a chance of finishing that week, we can make that a very productive week.

I know we will have a full hour before the vote. I just want to comment very briefly on another issue for 3 or 4 minutes.

THE ECONOMY

Mr. FRIST. Mr. President, it is widely expected that the Federal Reserve will vote later today to keep the short-term interest rates at the historically low level of 1 percent. This is good news for our economy and very good news for American households. Low interest rates are allowing consumers to cut their monthly payments, their debt payments, and to invest their hard-earned money in the American dream, and that is the ownership of a home.

Indeed, sales of previously owned homes have hit their third highest level on record. Yesterday, the National Association of Realtors reported that previously owned home sales rose 3.6 percent to a record annual rate of 6.69 million units in the month of September.

The realtor association's chief economist says the strong home sales are a result of "the powerful fundamentals that are driving the housing market—household growth, low interest rates, and an improving economy."

Meanwhile, on Thursday, the Commerce Department will release the data on third-quarter economic growth. Most observers expect the agency will report significant gains. Indeed, if the forecasters are right and the economy does show a 6-percent gain, this would be the fastest upward swing since 1999.

Virtually every region of the country is benefiting from the recovery, as are a host of industries. You read it daily. Sara Lee saw its earnings rise 25 percent. Black and Decker's earnings are up 36 percent. Xerox profits climbed by 18 percent. Also revealing are "first timer" corporate profits. For example, Amazon.com reported a profit for the first time in a nonholiday period. Lucent Technologies is posting profits for the first time in 3 years. Corning and AMR, the parent company of American Airlines, both broke a string of 10 quarter losses.

All of this activity is helping to bolster the job market.

The labor market added 57,000 new jobs last month after seven straight months of job cuts.

Wages have gone up, on average, at nearly all income levels. Higher wages combined with lower debt payments and mortgage refinancing options are adding much needed juice to the economic engine.

So I am optimistic about the direction of the economy as it continues on this road to recovery. Even the New York Times credits the Bush tax cut with higher consumer spending.

In the Senate, we will continue to champion policies that work—policies that return tax dollars to the taxpayer yet encourage entrepreneurship and innovation, and that promote even higher levels of jobs and growth.

I ask unanimous consent that 60 minutes remain in order prior to the vote.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF MICHAEL O. LEAVITT TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

The PRESIDENT pro tempore. Under the previous order, the Senate will go into executive session to resume consideration of Executive Calendar No. 405, which the clerk will report.

The legislative clerk read the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency.

The PRESIDENT pro tempore. Under the previous order, there will now be 60 minutes equally divided between the ranking members, or their designees, and there will be 20 minutes under the control of the Senator from New Jersey.

Who yields time?

The Senator from New Jersey.

Mr. LAUTENBERG. Thank you, Mr. President. I will use most of the 20 minutes I have available, and perhaps all of it. But first, I thank the majority

leader and the minority leader for accommodating my desire to speak on the nomination of Utah Gov. Michael Leavitt to be Administrator of the Environmental Protection Agency prior to the vote to confirm him.

I was, unfortunately, not able to be here last night. So I appreciate that I have a chance to make some remarks this morning.

A few weeks ago, I placed a "hold" on Governor Leavitt's nomination because of serious concerns many of his constituents have raised about his record of enforcing our national environmental laws.

The President has the right to nominate people of his choosing to serve in his Cabinet. That, however, does not obligate anyone to vote for each and every one of them.

I want to make it perfectly clear that I am not impugning Governor Leavitt's character. He has been a public servant for many years and has been credited with many significant accomplishments.

I will vote against confirming Governor Leavitt because I have not had sufficient time to investigate the serious allegations that have been brought to my attention.

In fairness to Governor Leavitt, I asked the Congressional Research Service (CRS) to review and assess the allegations. In a few more days, CRS staff would have been able to get back to me. Unfortunately, the majority has seen fit to force a vote on this nominee today.

Governor Leavitt has waited 2 months. When former President Clinton nominated Katie McGinty to be chair of the Council on Environmental Quality, Republicans delayed her confirmation for more than a year.

Unfortunately, the majority did not honor the holds placed on this nominee, so the process of vetting him properly has been short-circuited. Consequently, we are being asked to vote to confirm an individual nominated to be the nation's highest-ranking environmental regulator—without the benefit of having some answers to some very important questions.

The current "tide" of environmental protection in America is at low ebb under the current administration. I don't have enough time here to enumerate the hundreds of rollbacks and dilutions of our environmental laws that President Bush and his administration have foisted on the American people. Given such a state of affairs, I think it would be wise to determine if the nominee shares the same careless disregard for clean water, clean air, land conservation, and global warming as the President.

I had planned to ask Governor Leavitt many questions based on information provided to me by the southern Utah Wilderness Alliance and other Utah conservation and citizens' groups. They have cast serious doubt on the Governor's commitment to enforcing our laws to protect human health and the environment.

In 1998, Governor Leavitt was quoted as saying:

The national government should establish standards. Local governments must figure out how best to meet them . . . governments must focus on outcomes, not programs.

I agree with the Governor's sentiment that outcomes are what count. The important questions are: Are our rivers getting cleaner? Is the air healthier? Are toxic sites being decontaminated?

On that score, our environmental laws and programs have a proven track record. Even this White House has grudgingly acknowledged as much.

The Office of Management and Budget issued a report recently which concludes that the health and social benefits of enforcing tough clean air regulations during the past decade have been 5 to 7 times greater in economic terms than the costs of complying with the regulations.

When compared to the 1950s and 1960s, before most of our major environmental laws were enacted, we have made outstanding progress. Rivers like the Cuyahoga no longer catch on fire. Air pollution inversions no longer kill 20 people and sicken 4000 more in one fell swoop, like an incident in Donora, PA, in 1948.

These achievements have resulted from the careful implementation of congressional laws. But those laws can only be effective if they are voluntarily obeyed or enforced by EPA and the States. Regulations won't do any good if they are not enforced.

We can be proud of the progress we have made over the past few decades but there is so much more to be done to protect human health and the environment. We can't stop now, but that is what President Bush is trying to do, and I am concerned that is what Governor Leavitt will try to do, too, if he is confirmed. Despite his commentary about "balance" and "stewardship," Governor Leavitt's record portrays a dramatically different approach to the environment. His record reveals a disturbing tendency to place the short-sighted economic interests of regulated industries above protecting the long-term health of the public.

I will highlight just a few of more than a dozen examples which illustrate this pattern. As I mentioned before, much of the information that follows has come from citizens of Utah who visited my Senate office here in Washington to complain about problems they saw with respect to Governor Leavitt's willingness to protect their environment. I might add that I know the State very well. I spend a lot of time in Utah. I love it. I love the terrain. I love the Wasatch Mountains all of that of which Utah residents are so proud.

Governor Leavitt has strongly supported something called the "Legacy Highway" project. This highway was set to cut through highly significant wetlands next to the Great Salt Lake that provide the breeding ground for 500 American Bald Eagles.

The Tenth Circuit Court of Appeals ruled last fall that the Environmental Impact Statement the Governor's staff prepared was invalid because it ignored obvious harmful impacts. To top that, the alternative they chose would have violated the Clean Water Act.

In another instance, the Governor made a secret deal to remove 2.6 million acres from possible designation as "wilderness".

Utah's Sierra Club issued a statement that said:

Governor Mike Leavitt's environmental track record, which includes working behind closed doors with Interior Secretary Gale Norton to open up Utah's wildlands to polluting industries, suggests that he will be a good fit for the Bush administration, but a disappointing choice for Americans concerned with environmental protection. . . .

Earlier this year, EPA released a report on the States' record of enforcing the Clean Water Act. Utah received one of the lowest scores for enforcement.

Governor Leavitt's "hands-off" approach is a recurring theme. He has argued in favor of downsizing and even dismantling agencies like the Environmental Protection Agency. It is not hard to imagine the demoralizing impact it could have on EPA staff if the next Administrator is on record saying that EPA should be dismantled. This viewpoint reveals the importance Governor Leavitt places on protecting our air, water, and land.

Do we really want to return to the days before the EPA was established, when rivers caught on fire and people literally keeled over from air pollution? I, for one, do not relish the results of confirming a "rollback" Governor as the guardian of our Nation's environment under a "rollback" administration!

Another widely reported matter of concern has to do with a fish hatchery the Governor and his family have owned. The family was served with 33 indictments for illegal fish transfers that helped to spread a severe fish disease known as "whirling disease." This is a serious matter, but pales in comparison to the actions taken by Mr. Leavitt once he became Governor. According to the Salt Lake Tribune and other Utah papers, after being elected Governor, Mr. Leavitt had officials in his administration transfer, demote, or fire as many as 70 State employees who had worked on the fish hatchery indictments.

This whole affair definitely has a nasty smell, and it is not just due to the dead fish!

Utah's Kennecott copper mine is reportedly the world's largest open-pit mine. The ore extracted from this mine has brought enormous wealth to its owners, but has been paid for by the public in the form of extensive environmental damage. Acid mine drainage and the careless dumping of waste rock have contaminated surface waters and groundwater on an unprecedented scale. For at least 10 miles along the Oquirrh mountain face, clean water is

all but impossible to find by the local wildlife. Cyanide leach pads, acid mine drainage, and other forms of dangerous contamination have spread across 20,000 acres of land. Metallic contamination has reached Utah's Great Salt Lake and Jordan River.

Mining has always come with a high environmental price tag, and I will grant that some improvements have been made at Kennecott in reducing its toxic air emissions. But what I find especially noteworthy is that for nearly 20 years conservation and citizens' groups have clamored for a clean-up plan for Kennecott. Yet conveniently, this long-sought-after clean-up plan didn't make any headway until this year, right after the Governor's August 11 nomination to become EPA's Administrator. What a coincidence of timing. He has been Governor for many years now. What accounts for this "Road to Damascus" conversion? Is it political expediency?

Utah's U.S. Magnesite Corporation also illustrates Governor Leavitt's environmental "credentials" for the job as EPA Administrator. MagCorp, as it is called, is listed No. 1 on EPA's list of toxic polluters. Some years, it falls to No. 2. At a minimum, it is one of the nation's worst toxic polluters.

According to EPA's Toxic release Inventory, MagCorp accounted for more than 90 percent of total chlorine releases in the United States from 1998 to 2000. Since 2000, MagCorp's chlorine emissions have decreased and it now accounts for only 80 percent of the Nation's chlorine releases. But this slight decrease has not resulted from any enforcement action taken by Governor Leavitt's administration. Rather, the reductions are attributable to actions taken by the EPA.

My question is, Why did the EPA have to step in to enforce the law? Tests of the company's waste-water ditches have revealed dioxin contamination at 170 parts per billion. That is 170 times higher than EPA's "action level" for clean-up. EPA eventually had to step in where the State had failed to do so. That strikes me as a serious lapse in enforcement responsibilities.

Remember that Governor Leavitt has said, "The national government should establish standards. Local governments must figure out how best to meet them." But in case after case of significant environmental damage, we find that the Governor appears to believe that "he who enforces least enforces best." What good are environmental health standards, if they are being ignored, year after year? Those standards exist for sound scientific reasons and are developed only after years of extensive research and independent peer review.

The plain fact is this: toxic pollution is dangerous to our health, especially to the health of our children and grandchildren. We may not immediately see the lowered I.Q. scores, cancer "clusters," or autoimmune diseases, but make no mistake, they are

among the tragic results when polluters are allowed to flaunt with the law with impunity. Failure to enforce our environmental laws portrays either a sad ignorance of the health costs or, even worse, a knowing disregard for them. In recent years, scientific analysis of the highest caliber has shown that, if anything, our environmental health standards may be too lax.

We have learned, for instance, that children under 2 are 10 times more likely to develop cancer when exposed to the same toxic concentration as adults. An article that appeared in the *New England Journal of Medicine* last April reported that the concentration of lead in the blood which can lower a child's I.Q. is lower than previously believed. In the latest study published in the *New England Journal of Medicine*, researchers report that at blood-lead levels allowed under the current health standard, children's I.Q. scores declined by an average of 7.4 points.

We will not be well served by an EPA Administrator who continues, or even accelerates, the pace at which President Bush is dismantling our fundamental environmental protections. The last person we need as Administrator is someone whose philosophy on key environmental issues is less regulation, no matter what the cost to public health and the environment.

I would add that it is not just the Sierra Club and the Southern Utah Wilderness Association who have voiced opposition to this nomination. Rocky Anderson, Mayor of Salt Lake City, who opposed the Governor's "Legacy Highway" project, said:

On environmental issues governor Leavitt and I differ greatly. He's had some great opportunities to provide real leadership, but I think he has been unwilling to spend the political capital to make the important changes. We have serious air quality issues that are simply going to get worse without strong leadership.

The last 3 years have been the "darkest hour" of our Nation's commitment to environmental protection since EPA was created. This White House has repeatedly foisted its penchant for secrecy and cover-up on the Environmental Protection Agency. It held back the Children's Environmental Health Report for 9 months. It has hidden and misrepresented the impacts of its New Source Review rule. And for the first time ever, White House officials insisted that the global warming chapter be deleted from EPA's Air Quality Trends Report. You do not have to be an atmospheric scientist or professor to know what is happening because of global warming. We see the trend all over, and we see the consequences of that trend. But the administration will have none of that.

Earlier this year, the administration tried to prevent the release of a report on EPA's abysmal enforcement record. I am thankful the report was leaked to the press. Now we have some of the facts regarding EPA's enforcement record under President Bush:

Enforcement actions against some of the worst environmental violators have been cut by at least 45 percent;

Half of the facilities that violate their toxic limits do so by 100 percent; 13 percent violate their limits by a staggering 1,000 percent; and

80 percent of Clean Water Act violators never receive a formal enforcement action.

This is a total disregard for the law. I think it's time to end the disregard, the secrecy, the obfuscation, and the wholesale abdication of responsibility for protecting two of the Nation's most precious resources: human health and our environment.

My fear is that this abdication won't end with the nominee the Senate is poised to confirm; it will get worse. Therefore, I must vote "No." And I hope many others will vote no to show that we are opposed to this degradation of our environment and to this willful ignorance of the costs that degradation will impose on our society.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Oklahoma.

Mr. INHOFE. Madam President, I had a hard time figuring out whom the distinguished Senator from New Jersey was talking about.

Let me just outline how this side is going to use its 30 minutes. I have a few comments to make, and I may respond to some of the things the Senator said about Governor Leavitt. I understand Senator BOND wants to come down and have about 5 minutes.

I ask if Senator JEFFORDS would mind if Senator HATCH could have our last 10 minutes because he was not able to spend as much time in the Chamber yesterday in order to respond to anything else that has been said about Governor Leavitt.

Mr. JEFFORDS. No objection.

Mr. INHOFE. Thank you very much. I appreciate the cooperation we have had.

First of all, as far as the comments the Senator from New Jersey made about Governor Leavitt are concerned, talking about the Legacy Parkway, let me just mention to him that the construction on the highway began only after Utah had the legal authorization to do so from the various States and the Federal agencies. The 2,000 acres of wetlands would be protected as a nature preserve.

But I think the most significant point, since he is criticizing the administration along with Governor Leavitt, is that all required Federal approvals for the Legacy Parkway project were issued by the Clinton administration after 6 years of study, public comment, and legal review. That was the Clinton administration.

Secondly, on the water quality report, first of all, the report they are quoting is from PIRG, which is another environmental extremist group. It is not part of the Federal Government. The truth is, the PIRG report relied on incomplete data to reach the findings

for Utah. When the Utah data was corrected, Utah showed one of the lowest Clean Water Act noncompliance rates in the country.

For example, between January of 2000 and March of 2001, Utah's noncompliance rate placed Utah among the top 10 States with the lowest rates of noncompliance. Right now, 73 percent of the streams in Utah meet all Federal and State requirements. That is a 24-percent improvement over the time since Governor Leavitt took office. It is one of his greatest accomplishments, and here he is being criticized for it.

I have to go back and reread—I wish there were more time to do it. I certainly appreciate Senator JEFFORDS' comments when he said—and this is a quote—

First of all, it has nothing to do with the qualifications of Mr. Leavitt. I will vote for him and I am hopeful that at some point I will be able to do so. I look forward to that. I consider him a friend. I have worked with him in the past on [various matters].

Gov. Bill Richardson, a Governor with Governor Leavitt, said:

He has worked effectively with other Governors regardless of party. Obviously the same willingness and ability to work collaboratively with other elected and appointed environmental officials is crucial to the effectiveness of any EPA Administrator. Mike Leavitt is a consensus builder and can bring people together.

That is Gov. Bill Richardson of New Mexico, one of his biggest fans.

We have talked over and over about the accomplishments of Governor Leavitt. He was the chairman of the National Governors Association. He is chairman of the Republican Governors Association, chairman of the Western Governors Association. Under his leadership, the visibility in the West has improved. There have been accolades all over the country on the job he has done as the cochairman of the Western Regional Air Partnership cleaning up the air.

During his 11-year term, we already mentioned 73 percent of Utah streams currently meet all water quality standards compared to 59 percent 10 years ago. And it has all happened since Governor Leavitt took office.

I do not understand at this late hour that finally someone is coming and criticizing him. I have been critical of the debate so far because they have not really talked about Governor Leavitt, except in praising him, but they have talked about misrepresenting the Bush administration's environmental progress.

Now, I think something has to be said that, prior to his markup, committee Democrats submitted 400 questions to Governor Leavitt. And if you compare that to other administrations, when Carol Browner was up in 1993—remember that—she had only 67 questions that came from Republicans—not 400; 67. And, of course, for William Reilly there were just a handful of questions at that time.

Also, going back to the number of days it took between the nomination

and actually becoming the Administrator, for William Reilly it was just 13 days; for Carol Browner, just 11 days; and for Governor Whitman, it was 13 days. Now, this has taken 55 days. And when Senator LAUTENBERG, a few minutes ago, said he has not had time to look at it, my gosh, if he did not need any more than 10 or 13 days for the others, what is wrong with having 55 days? It is certainly more than enough time.

We desperately need to have this man in this office. For weeks we have heard nothing about Mike Leavitt and everything about President Bush, and yet I would like to suggest to you that President Bush's record and accomplishments are second to none.

Let me quote Greg Easterbrook from an op-ed in the Los Angeles Times. He is the senior editor of the very liberal New Republic. He doesn't say many good things about Republicans. He is a Democrat. He is very sympathetic to their causes. He says most of the charges made against the White House are "baloney," made for "purposes of partisan political bashing and fundraising." He also contends that "environmental lobbies raise money better in an atmosphere of panic and so they are exaggerating the case against Bush." In his view, President Bush's new rules for diesel engines and diesel fuel "should lead to the biggest pollution reduction since the 1991 Clean Air Act amendment."

Last night I went over all of the accomplishments of the Bush administration. The fact that the Clear Skies legislation is coming up and is going to be the largest mandated reduction in pollutants of any President in history, a 70-percent reduction in sulfur dioxide and nitrogen oxide and mercury. On cleaner fuels and engines, there is the diesel rule. I am prepared to talk about these.

At this point I yield to the minority side for any comments they want to make because, quite frankly, I want to be in a position to respond. I appreciate Senator JEFFORDS allowing the senior Senator from Utah to have the last 10 minutes of our time. We will wait for other Members to arrive.

I yield the floor.

Mr. JEFFORDS. Madam President, I yield the 7 minutes remaining from the time of the Senator from New Jersey to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I appreciate the time. As I understand it, I am yielded how many minutes?

The PRESIDING OFFICER. Seven minutes.

Mrs. BOXER. Madam President, I rise as a proud member of the Environmental Committee and the chair of the Democratic environmental team. I will be voting no on the Leavitt nomination. The reason is, while I am not pinning all the terrible decisions of this administration regarding the environment on Mr. Leavitt—clearly, he was not there for those—I was very dis-

tressed that the questions I asked him were simply papered over or, in some cases—six cases—there was no answer at all. I will explain in a moment.

I am going to divert for a sentence or two to again express my concern about the fires burning out of control in my State. I send my prayers to the people of my State and thank the President for declaring it a disaster area. This was absolutely necessary because we need help from all over the country. These fires are far from out, and the winds are unpredictable.

Our 7,000 firefighters, the heroes of the day again, are out of breath and need relief. We cannot stand back and say the winds will dictate what happens. We have to save lives and homes. I will be going to the State as soon as I can, when it is appropriate, and offer all the help we can.

My colleagues have been so kind and so good in asking questions. Right now we have lost 14 people, 1,518 homes; 501,000 acres are burning, four times the size of Chicago. It is a travesty.

Getting back to the issue at hand, I do not think it is terribly comforting to the American people to hear that the questions I asked were not answered—many of them—because they know we have had many rollbacks. As Senator LAUTENBERG so eloquently said, I have a little scroll I could bring to the Chamber, if I were allowed—I think the rules do not allow for that—and I could let out the scroll all the way past where the Presiding Officer is sitting. It would list, in fairly large type, 300 environmental rollbacks.

I was stunned to hear a Senator on the radio today say that this administration has the greatest environmental record of any President. I can't even respond to that except with the truth. The truth is, we have documented 300 rollbacks.

One of my leaders on this issue, in addition to Senator LAUTENBERG, is Senator JEFFORDS. He has been fighting for clean air harder and longer and with more focus than anyone I know. He could tell you chapter and verse why we are losing the battle to clean up our air. Every time the administration calls something "Clear Skies, beautiful forests," or "lovely day," it is just the opposite when one cuts through it. It is essentially special interest legislation that is rolling back the progress we have made.

If you go to any school in this country and ask the children, do you have asthma, does someone in your family have asthma, do any of your friends, literally almost half the classroom will raise their hands high. This is not the way it used to be.

This is the time when we need strong environmental leadership. Governor Leavitt is one of the nicest people I have ever met. We had a couple of great meetings. But he essentially rolled over my questions, in many cases not even answering them at all, just as if I hadn't asked anything.

Let me tell you about what happened this summer. I call this past summer

"toxic summer." Senator JEFFORDS and I held a press conference. Senator LAUTENBERG was there. We documented what has happened just this summer. Let me give you a quick reason why we need a real environmental leader at the EPA.

"Toxic-site cleanups slowing, report says," Sacramento Bee.

Spending on the cleanup of hazardous waste sites is slowing under the Bush administration, and that could delay the cleanup of three dozen sites in California, including several around Sacramento. . . .

U.S. is Seeking to Limit States' Influence on Offshore Decisions; California Officials Denounce the Proposed Revisions as an Effort to Bypass Court Rulings. . . .

Whatever happened to States' rights? I thought this administration liked to help States. They are rolling over the States, if the States want to do more cleanup, if the States want to protect their coasts.

EPA's 9/11 Air Ratings Distorted. . . .

We all know Senator CLINTON did a masterful job of holding up this nomination until she got some promises from the administration that she could see exactly what went on behind the scenes and how "in the days after the terrorist attack, White House officials persuaded the EPA to minimize its assessment of the dangers posed by airborne dust and debris from the skyscrapers' collapse." Withholding information is sick. There is something terribly wrong with this administration.

Bush Eases Clean Air Act for Industries.

In one of the broadest changes to air-pollution regulations since the Clean Air Act was first approved in 1970, the Bush administration . . . eased smog rules affecting more than 500 older power plants and some 20,000 aging factories. . . .

This is the issue Senator JEFFORDS has championed.

This is another one from the Los Angeles Times, just this summer. This isn't all the 300. This is just this summer.

EPA Won't Regulate "Greenhouse Gases"; Environmental Groups' Bid for the Agency to Cut New-Vehicle Emissions is Denied. California May Sue, Saying the Decision Threatens State Efforts.

Later on this week we will vote on the McCain-Lieberman bill. The administration opposes it.

I ask if I may have 2 more minutes from my friend.

Mr. JEFFORDS. I yield the Senator from California 1 additional minute.

Mrs. BOXER. The last chart is frightening.

EPA Eases Rules on PCB-Tainted Properties.

These are the most polluted, dangerous properties. People were not allowed to sell those properties or transfer those properties until they had a plan that EPA signed off on and approved.

Madam President, we need an EPA Administrator with guts and strength and the ability to stand up and say he is going to fight for the environment. The fact that he did not answer a number of my questions tells me that I am

afraid that, in the room when they are debating these issues, Mike Leavitt will be a full team player with the Bush administration and not a team player for the health of the American people.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield time to the Senator from Nevada.

Mr. REID. Madam President, what I want the American people to understand is that this administration's environmental policies are awful, starting with arsenic, the Arctic National Wildlife Refuge, clean air, and what they have not done with Superfund. We can go through a litany of bad decisions. We are going to have a bipartisan bill brought up this week dealing with global warming. The most glaring issue is this administration doesn't believe global warming is taking place.

So when Mike Leavitt called me and said he had been asked by the President to be the EPA Administrator, I said: Mike, why would you want this job, with what this administration has done on the environment?

I said: I like you and I will do everything I can to help you. But you should understand that this administration's environmental policy is the worst this country has ever had.

So I have done what I could to help Mike Leavitt get through this process.

The main thing I wanted to say and why I have such warm feelings about Mike Leavitt goes back many years ago. I was a sophomore in college. I went there on an athletic scholarship at a junior college in southern Utah called the College of Southern Utah. My wife and I decided we were going to get married between my sophomore and junior years, and that we did. Prior to doing that, I went to an insurance agent in Cedar City, UT, by the name of Dixie Leavitt. I didn't know who he was.

I said: Mr. Leavitt, the reason I want to buy a health insurance policy is because my wife may get pregnant and we don't have the money to pay the hospital bill. I want to make sure the insurance policy covers pregnancy.

So we went away to another school, several hundred miles away, to Utah State University. A couple years later, she became pregnant. Well, we were going through the process of contacting doctors, and she has the baby and the insurance policy does not cover maternity. So I call Dixie Leavitt long distance, which I could not afford, to Cedar City, UT.

I said: Mr. Leavitt, I don't know if you remember, but I bought an insurance policy from you. The only reason I bought it was for maternity, and it doesn't cover that.

Without him saying he didn't remember or anything else, he said: Send me the bills. He personally paid those bills.

Now, I have to think some of that goodness rubbed off on his son, Michael Leavitt. I think the story about Dixie

Leavitt, whom I have never talked to since I talked to him on the telephone many decades ago, speaks volumes about the kind of man that Mike Leavitt must be because of his father.

I am sorry that Governor Leavitt has accepted this job. I am going to do everything I can, and I hope it works out. Governor Whitman was a total disappointment to me. She had a much stronger environmental record than does Mike Leavitt when she was Governor of New Jersey.

With all the bad things that this administration has done on the environment, it is important to note that at least in this instance they chose a man who has character. I hope that character will come through in the environmental policy of this country and override the bad policies of this administration.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Madam President, how much time remains on both sides?

The PRESIDING OFFICER. There are 22 minutes on the majority side and 5 minutes on the minority side.

Mr. INHOFE. Let me take a minute or two, and then I will yield to Senator BOND. First of all, the Senator from California was talking about the dismal record in Superfund of this administration, and the fact that not enough money has been spent. I want to suggest that there is no correlation between the money raised when they had the tax and the money spent on Superfund cleanups.

In 1996, during the Clinton administration, the tax fund was at its highest level. Yet money spent by the Clinton administration for cleanup was near a 10-year low.

To contrast that, in President Bush's 2004 budget, the money for actual cleanup is near a 10-year high, while the fund is at a low point. In fact, the 2004 request of the President is \$1.38 billion, which is higher than 7 of the 8 years of the Clinton administration. So I don't think there is anything to that particular argument.

I also remind the Senator of this: When she talked about people praising the President for his environmental record, many of these people praising the President are not Republicans, they are not pundits. These are Democrats and liberals, who are giving him credit, such as Gregg Easterbrook, senior editor of the liberal New Republic magazine, as I have mentioned.

At this time, I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, I appreciate the opportunity to speak on behalf of Governor Leavitt. I think the President has made an excellent choice in nominating this Governor, who has a great record. I think the environment and the Environmental Protection Agency will be well served by his nomination. At a time when there are many pressing issues facing us in the envi-

ronmental area, it is important that we have a good leader.

Governor Leavitt is a good leader. He is a Governor, as I was formerly, and I know that he has brought leadership and management skills and a State perspective. He was very successful in Utah, and he will bring success, as the Nation's longest serving Governor, to the EPA. I believe he stands for environmental principles that we desperately need: collaboration, not polarization; national standards and neighborhood solutions; rewarding results, not programs; science for facts, process for priorities; markets before mandates. All of these things are necessary to move forward in improving our environment.

Governor Leavitt has a record of environmental achievement to match his environmental vision. As my colleagues from Utah will describe shortly, because of him the air in Utah and the West is cleaner and clearer. Visibility over the Grand Canyon has improved because of the Governor's role with the Western Regional Air Partnership. I know our friends from Utah are proud that Utah has among the Nation's cleanest watersheds. That has improved dramatically during the Leavitt administration. Utah's most environmentally sensitive land is better protected because of Governor Leavitt's service.

Unfortunately, Governor Leavitt is entering a job in a city where political opponents try to use the environment to make political gains. We heard charges a few minutes ago that he had not answered all the questions. The interesting part is that we went back and looked at similar questions asked of previous nominees, particularly Administrator Brown in the last administration. She was not able to answer those questions dealing with the internal operations of the EPA either. At the time, we understood, and the Republicans confirmed her.

I am delighted that we are moving forward to confirm Governor Leavitt because he cannot be expected to know everything going on inside the EPA. As far as the record of this administration under President Bush, environmental and health benefits from drastically reduced levels of NO_x and SO_x and mercury pollution in the President's Clear Skies proposal are being held hostage by those who want to use global warming as a political issue against the President.

Environmental benefits, improved energy security, and more efficient and reliable electricity protection in New Source Review improvements are being attacked and blocked by the President's political opponents.

Even my own modest incremental suggestions for improved environmental collaboration in the transportation bill were leaked to the press, mischaracterized by the very environmental stakeholders, some of whom we worked with to formulate those improvements.

Fortunately, President Bush is maintaining a strong commitment to the environment and the Environmental Protection Agency. In the face of funding a war on terrorism, growing deficits, and, yes, even tax cuts, President Bush has requested more money for EPA. President Bush's \$7.6 billion request for the EPA is \$300 million more than President Clinton requested for the EPA in his last budget. President Bush's \$431 million request for EPA enforcement is the largest request for Federal environmental enforcement funds in our Nation's history. I just hope that my colleague, Senator MIKULSKI, and I have enough money in the budget of VA-HUD to meet those goals. It is questionable at this point. But we certainly want to achieve the President's funding.

Just last week in the Environment and Public Works Committee, we were able to pick up the broken transportation pieces and fashion a bipartisan agreement on environmental provisions relating to NEPA and the Clean Air Act. I think this spirit of cooperation can serve this body and our Nation's highway needs well, and maybe we can even flow that cooperation into the Leavitt nomination.

I urge my colleagues to follow this new bipartisanship and move forward and support the nomination of Governor Leavitt without delay.

I yield the floor.

Mr. JEFFORDS. Madam President, I rise to support the nomination of Governor Leavitt to be Administrator of the Environmental Protection Agency. I have worked with him in the past on education issues and found him to be insightful and, most importantly, cooperative. That is what I seek from this administration—cooperation. My support for Governor Leavitt brings with it the renewed call for cooperation from this administration on outstanding information requests that I have on important environmental issues impacting the health of our citizens and our environment. I will continue to pursue these requests with Governor Leavitt when he becomes Administrator of the EPA.

This vote should not be seen as an endorsement of the Bush administration's environmental policy but a vote in support of a fine and honorable man who has an extremely difficult job ahead. I look forward to working with him to improve the environmental protection that our country deserves.

Madam President, it has surprised me to hear some Senators use the word obstruction in the context of Governor Leavitt's nomination to be the new Administrator of the EPA. It was a surprise because that is exactly what this administration has been doing—obstructing Congress and our legitimate requests for information. Much of the obstruction has been related to the unfortunate and probably illegal activities of the administration on New Source Review and on other important air quality matters such as multi-pollutant legislation.

As Senators may know, the General Accounting Office released a report last week which looked into the effect that the administration's proposed NSR changes would have on pending enforcement actions. That report strongly suggests that administration political appointees were well aware that the proposed changes would negatively affect swift and environmentally protective resolution of those enforcement cases. Yet they proceeded with the changes anyway.

In the course of the GAO investigation, GAO conducted some very interesting interviews that bear on Congress's right of access to agency information. In GAO's February 12, 2003, interview with Bob Fabricant, then-EPA general counsel, the interview notes say, "Mr. Fabricant mentioned that they were in the process of putting together a confidentially agreement [to provide access to sensitive NSR documents] with the SEPW staff last year but they never completed the agreement." When asked by GAO why the agreement was not completed, "... Mr. Fabricant and Mr. Valeri laughed and responded that the agreement was not completed because of the results of the mid-term elections." The GAO interview asked, "... why the results of the election should affect GAO and Congress's ability to conduct oversight. Mr. Fabricant did not respond directly to this question but did say that his understanding is that GAO's access to agency documents is governed by the position of the Congressional requestor."

This new assertion by the agency will come as a very large surprise to Senators on both sides of the aisles, both ranking and chair, particularly for those whose information requests were made while they were chairmen, as I was, and are still unsatisfied. It appears that the Agency and the administration have adopted a posture, which is not defensible by any statute or precedent, that they will just wait for House of Congress to change parties and ignore requests for information that is their duty and responsibility to provide in a timely fashion. I would hope that my colleagues would see the peril in any administration implementing such a cavalier attitude toward the Nation's elected representatives.

The administration has shown an active disrespect for the legislative branch of government which is most disturbing. This pattern is becoming abundantly clear, whether it is vital environmental and public health information or important intelligence and national security data. This is not a healthy situation for reasoned public policy debates or a well-functioning democracy.

Madam President, I yield the floor.

Mr. INHOFE. Madam President, first let me say to my friend from Vermont that is an excellent statement, and I share his view on the qualifications of our nominee. I look forward to his be-

coming a historic Administrator of the EPA.

I would like to yield myself 5½ minutes so that I can ensure the senior Senator from Utah has the final 10 minutes.

The PRESIDING OFFICER. The Senator has that right.

Mr. INHOFE. Let me just mention a few things. It seems as if we really do not need to talk about Governor Leavitt. I agree with the praises that many people have made of him. I believe that he is probably the best, most qualified nominee we have ever had, but let me take this time to mention some other things.

I already talked about the record, about the Clear Skies legislation mandating a 70-percent reduction in sulfur dioxide, nitrogen oxides, and mercury. No President in history has ever mandated that. I look forward to getting to the Clear Skies legislation.

As to cleaner fuels and engines, the diesel rule has been applauded all around for the amount of reduction it will bring. The rule requiring new heavy-duty trucks and buses to run cleaner will cut harmful pollutants by 95 percent. That is a huge amount.

Also, in terms of enforcement, I talked about these in more detail last night, but the President has done more in terms of settlements. Just in this short period of time he has been President we have had settlements with Virginia Electric Power, and they are going to spend \$1.2 billion to reduce pollutants. The Archer Daniel Midland settlement has taken place under this administration. It is going to total \$335 million that will go toward cleaning up the environment; Alcoa, \$2.5 million to fund environmental projects; Lion Oil Company will spend \$2.5 million to install state-of-the-art pollution control technologies throughout its refinery; and the settlement with Toyota, the same thing, \$34 million. These are all settlements in the Bush administration. They were not settled during the Clinton administration. So he has that record, and it is a record that is better than any previous administration.

In terms of his budget proposal, I think the Senator from Missouri covered that very well. In cleaner water, we have legislation right now in the committee that I chair, and with the cooperation of Senator JEFFORDS, we have now passed out a nuclear security bill, waste water security bill, and a chemical security bill. Hopefully, they will be taken up and passed before long.

As far as this administration, on brownfields, nobody has been able to hold a candle to what President Bush and his administration have done in brownfields. I am very sensitive to this because I had an amendment on the brownfields bill that would include petroleum sites, some 200,000 petroleum sites, and that has been used as an example for the greatest single area of accomplishment, in terms of cleaning up these sites. We are talking about

brownfields as opposed to Superfund sites. The legislation will significantly increase the pace of brownfields clean-ups. President Bush's 2004 budget proposal provides \$210 million, more than twice the level of funding prior to the passage of this legislation. So I would just say that I join with the U.S. Conference of Mayors and the Trust for Public Land in applauding the President for the accomplishments he has made in brownfields, certainly much better than any other administration.

Then lastly, I would just say that the President has actually done not just good enforcement but smart enforcement. Over the last two fiscal years, the EPA and the Department of Justice enforcement has obtained \$8 billion in environmental remediation. This is the best consecutive 2 years of enforcement of any prior administration on record.

I repeat that. In his enforcement, this is the best consecutive 2 years of enforcement of any prior administration on record—the Clinton administration and the previous Bush administration. In fiscal year 2002 the EPA compliance assistance centers provided environmental technical assistance to more than 673,000 businesses and individuals to help them comply with environmental laws. I think that is consistent with the fundamental belief of this President that he does not want to just go out and punish people. He does not want to use that for the mark or the indicator as to what kind of jobs have been done. He wants to help people, help people get sites cleaned up.

Comments have been made about the Superfund by the previous speakers. I would only say that the amount of money that has been appropriated for cleanup of Superfund sites is higher than any other administration that this President actually has for the 2004 budget. I appreciate that.

Mrs. FEINSTEIN. Mr. President, I rise to address the nomination of Governor Michael Leavitt to be Administrator of the U.S. Environmental Protection Agency, and to speak more generally on my concerns regarding the impact of EPA policies on environmental issues in California.

I have many concerns about the Bush administration's commitment to advancing strong environmental policy. However, because I believe that it is important for a President to be able to select his own Cabinet, I do not oppose the President's nomination of Governor Leavitt to be Administrator of the Environmental Protection Agency. It is only in exceptional cases that I believe the Senate in its role of advice and consent should reject a nominee.

Governor Leavitt will be assuming leadership of the EPA at a critical time. The Agency stands at a crossroads in its mission. I strongly believe that the administration's environmental policies thus far have moved the EPA in the wrong direction. It will require strong leadership from Governor Leavitt to steer EPA back onto a progressive course.

Many environmental issues must be addressed in the coming 2 years on

both a national and State level. I look forward to working with Governor Leavitt if confirmed as Administrator of the EPA, and I am certain that together we will be able to find innovative and efficient solutions to the environmental problems confronting California.

I would like to discuss a few of the issues.

First, I would like to begin by asking Governor Leavitt to take a definitive stance in the battle against climate change. There is strong evidence that most of the global warming that has occurred during the past 50 years is attributable to human activities.

Shamefully, the White House under the Bush administration has chosen to disregard this worldwide problem by thwarting efforts to regulate greenhouse gas emissions.

And given the overwhelming evidence of U.S. culpability regarding greenhouse gas emissions, EPA needs to take a strong stance regarding the enactment of stringent rules and regulations.

The United States must catch up to the rest of the modern world in the battle against climate change.

Voluntary programs are not sufficient. They barely work—and certainly not to the extent necessary to reduce emissions.

We must work to reduce overall greenhouse gas emissions as opposed to merely reducing emissions intensity in the manner proposed by the White House.

Even if we achieve the administration's goals of reducing emissions intensity by 18 percent, the actual amount of emissions will still likely increase.

The recent revisions to the Clean Air Act's New Source Review rules are one example of the Bush administration's disregard for air quality control. These revisions allow aging and inefficient power plants whose permits are up for renewal to continue operating in the exact same manner—environmentally speaking—that they did decades ago.

For example, a coal power plant can conduct major repairs and parts replacement, without updating the pollution control equipment.

It has been years since the problem associated with clean air and powerplants became apparent to everyone, and yet the current administration has pushed through regulations that will let the pollution continue unabated.

I look forward to the upcoming Senate debate and vote on the McCain-Lieberman climate change bill this week. In anticipation of this vote, I encourage the Agency to take a firm stance on climate change.

I want to turn now to address a very important issue for California voters: the joint State-Federal CALFED program designed to improve California's water supply, fishery resources and water quality.

I have been extremely disappointed to date at EPA's lack of involvement in CALFED. EPA can and should take a role in CALFED's water quality program.

I urge the next Administrator of EPA to work closely with California on water quality. Here are some important steps EPA could take:

The CALFED plan proposes to take action on wastewater treatment, bromide reduction at municipal water intakes and new efforts to stem contaminants from abandoned mines.

These actions will be spliced with source water protection, new health effects research on Delta water, as well as comprehensive monitoring and assessment of Delta drinking water quality.

Finally, to assure progress, public and peer review processes will monitor compliance with drinking water standards, and measure performance against consumer water rates.

If EPA partners with California on this program, the benefits could include better tasting water at lower costs, a longer life for Californians' plumbing and consumer appliances, and more reliability from recycling and groundwater storage programs.

A decade ago, there were efforts to deregulate a portion of the radioactive waste stream and allow these wastes to be either recycled into consumer products or disposed of in local municipal landfills.

This effort created such a firestorm of public concern that the Congress prohibited it in the 1992 Energy Policy Act.

Since that time, there has been no effort to try again to deregulate radioactive waste—until now.

Recently, the EPA has announced that in the next few weeks it intends to issue an Advanced Notice of Proposed Rulemaking to consider deregulating the manner of disposal of radioactive wastes.

This action would allow radioactive wastes to be sent to landfills that were neither designed nor licensed to handle such wastes.

Radioactively contaminated materials could also be recycled into consumer products, where they could end up in everything from children's braces to spoons and automobiles.

These are not theoretical risks. The Los Angeles Times has reported that the Santa Susana Field Laboratory in Ventura County, CA shipped hundreds of tons of radioactively contaminated metals from decommissioned old reactors to a metal recycler in San Pedro. That radioactively contaminated metal was then melted down and shipped out into the consumer metal supply.

It is my understanding that these Advanced Notices of Proposed Rulemaking—designed to once again try the controversial deregulation of radioactive waste—are being held until after the confirmation of the EPA Administrator has been addressed.

It is my hope that Governor Leavitt, if confirmed as the new Administrator, will take a hard look at this issue and block this misguided proposal. I know I will be keeping a close eye on the matter.

I would like to now move on to an issue of paramount importance to California.

The degraded air quality in California has reached a crisis point. It is imperative that EPA addresses the various factors contributing to air pollution in California with immediate regulatory efforts.

A bit of statistical background is necessary to understand the breadth of the air quality problems.

California has the worst air quality in the Nation. For example, Los Angeles is the only area in the country that has "extreme non-attainment" for air pollution standards.

Two thousand three has been the worst year for smog in southern California since 1997. The Los Angeles basin has experienced unsafe levels of ozone approximately every other day since the first of May.

Legislators and regulators from California are working together to address the sources of air pollution.

I am fighting to remove language inserted into the VA/HUD spending bill that would prohibit California from limiting the amount of pollution that can be released from small engines, those that are less than 175 horsepower, such as lawnmowers and small tractors.

The California Air Resource Board recently approved landmark regulations—which were written with significant input from the small engine industry—that would set strict pollution standards on engines of 25 horsepower or less, but these regulations would effectively be preempted if the language in the VA/HUD bill is signed into law.

These small engines release a disproportionately large amount of pollution based on their size. In California alone, these engines emit the pollution equivalent of 18.3 million cars. Appropriate regulations could cut the emissions from small engines in half.

The EPA must take another look at regulating the obscene amount of pollution that comes from small engines such as lawnmowers and leaf blowers. It is my sincere hope that upon confirmation, Governor Leavitt will direct the EPA to examine this issue further.

The EPA can also help improve California's air quality by granting California a waiver to the Federal mandate requiring States to add oxygenates such as ethanol to its gasoline.

Ethanol is a highly volatile substance. According to the California Department of Environmental Quality, ethanol actually appears to have resulted in an increase in the amount of volatile organic gases that are released into the atmosphere. These gases are implicated in increase levels of smog and ozone in our air.

Ethanol use has increased tremendously in California. In fact, 70 percent of the gasoline used in southern California and 57 percent of that in northern California is now blended with ethanol.

In fact, the conference committee on the energy bill is debating an ethanol mandate that would almost triple the amount of ethanol used in the Nation's gas supply.

California, however, can meet clean air standards without ethanol or

MTBE. These oxygenates are not necessary to achieve cleaner air. It is imperative to examine the role of increased ethanol use on current higher smog levels.

Winston Hickox, Secretary of the California Environmental Protection Agency, concluded that:

... our current best estimate is that the increase in the use of ethanol-blended gasoline has likely resulted in about a one percent increase in emissions of volatile organic gases (VOC) in the SCAQMD [South Coast Air Quality Management District] in the summer of 2003. Given the very poor air quality in the region and the great difficulty of reaching the current federal ozone standard by the required attainment date of 2010, an increase of this magnitude is of great concern. Clearly, these emission increases have resulted in higher ozone levels this year than what would have otherwise occurred, and are responsible for at least some of the rise in ozone levels that have been observed.

I urge the EPA to stop the legal wrangling, accept the ruling of the 9th Circuit Court of Appeals, and issue the waiver to improve California air quality.

I now want to discuss my concerns surrounding two specific water contamination issues in California: groundwater contamination by perchlorate, and the deplorable state of the New River that flows along the border between California and Mexico.

Perchlorate is both a naturally occurring and man-made chemical that is used as the primary ingredient of solid rocket fuel propellant. Widespread perchlorate contamination was found in California drinking water in 1997, most of it from the manufacture and improper disposal of the chemical.

According to the EPA, perchlorate poses a serious health risk to human health because it interferes with the proper function of the thyroid and can potentially cause tumors.

I urge Governor Leavitt, if confirmed as Administrator of the Environmental Protection Agency, to both hasten and increase EPA's efforts to identify and hold accountable those entities that have contaminated California's groundwater.

To date, perchlorate has been detected in more than 300 groundwater wells operated by 80 different agencies throughout California.

Collectively, these agencies serve 24.8 million people.

In the Inland Empire, a 7-mile plume has contaminated 22 drinking water wells, jeopardizing water supplies for approximately 500,000 residents.

The next EPA Administrator must direct the Agency to use its powers under Superfund law to compel the companies responsible for this contamination to participate in its clean-up.

On a broader scale, the next EPA Administrator must direct the Agency to set a federal drinking water standard for perchlorate as soon as possible, both to clarify clean-up standards and to provide oversight for the cleanup efforts.

There have been recent suggestions that it will take another 6 years before the EPA can issue a clean-up standard.

Six years is an unconscionable delay given that we are discussing pollution of our drinking water supply.

EPA should take conduct site-specific assessments to evaluate the level of perchlorate contamination, and when appropriate, provide replacement water for the communities suffering from contaminated water.

This is a matter of utmost urgency for California because human health is at stake. I strongly believe the EPA must both accelerate and strengthen its response to this problem.

I also want to draw the EPA Administrator's attention to the status of the New River, which flows along the border between California and Mexico.

The New River has been consistently named one of the most polluted rivers in the United State by American Rivers.

The New River flows North from the Mexicali Valley into California's Imperial Valley, carrying with it vast quantities of urban runoff, such as raw sewage, industrial and municipal wastes, such as pollution from factories, and agricultural runoff, including pesticides.

Here is one startling statistic: Every day, the river pumps between 20 to 25 million gallons of raw sewage into California.

This is such a massive amount of horrific pollution flowing into California every day that we desperately need the help of EPA and the Federal Government to develop a solution to this problem.

The EPA has worked in Mexico to build two sewage treatment plants; however, I urge the agency to focus efforts on clean-up strategies in California.

In Utah, Governor Leavitt demonstrated his commitment to clean water when he supported the Colorado River Basin Salinity Control Act. This legislation helped reduce salt and agricultural drainage, and has had beneficial ramifications in California as well.

I applaud Governor Leavitt's efforts in this arena, and I would very much like to see his Clean Water Initiatives expanded to include other imperilled rivers such as the New River in California.

I must also voice my concern about the status of the Superfund Trust Fund. In 1980, citizen concern and outrage over highly toxic sites led to the creation of the EPA Superfund program to locate, investigate, and then clean the most hazardous sites nationwide.

Superfund has not been renewed since it expired in 1995, leaving dwindling Federal dollars to clean-up contaminated sites.

This is a big shift from the Clinton administration, when taxes on chemical and petroleum products provided up to \$3.7 billion to clean up toxic waste sites.

As a result, the EPA is cleaning up 31 percent fewer Superfund sites, and taking in 64 percent less in fines per month than it did during its peak.

There are 96 sites in California that are currently on the Superfund national priorities list, the second highest number in the Nation behind New Jersey.

Approximately 40 percent of Californians live within four miles of a contaminated Superfund site.

One site in particular, the Santa Susana Field Laboratory in Ventura County owned by Rocketdyne, has been at the center of years of controversy regarding clean-up standards and funding.

A partial meltdown occurred there in 1959, and over the years other accidents and spills resulted in widespread chemical and radioactive contamination, which the federal government has been attempting to clean up.

EPA has played a key role in overseeing the cleanup.

I have been repeatedly promised by EPA that EPA would maintain that role, that it would ensure that contamination at the facility will be remediated to EPA's CERCLA, i.e., Superfund, standards, and that EPA will conduct a thorough radiation survey of the site to those CERCLA, standards to find the remaining contamination that needs to be cleaned up.

Recently, there have been indications that the administration may be pulling back from those commitments. DOE has said it doesn't want the promised EPA survey to go forward and that it wishes to remove only 5500 cubic meters of radioactively contaminated soil.

This plan would leave behind 400,000 cubic meters of soil DOE concedes are contaminated above EPA's primary cleanup goal, and then release the site for unrestricted residential use.

Children could end up playing atop the strontium-90 and cesium-137 from a past reactor meltdown if EPA does not stand firm and stick to the commitments it has made to me.

I take the longstanding promises by EPA seriously, and will be closely watching to see that a new Administrator lives up to them. Governor Leavitt has set an encouragingly progressive precedent in his interactions with the Department of Energy, particularly during his work to remove uranium mine tailings from the Colorado River at Moab, Utah. Now we ask the Governor, in his role as Administrator of EPA, to continue that protective stance.

I applaud Governor Leavitt in his past efforts to ensure that the Department of Energy behaves in an environmentally responsible manner, and I urge the Governor to marshal all available resources to continue cleaning Superfund sites.

Among the most serious issues we face as a country is the risk of terrorism, and among the most worrisome of those threats is that a radiological dispersal device—a so-called "dirty bomb"—could be detonated.

The Homeland Security Agency, with input from a number of other agencies including EPA, has been attempting to develop cleanup standards to remediate the radioactive contamination that could result from such an event.

Some agencies have pushed for clean-up standards far more lax than EPA historically has viewed as protective of human health and the environment.

Given the concern many in this Chamber have about EPA's public pronouncements regarding health risks from the World Trade Center tragedy, I will be looking to the EPA Administrator to stand firm in insisting that any cleanup standards established for the aftermath of a "dirty bomb" terrorist event be fully protective of human health and the environment.

These standards should be no less protective than EPA's existing standards for cleaning up radioactive contamination from non-terrorist causes such as spills and accidents.

I support the nomination of Governor Mike Leavitt, and look forward to working with him and the Environmental Protection Agency.

Mr. HARKIN. Mr. President, I will vote to confirm Michael Leavitt to be Administrator of the Environmental Protection Agency, but I want to emphasize that I am hoping that Governor Leavitt will bring change to the sorry record that this administration has had on the environment.

I am concerned by the direction that our Nation's environmental policy is headed. We need an active Environmental Protection Agency, working to protect the health of our people. This administration has been active, all right—actively rolling back the environmental progress our country has made, actively working to narrow the reach of Federal environmental policy, actively working to promote oil drilling in environmentally sensitive areas and actively cutting funding for conservation and anti-pollution enforcement efforts.

Under this administration, we've seen cuts in funding for the EPA. We've seen an increased focus on cutting sweetheart deals with polluters. And we've seen a failure to move forward on new, innovative programs that will help our environment. While environmental regulation requires action and distributes responsibility among Federal, State and local authorities, Governor Leavitt needs to recognize that the Federal EPA is the backstop. The environmental buck will stop on Governor Leavitt's desk. If a State is not acting responsibly and protecting the health and safety of its citizens, Governor Leavitt must step in. I hope that Governor Leavitt will fight for the environment, rather than fighting for the priorities of the White House.

I have concerns with this nominee. A number of environmental watchdog groups have expressed their disappointment about Governor Leavitt's record on environmental protection during his tenure as Governor of Utah. He has a

record of supporting a number of projects that were environmentally questionable, such as the Legacy Highway Project in Davis County, UT. It is my understanding that this highway project as originally conceived would harm a significant migratory bird habitat.

But in the end, I decided that Governor Leavitt has the background and qualifications necessary to do this job. As a governor who has a distinguished background not only leading his own State, but also the National Governors Association and the Western Governors Association, he will bring an experienced hand to the leadership of the agency. Further, as the Vice-Chair of the National Governors Association, he pushed through a bipartisan policy supporting working out environmental issues through a collaborative process.

In the area of agriculture, the Administration has delayed the implementation of the Conservation Security Program, a fresh farmer-friendly approach to farm policy that uses incentives to help farmers do what's best for their land and for the air and water they and their neighbors breathe and drink. This bipartisan, bicameral program was a key part of the 6 year farm bill passed last year. Yet, it is still not implemented.

We've also seen a serious pullback from the Clean Water Act. In the face of the SWANCC decision limiting federal jurisdiction on certain isolated wetlands, the EPA has released an Advance Notice of Proposed Rulemaking and policy guidance that pulls back even further. The intent of Congress for the CWA is clear—to protect the waters of the United States, and to reach all waters within Federal constitutional jurisdiction.

The court's decision in SWANCC has removed jurisdiction from intrastate, non-navigable waters where jurisdiction was based solely on the so-called "migratory bird rule." The contemplated changes to the rules pull back much further and would relinquish jurisdiction that the Federal Government clearly has and needs to protect waters of the United States.

One of Governor Leavitt's achievements at the National Governors Association was the adoption of a set of environmental principles he calls "enlibra." The term means "balance," and refers to a process of bringing in all the stakeholders in environmental issues together to try to work issues out. I hope that, as EPA Administrator, Governor Leavitt will truly strive for balance—because, unfortunately, there has been very little balance in the environmental policies of the administration he is joining.

Mr. VOINOVICH. Mr. President, I rise today in support of the nomination of Gov. Michael Leavitt to serve as Administrator of the Environmental Protection Agency.

As my colleagues here in the Senate know, I have more than a passing interest in the people who run our Government. Many of our problems have

been caused because we do not have the right people with the right knowledge and skills in the right place at the right time. The process is even more difficult when trying to find people to nominate for controversial appointments like Federal judgeships or high-profile Cabinet officers.

Well, I would like to say that President Bush got it right. Mike Leavitt is clearly one of the best people we could ever get to run the EPA.

I first met Mike while we were both Governors and were active together in the Republican Governors and National Governors Associations. Mike served as NGA vice-chairman, under then-Gov. Tom Carper, NGA chairman, RGA vice-chairman, while I was chairman, and as RGA chairman.

He has established a very strong reputation as a straight-shooting consensus builder with the proven ability to work on a bipartisan basis. On many issues, Mike was willing to take on tough issues—such as internet taxation and unfunded mandates legislation—and worked with both Republican and Democratic Governors to form consensus and move the ball down the field.

During his three terms as Governor, Mike has demonstrated an outstanding ability to efficiently and effectively manage the State of Utah's provision of public goods and services. Time after time, Governor Leavitt has set an agenda in Utah, and each time he has rolled up his sleeves, pulled together broad coalitions, reached consensus, and gotten results.

Under Mike's watch, Utah has hosted the most environmentally friendly Olympics ever, reduced crime, decreased reliance on welfare, reduced unemployment, and improved education funding and performance—all while the State's sales, income, and property taxes have been reduced. In fact, During Mike's tenure as Governor, Utah has been named the best-managed State five times. No wonder he was recently named "Public Official of the Year" by *Governing* magazine.

Governor Leavitt's record on the environment is equally as impressive. Consider: Utah's air quality has demonstrably improved during the Leavitt administration. Utah currently meets all Federal air quality standards; this was not the case when Governor Leavitt started his service. Visibility and air quality in the West have improved because of Governor Leavitt's co-chairmanship of the Western Regional Air Partnership. Utah has among the Nation's cleanest watersheds and water quality has improved dramatically during the Leavitt administration. Governor Leavitt helped protect 500,000 acres of remarkable land in national parks, monuments, recreation areas and wilderness study areas through value-for-value land exchanges with the Federal Government. Utah's Quality Growth Commission, which Governor Leavitt helped establish, has conserved approximately 35,000 acres of

critical land in perpetuity, protecting critical wildlife, watershed and historical and agricultural assets in the State. Governor Leavitt helped found Envision Utah, the Nation's largest voluntary quality growth partnership. It was formed to create a vision and implement strategies to protect Utah's environment for future generations.

I cannot think of anyone who is better suited to lead the EPA. Governor Leavitt has continuously demonstrated the tremendous interpersonal skills and management experience necessary to handle the major challenges that the Agency faces during the months and years ahead. He cares deeply about the environment and will pull people together to get things done.

Mike's proven ability to facilitate the creation of positive solutions to multiple problems and interests is exactly what is needed at the EPA's top post. He has established an impressive track record of producing results; one that I believe will continue should he be confirmed as Administrator of the Environmental Protection Agency.

I strongly urge all my colleagues here in the Senate to support Mike's nomination.

Mr. DOMENICI. Madam President, I rise today to support President Bush's nomination of Governor Michael O. Leavitt to be the next Administrator of the Environmental Protection Agency. I am proud to have the opportunity to make a statement for the record that expresses my endorsement of this qualified nominee. President Bush has chosen an individual who understands the importance of a clean and healthy environment and who will ensure that the regulations promulgated by the EPA will be based on sound science, not speculation and conjecture. All too often, these regulations are put into effect not because they will increase health benefits, but because it was the politically expedient thing to do.

Governor Leavitt's record speaks for itself. I think that there is little doubt, on either side of the aisle that Governor Leavitt is extremely qualified to serve as the next administrator of the EPA. He has thrice been elected as Governor of Utah and is currently the longest serving Governor of any State in the Nation. Under this watch, Utah saw a reduction in crime, hosted the 2002 Winter Olympics, and cut taxes. It comes as no surprise that five times during Governor Leavitt's 11 years as Governor, Utah has been voted the best managed State five times. As Governor, he has demonstrated his fitness to serve as our Nation's top environmental official by solving problems through consensus building and cooperation. Governor Leavitt has demonstrated his ability to bring all affected parties to the table, roll up his sleeves and reach a solution. These skills will be of critical importance as the 2006 arsenic regulations approach and we work toward domestic energy security.

Of great concern to the people of my State and the State of Utah is the im-

plementation of the EPA's 2006 arsenic drinking water standard which lowers the maximum allowable parts per billion of arsenic from 50 to 10. Arsenic is a naturally occurring element in my home State of New Mexico and in the State of Utah. Compliance with this regulation comes at a great cost to small communities, those that least have the resources to achieve implementation. The estimated national cost of implementing this new EPA rule is \$600 million annually and will require \$5 billion in capital outlays.

The EPA estimates that roughly 97 percent of the systems expected to exceed the standard are small systems, those serving fewer than 10,000 people. These small communities lack the economies of scale present in larger communities and are less able to spread out costs. In Governor Leavitt's home State for example, the Utah Department of Environmental Quality estimates that implementing the new standards will require \$40 million in capital outlays and predicts that annual operation and maintenance costs will run into the tens of millions of dollars. We need an administrator that will work with these communities so that implementation of this standard can be accomplished as smoothly and painlessly as possible.

There is no doubt that our Nation is facing an energy crisis. The Energy and Natural Resources Committee, on which I serve as chairman, has spent many months and many people have put in long hours developing a comprehensive energy policy that best meets our Nation's energy needs while safeguarding the environment. I have come to the realization that every department of our Government needs to start looking not only at their policies but how their policies affect America's energy future. As we move forward with America's energy policy, it is critical that we have an EPA Administrator who understands our country's energy needs and is able to make assessments that are both based on empirical proof and will protect our invaluable natural resources for future generations. We need an Administrator who will evaluate how our environmental policies affect the goal of energy self-sufficiency. We need an Administrator that will promote scientifically valid initiatives when making assessments on the impact of regulations the EPA promulgates. I have no reservation that Governor Leavitt is the man for the job.

Accomplishing these national priorities will be no easy task. I hope that he has a very successful term because if he does, we will be a more secure Nation for it. I bid him well.

Mr. WYDEN. Madam President, I supported Governor Leavitt's nomination in the Environment Committee, but that does not mean that I support the Bush administration's environmental policies. Far from it. Under the Bush administration, the Environmental Protection Agency has ignored

the law and gutted its enforcement. It has been a 30-month polluters' holiday.

I think the record is clear. There is also an enormous gap between the bipartisan approach that Mike Leavitt supported in dealing with environmental issues while he has served as Governor of Utah, and this administration. For example, the bipartisan Western Governors' policy states "Westerners do not reject the goals and objectives of federal environmental laws, nor the appropriate role of federal regulation and enforcement." Recently, the EPA Office of Enforcement found that during the past 2 years, only 24 percent of the facilities that were in major noncompliance with respect to the Clean Water Act faced enforcement actions. So the EPA's own enforcement office says on major water violations, there hasn't been enforcement.

Gap number two, the Western Governors Association has always stressed consultation with all the parties and involving the States. Two examples where the administration isn't doing that are on the question of these closed door negotiations with industrial livestock firms, behind closed doors they are talking about amnesty from the Clean Air Act and the Superfund law. Another is the lack of consultation with the States on the proposed rule to limit the scope of the Clean Air Act. Thirty-nine States have objected and said they were not party to that discussion. So on the question of consultation involving States, there is a big gap between the Western Governors and this administration.

The third big gap can be seen in the Western Governors Association positions on the environment where there is a clear commitment to following the law. Certainly that hasn't been done with the Bush administration when it comes to the Clean Air Act. I was on the conference committee that wrote the law in 1990, and I can tell you there was absolutely no question that it was the intent of Congress that powerplants, oil refineries and industrial facilities would be required to install pollution controls. This is a blatant example of the Bush administration's failure to follow the law.

What I am interested in is seeing an effort to go back to the kinds of policies that the Governors, particularly those in the West, have sought to try to bring people together on these contentious issues and find common ground. That has not been what the Environmental Protection Agency has done in Washington, D.C. But that is what is needed.

When Governor Leavitt came before the Environment and Public Works Committee, I was particularly concerned about his willingness to use the enforcement tools of the agency against serious and egregious violations of the environmental laws. My sense is that the collaborative model that he wishes to pursue is one I support. But it is clear, Mr. President and colleagues, that when companies abuse

that kind of good-faith effort by government, the government has got to be willing to come down with hobnail boots on those who are putting at risk our air and our land and water. Prior to the committee vote, Governor Leavitt sent me a memo making it clear that he is willing to look at a different enforcement approach than this administration has used in the past. In the memo, Governor Leavitt wrote "in warranted circumstances I would use the enforcement power rigorously." By contrast, during the Bush administration, enforcement has been essentially abandoned, and even the EPA's own internal reports indicate that that is the case.

The American people need an administrator who is going to end this polluters' holiday and put the Environmental Protection Agency back to work protecting the environment. I think that the Governor's ideas about collaboration are important. They are fresh and creative, and I think that if he is willing to do as he pledged to work with members of Congress on both sides of the aisle, that they could revitalize the agency and bring a fresh approach to environmental policy. But it is important for senators to understand that those who talk about collaboration only, without a willingness to back it up with tough enforcement policies, could be talking about just window dressing for business, or really lack of business as usual.

Over the past several weeks, Governor Leavitt has worked hard to convince me he means business. He has reached out and made the extra effort to show he will be no just an advocate for collaboration but also a tough, no-nonsense enforcer when he needs to be. He has also committed to look at the situation involving the City of Portland's sewer overflows during wet weather and whether this is an appropriate case for enforcement, given that the local community is making progress in addressing the situation and that local ratepayers have already spent more than \$500 million toward what will eventually be a \$1 billion project.

So the Governor, in my view, has made clear that he wants to bring to EPA a fresh and independent approach to these kinds of issues. He has convinced me that he understands that tough no-nonsense enforcement of this country's environmental laws is absolutely essential when the environmental collaborative approach does not work. I will be closely watching how Governor Leavitt follows through on these changes in EPA's approach to enforcement.

It is very obvious to me that there needs to be a dramatic set of changes put in place at the Environmental Protection Agency. My vote today is essentially a vote because I think the Governor of Utah has the potential to do this job right. I am supporting the Mike Leavitt who I know can be a tough, independent administrator of

EPA. For all Americans' sake, I hope Governor Leavitt will be successful in bringing about this change in EPA's direction. I want to give him a chance to succeed, and that is why I am supporting his nomination today.

Mr. FEINGOLD. Madam President, the Senate's responsibility to scrutinize and confirm Presidential nominees is an important one, and never more so than when we are considering who should oversee the agency that, as its name indicates, is designed to protect the country's environment.

The individual charged with this responsibility will advise the President on setting the direction for our national efforts to protect the environment. This person will have the power to decide whether to nurture and conserve, or to develop and destroy our Nation's great resources. Throughout my career, I have committed myself to a career of environmental stewardship. I have tried to cast votes and offer legislation that fully reflect and respond to the importance and lasting legacy of America's environmental needs. I thus take this vote very seriously.

At the same time, I also have another tradition to defend and uphold. I have committed myself to playing a constructive role with respect to the Senate's duty to provide advice and consent on the President's nominees for Cabinet or other senior executive branch positions. I take that role seriously as well.

As the Administrator of the Environmental Protection Agency, Mike Leavitt would be charged with unique and historic responsibilities, which will be as important as they are far reaching. In varying ways, all Americans will be affected by his decisions. As the Nation's principal environmental agency, the EPA has responsibility for the protection of air and water resources, for the clean up of toxic wastes, and for the regulation of the quality of our environment.

That is why I am sensitive to the concerns of some that Governor Leavitt will not live up to this responsibility for environmental stewardship if his nomination is confirmed. I have been at odds with some of Governor Leavitt's environmental management decisions, and I am concerned that his background might cloud his judgement and objectivity on a number of important issues and place him at odds with members of the conservation community and with this Senator.

While I am concerned with Mr. Leavitt's professed unfamiliarity with many of the laws that I regard as critical for the promotion of a balanced environmental policy, I am somewhat heartened by his comments that he will give this position "the full measure of his heart." I am encouraged by this commitment to listen to the views of all stakeholders and all points of view and make, in his words, environmental protection a national "ethic."

I will take Mr. Leavitt at his word—that he will devote his time and energy

to the proper enforcement of the EPA's policies, rather than circumventing or repealing laws which preserve our dwindling resources, that he will attempt to address the pollution that makes our air unfit to breathe and our water unsafe to drink, and that he will protect our land and water resources. I intend to hold him to his word.

I also will act in accordance with what I feel is the proper constitutional role of the Senate when it comes to confirming Presidential nominees for positions advising the President. I believe that the Senate should allow a President to appoint people to advise him who share his philosophy and principles. My approach to judicial nominations, of course, is different—nominees for lifetime positions in the judicial branch warrant particularly close scrutiny.

For these reasons, I will support Governor Leavitt's nomination today. However, in doing so, I fully recognize that I have an ongoing responsibility to oversee the institution with stewardship of our environmental quality to ensure that it lives up to its duties. The Senate does not, by confirming Mr. Leavitt, discharge its responsibility to protect our resources and ensure that our environmental laws are enforced. I feel a responsibility to listen to the voices of the many Wisconsinites and others who are deeply concerned about this administration's environmental record. I am hopeful that these voices will be heard by Mr. Leavitt and I will be vigilant in ensuring that Governor Leavitt takes his responsibilities with the utmost seriousness.

Ms. MURKOWSKI. Madam President, I join with those of my colleagues who are pleased to see that the nomination of Governor Michael Leavitt to be Administrator of the Environmental Protection Agency will finally be moving forward.

Governor Leavitt is one of the founders of a bipartisan and collaborative approach to environmental decision-making that is a model for dealing with the difficult issues that face us today. His "En Libre" philosophy has been adopted by the National Governors Association and is being used by Federal, State, local and private entities throughout the country. He is the former chair of the National Governors Association, the Western Governors Association, the Republican Governors Association and the Council of State Governments. His experience spans the private sector, academia, and government.

Governor Leavitt is without question qualified for the job. In fact, he is superbly qualified for the job. He is the Nation's longest-serving, and arguably most successful Governor, whose tenure has brought unprecedented prosperity to his State, unparalleled efficiency to its management, and unequalled improvements to its environment. Along the way he has strived for and achieved—if not perfect harmony—then a notable reduction in the volume

and intensity of debate over the kind of issues that are more often polarizing than they are unifying.

There can be no better recommendation for the individual who is to lead the agency charged with stewardship of our country's environment.

Unfortunately, Governor Leavitt's nomination was treated shamefully by a small handful of individuals bent on using it as an excuse to accuse the current administration of all kinds of environmental wrongs, to perpetuate outmoded and ineffectual approaches to environmental issues, and to cater to the worst kind of unscientific and unsupportable rhetoric—all that Governor Leavitt stands against and that this Senate should repudiate for the sake of our nation's welfare.

My State of Alaska, as many others—especially in the west—has often struggled with environmental restrictions sought by, imposed by, and maintained by interests with very little knowledge of the conditions we live with. Nonetheless, we take our environmental responsibilities very seriously.

We care about our environment, and we try very hard to address serious issues with clarity and common sense. All too often, common sense is lacking when one-size-fits-all solutions are imposed from outside, and based more on fanciful gloom-and-doom predictions than on facts.

The truth is that we have made mammoth strides in improving our environment, and every day we learn new ways to apply research and technology toward doing an even better job.

This administration is providing a breath of fresh air—and I mean that both literally and figuratively—when it comes to environmental issues.

While improvements can certainly be forced—at great cost—by the threat of heavy-handed government enforcement, they come far more rapidly when they are to the participants' economic advantage. There is all the difference in the world between making money and not losing money.

If we look honestly at what works and what doesn't, we have to conclude that reform of the regulatory process is badly needed. Frankly, I commend the administration for being willing to look at new approaches to building a better environment, rather than continuing to hammer at the same old nails.

I am confident that I will not always agree with the positions that Governor Leavitt may take if he becomes the EPA Administrator. Alaska has a number of outstanding issues with the EPA.

We have long hoped to establish Alaska as a separate EPA region, because attempting to administer such a vast area with so few people who have even seen the issues first-hand is an impossible task that often leads to unnecessary and damaging misunderstandings.

We would like to move forward on a determination that better defines the extent of Clean Water Act authority

over Alaska's wetlands. We have over 174 million acres of land classified as wetlands, more than all the other States combined. Much of it is neither use for navigation nor connected in any substantive way with other water bodies, or exists solely because it is underlain by permafrost.

We would like to receive active assistance from the EPA in evaluating the long-term health benefits of our reliance on small, diesel-powered utilities.

We would like to receive recognition that uncontrollable temperature inversions due to our climate are the primary reason some of our cities have difficulty attaining compliance with carbon monoxide rules.

We would like the agency to work with us on developing a mechanism that will more effectively deliver grants to Alaska's many rural Native communities.

In fact, the list of issues between us ranges from minuscule to mammoth—from local issues that should be easily resolved to those which require the intervention of the Supreme Court.

I by no means believe that confirming Governor Michael Leavitt will lead to a resolution of them all. What I do believe is that Governor Leavitt will offer comprehensive, impartial and thoughtful consideration. That is all I ask, and all that my constituents ask.

I strongly support this nomination, and I am very pleased to see that it is moving at this time. I would like to think that this marks a triumph for the American people, who have little patience for diversionary rhetoric and divisionary politics. The American people want their Congress to simply do its job, to the best of its ability, and with the welfare of the entire country in mind.

I will vote to confirm Governor Leavitt on behalf of my constituents, on behalf of all Americans, and on behalf of a safe, productive and healthy environment. I urge all my colleagues to do the same.

Mr. NELSON of Florida. Madam President, yesterday on the Senate floor, I voiced my concerns about the Bush administration's weak environmental record and the need to further debate those concerns. I also shared my belief that Governor Leavitt is an able public servant who will likely be confirmed by the U.S. Senate.

In follow up to those remarks and following the vitiation of the cloture vote, I spoke with Governor Leavitt and explained my views on the direction of environmental policy under this President and the need for him to emerge as champion for the environment in an administration that lacks one. I informed him that, having made my objections known, I would vote in favor of his nomination in the hopes that we could forge a strong working relationship to reach suitable resolutions to the many environmental problems, including Superfund issues, that plague my State of Florida and the Nation.

Mr. INHOFE. And with that I ask the minority, do they have anyone else who wants the time?

Mr. JEFFORDS. Madam President, I yield back the remainder of my time.

Mr. INHOFE. I yield at this time the final 10 minutes to the Senator from Utah, Mr. HATCH.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank the Chair. I thank my colleague for reserving his time for me. I also want to pay tribute to the distinguished Senator from Vermont and the distinguished Senator from Oklahoma for their leadership on this matter, for their goodness and kindness in support. I have to say with these two fine Senators we have in the Senate, both of them supporting this nominee speaks volumes of the fine man he is. But I have also heard from a couple of my colleagues whom I respect that they have "serious concerns." Governor Leavitt has had a "careless disregard for water and air," "a disturbing tendency to ignore regulations," "a hands off approach." He is a "rollback administrator."

As I understand it, those statements were made this morning. The distinguished Senator from Illinois said that Governor Leavitt has "turned his back on the wilderness." He also said that "Utah is one of the biggest polluter States in the Nation."

I cannot blame him too much for making that statement because he is just quoting some of the irresponsible people in the environmental field who basically have totally ignored the facts, which I am going to speak about in a minute.

I am grateful to these two leaders for the kind way they have handled this nomination and for the effective way they have handled it so we will have a final vote on one of the finest Governors in this land to head one of the most difficult agencies in this land. He is a Governor who is known for working with everybody, known for keeping an open mind, known for being honest, known for being active, and known for intelligence. I could go on about Mike Leavitt. He is a very fine man.

Yesterday during the debate on the nomination of Gov. Michael Leavitt to be Administrator of the Environmental Protection Agency, my friend and colleague Senator RICHARD DURBIN from Illinois stood up on the Senate floor and began an attack on the State of Utah and on Utah's Governor. Now this morning, I find that another friend and colleague, Senator FRANK LAUTENBERG of New Jersey, has been following suit. I am certain both of them are sincere, but I am going to show that both of them are absolutely wrong as well.

First, I am very disappointed that my colleagues would spend time highlighting the supposed weakness of another Senator's State and the supposed weakness of that State's top elected official, especially when they are wrong in both instances.

It was very appropriate for the Members of the Senate in the Environment

and Public Works Committee to ask the Governor questions orally and in writing about his management of Utah's natural resources and to allow him to provide answers to those questions, but to ignore his answers to those questions and to use the Senate floor to cast aspersions at Utah I find personally offensive.

Secondly, to be frank, I have to say I am especially offended that my colleagues choose this forum to make these attacks with information that is so clearly inaccurate and so cleverly twisted to cast Utah and its Governor in the worst possible light, so I find it necessary to make part of the RECORD the truth about some of the aspersions cast at my State.

Utah is one of the cleanest States in the Nation, and in large part this is due to Gov. Michael Leavitt, so one can imagine my surprise when one of my colleagues comes to the Senate floor to call Utah one of the Nation's biggest polluters and to blame our Governor for it. What does my colleague mean when he calls Utah a big polluter? A more important question is, What does the public think it means when they hear my colleagues say it?

Let me shed some light on where others have sown confusion. One of the principal indexes being looked at by my colleagues is the Toxic Release Inventory, or TRI, which is collected and published by the EPA. The most recent TRI report came out in 2001, but we should keep in mind that the data for that report, or for the TRI, are 2 years old. In other words, the 2001 TRI report makes use of data from 1999.

A very careful distinction must be made before using numbers from the TRI report. Some may believe or wish to cause others to believe that the TRI simply counts up how much pollution goes into our water and our air, but this is not necessarily the case, to say the least. In fact, every time a company uses a chemical and then correctly and legally disposes of it, that is considered a release.

Even if a pound of a certain chemical is properly recycled, that, too, is considered a pound of release. When a mining company takes a pound of dirt and rock and removes metals from it, that leftover soil and rock often contains chemicals from the processing and must be handled according to a very strict environmental set of regulations. However, each pound of that soil and rock is counted as a release under the TRI.

States such as Utah and Nevada have very large mining operations, and because the amount of leftover rock and soil from these operations is very large, these two States show up at the top of the list when all types of releases are combined.

So do TRI numbers really reflect pollution that is going into our air and water? Yes, in some cases. But as I just pointed out, many of the "releases" reported under TRI never go into our air or our water but are safely sequestered according to the law.

I quote from the EPA's TRI report itself, 2001 TRI public data release, ES-26:

TRI reports reflect releases and other waste management activities of chemicals, not exposures of the public to those chemicals. Release estimates alone are not sufficient to determine exposure or to calculate potential adverse effects on human health and the environment.

Most citizens will be more concerned about chemicals actually emitted into the air and discharged into our surface water than they will about leftover rock and soil from mining activities that are legally sequestered. According to the 2001 TRI report, Utah emitted about 19 million pounds of chemicals into the air during 1999, but the same report shows that the State of Illinois released nearly 60 million pounds of chemicals into the air. In other words, according to the TRI, during 1999 Illinois was three times the air polluter that Utah was. I point out that since then, Utah's biggest air polluter, MagCorp, has voluntarily upgraded its facilities and reduced its emissions by more than 90 percent. This is all under Governor Leavitt's management.

Let's look at surface water discharges. During that same year, Utah released 1.2 million pounds of chemicals into the surface water. This was below the average of all States. However, the TRI report shows that New Jersey released 3.7 million pounds and Illinois released 8 million pounds of chemicals into the surface water. In other words, according to the EPA, New Jersey is three times the water polluter that Utah is and Illinois almost eight times the polluter that Utah is.

So what does this mean? Does it mean that Illinois and New Jersey should be labeled as large polluters or, as my State was erroneously labeled, the biggest polluters in the country? No, of course not, and I certainly do not believe that to be the case. I believe they are both beautiful and well run States, just as I know Utah to be.

I think it does mean, though, that the Senators from these two States should be more careful about attempting to pin the "polluter" label on my State and on my Governor, and I am not going to stand for it. That is why I am making these remarks today, among other reasons. Frankly, I am going to stand up for this very fine Governor and good person who is known to be a person who works with people of all beliefs and from all parties.

Some of my colleagues and many in the environmental community have been a little too fast and too loose with pinning that unhelpful label of "polluter" on others and on the industries that keep our society running.

I have also heard on the Senate floor that Utah has one of the worst records for water quality enforcement in the Nation. This is patently false. There was a report put out by the environmental group that states this falsehood. However, the statement was

based on incomplete reporting on water quality data from Utah.

In an analysis of the complete data, the EPA has in fact determined that Utah ranks among the top 10 States in water quality compliance—one of the top 10 States—and yet we have to put up with this type of unfortunate mischaracterization of my State.

Admittedly, some of my colleagues pay much too much attention to some of these people who are in this game for politics rather than for doing what is right for the environment. I might as well point out that Utah is also in complete compliance with EPA's air quality standards. This is rare amongst States, and it was not the case when Governor Leavitt took office.

I have also heard that Governor Leavitt has turned his back on wilderness in Utah and he supports bulldozing new roads through our national parks. Both statements are false as well, and rather than launch into a long debate about wilderness and BLM roads, I ask unanimous consent that the memorandum of understanding between the State of Utah and the Department of the Interior on State and county road acknowledgment be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. Anyone who reads this document will see that the understanding does nothing to allow new roads or even the upgrade of existing roads.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. I ask unanimous consent for 1 additional minute.

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

Mr. HATCH. They will also see that the understanding specifically excludes roads in our parks, refuges, wilderness areas, and even in our wilderness study areas. More important, these issues have nothing whatever to do with the Environmental Protection Agency, and that needs to be pointed out.

Finally, I reiterate my love for my beautiful State of Utah and for my good friend Michael Leavitt. In my statement yesterday, I showed that the record is clear that Michael Leavitt is a champion of the environment and that he is widely recognized as one of our Nation's top public managers. I urge my colleagues to put their full support behind his nomination to head up the Environmental Protection Agency and I do not believe they will be sorry. I believe my colleagues will find him to be the great leader that we all know him to be.

MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE OF UTAH AND THE DEPARTMENT OF THE INTERIOR ON STATE AND COUNTY ROAD ACKNOWLEDGMENT

This Memorandum of Understanding (MOU) is entered into between the U.S. Department of the Interior and the State of Utah on this 9th day of April 2003.

Whereas,

1. In a Report to Congress prepared in June of 1993, the Department of the Interior explained that unresolved conflicts over the status of rights-of-way created pursuant to Revised Statute 2477 were creating a continuing cloud on federal agencies' ability to manage federal lands.

2. On August 7, 2002, a bipartisan group of eight western governors wrote urging the Department of the Interior to bring finality to R.S. 2477 disputes in a cooperative manner.

3. On July 16, 2002, the National Association of Counties adopted a resolution urging the Department of the Interior to adopt a policy approach to R.S. 2477 rights-of-way that would allow counties to maintain historical rights of way across federally managed lands.

4. Disputes involving R.S. 2477 rights-of-way have generated numerous expensive and inconclusive federal court lawsuits that have left numerous questions concerning the ownership status of R.S. 2477 rights-of-way unresolved; and the high cost of this litigation has made it difficult for states and counties to assert their rights and for conservation groups to assert their interests.

5. The Department of the Interior has traditionally approached R.S. 2477 issues by trying to define the precise legal limits of the original statutory grant.

6. Most of the asserted R.S. 2477 rights-of-way that actually have been part of western states-inventoried and maintained transportation infrastructure since before the enactment of the Federal Land Policy and Management Act (FLPMA) in 1976 satisfy the statutory requirements of "construction" and "highway" under almost any interpretation of those statutory terms.

7. The State of Utah has many R.S. 2477 claims, and on June 14, 2000, sent to the Secretary of the Interior a Notice of Intention to File Suit under 28 U.S.C. 12409a(m) to quit the title to those claims.

8. The roads in which the State of Utah and Utah counties assert claims include many roads of continuing importance to rural transportation.

9. Rights-of-way granted under R.S. 2477 are vested property rights that cannot be eliminated or diminished without due process. However, the statutory grant of the rights-of-way did not require the issuance of an identifying record, such as a patent. The resulting uncertainty surrounding the identity and scope of R.S. 2477 rights-of-way has created unnecessary difficulties in federal, state and local transportation and land use planning decisions.

10. The State of Utah and Utah counties have spent considerable time and substantial resources to gather information about road claims and are prepared, if necessary, to litigate those claims.

11. Federal, state and local managers and environmental advocacy organizations have all demonstrated a desire to put disputes surrounding R.S. 2477 to rest and move toward an approach to land management that emphasizes cooperation.

Now, therefore, the parties stipulate and agree as follows:

1. The Department shall implement a State and County Road Acknowledgment Process (Acknowledgment Process) to acknowledge the existence of certain R.S. 2477 rights-of-way on Bureau of Land Management land within the State of Utah, as further described in, and subject to the terms and conditions of, this MOU.

2. For purposes of the Acknowledgment Process only, neither the State nor any Utah county shall assert a right-of-way for any:

a. roads that lie within Congressionally designated Wilderness Areas or Wilderness

Study Areas designated on or before October 21, 1993, under Section 603 of FLPMA; and

b. roads that lie within the boundaries of any unit of the National Park System; and

c. roads that lie within the boundaries of any unit of the National Wildlife Refuge System; and

d. roads that are administered by a federal agency other than the Department of the Interior, unless that federal agency consents to the inclusion of the road in the Acknowledgment Process.

3. The State of Utah, or any Utah county, shall submit a request to initiate the Acknowledgment Process for a candidate road and shall reimburse the Bureau of Land Management for the reasonable and necessary cost of processing each request. Each eligible road submitted shall have the following characteristics:

a. the road existed prior to the enactment of FLPMA in 1976 and is in use at the present time;

b. the road can be identified by centerline description or other appropriate legal description;

c. the existence of the road prior to the enactment of FLPMA is documented by information sufficient to support a conclusion that the road meets the legal requirements of a right-of-way granted under R.S. 2477; this information may include, but is not limited to, photographs, affidavits, surveys, government records concerning the road, information concerning or information reasonably inferred from the road's current conditions; and

d. the road was and continues to be public and capable of accommodating automobiles or trucks with four wheels and has been the subject of some type of periodic maintenance.

4. The Acknowledgment Process referenced in this MOU that the Department shall use to acknowledge eligible roads is FLPMA's recordable disclaimer of interest process.

See 43 U.S.C. 1745; 43 C.F.R. subpart 1864. The recordable disclaimer of interest process provides a clear statutory basis for resolving claims and provides an opportunity for public notice and participation. The Utah State Director of the Bureau of Land Management will issue a recordable disclaimer of interest if the requirements of the applicable statutes and regulations, and the terms of this MOU, have been satisfied.

5. By signing this agreement, the Department recognizes that road width and ongoing maintenance levels are essential aspects of road management. Therefore, the scope of a road that the Department disclaims should include a sufficient width to allow the State or county to maintain the character, usage, and travel safety of the road existing at the date of this MOU. For purposes of the Acknowledgment Process only, the width of the road asserted and the width of the road disclaimed shall not exceed the width of ground disturbance that currently exists for the road at the date of this MOU.

6. After the Department issues a recordable disclaimer of interest for an acknowledged road, the State or a county may want to increase the road's width beyond the already disclaimed right-of-way, or to improve the road in a way that substantially alters its character (such as by paving a previously unpaved surface). But the recordable disclaimer of interest process will not be used as a mechanism to substantially alter the characteristics of a road. In cases where the State or a county wishes to substantially alter a road that is subject to the Acknowledgment Process in a way that is outside the scope of ordinary maintenance, it will do so only after notifying BLM of its intentions and giving BLM an opportunity to determine that no permit or other authorization is required under federal law; or, if a permit or

other authorization is required, securing such a permit or other authorization, issued in compliance with any applicable law, including requirements of Title V of FLPMA and the National Environmental Policy Act. In the event a permit is deemed necessary, the Department will make its best effort to process requests for access under Title V of FLPMA promptly and cooperatively.

7. In order to facilitate the Acknowledgment Process in Utah, the Department hereby declares that the requirements for determinations under the "Interim Departmental Policy on Revised Statute 2477 Grant of Right-of-Way for Public Highways; Revocation of December 7, 1988 Policy," dated January 22, 1997, shall be inapplicable to acknowledgment requests submitted in accordance with this MOU. While the 1997 Interim Policy shall still apply to all other requests for right-of-way acknowledgment that are not submitted pursuant to this MOU, the Department recognizes that other interested states and counties may wish to submit proposed MOU's for consideration by the Department that are generally consistent with the principles set out in this agreement.

8. The State, Utah counties and the Department shall work cooperatively to minimize trespass situations on roads that are outside the scope of this MOU.

9. It is understood that the State and counties have evidence regarding the existence of many roads, including those in which they assert no ownership interest. They may choose to use this evidence for other purposes, such as to illustrate whether the land through which the roads run have wilderness-like characteristics or resource values. The Acknowledgment Process will take place independently and without prejudice to any other use of this evidence or other valid existing rights, if any.

10. After submitting a road to the Acknowledgment Process, the State or a county may withdraw it from consideration at any time prior to the actual recording of the disclaimer issued by the Department, for any reason, without prejudice. The submission of a road to the Acknowledgment Process does not prejudice the State's or a county's valid existing rights regarding that road under the law.

11. The Department shall execute any implementing agreements with the State of Utah or Economy Act agreements as appropriate with other federal agencies, as required by applicable statutes and regulations, when effectuating the purposes of this MOU.

12. Activities under this MOU and any implementing agreements shall be conducted in accordance with mutually-agreed upon plans for the classification of information by the State, for the review and release of information, and for cooperation in the preparation of any and all reports to Congress. The release of any information by the Department under this MOU will be in accordance with applicable statutes and regulations.

13. Any expenditure of appropriated funds by the Department will be developed in specific agreements authorized by applicable statutes and regulations and is subject to the availability of funds. This MOU shall not be used to obligate or commit funds or as the basis for the transfer of funds.

14. This MOU shall not be construed as creating any right or benefit, substantive or procedural, enforceable at law or in equity, by a party against the State of Utah, Utah counties, the United States, its agencies, its officers, or any other person. This MOU shall not be construed to create any right to judicial review involving the compliance or non-compliance of the State of Utah, Utah counties, the United States, its agencies, its officers, or any other person with the provisions of this MOU.

Signed 4-9-03

Gale A. Norton

Secretary

United States Department of the Interior.

Signed 4-9-03

Michael O. Leavitt

Governor

State of Utah.

For purposes of this MOU, the terms "road" and "highway" shall be deemed synonymous.

Mr. CARPER. Will the Senator from Utah yield briefly?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CARPER. I ask unanimous consent that the Senator from Utah be given 1 additional minute and he yield it to me.

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

Mr. CARPER. Mr. President, I am less familiar with Governor Leavitt's environmental record in Utah than is our colleague Senator HATCH. I have known him for more than a decade. We became Governors together in the same year. We were elected in 1992. We know him. We know his family.

I know him to be a thoughtful, decent, caring human being. He is a good manager and a good leader of his State. He has also been a great leader of our Nation's Governors.

I was privileged to serve as Chair of the National Association of Governors at the time he was Vice Chair. He succeeded me as Chair. He is very bright and surrounds himself with excellent people. But what I like best is he is very good at bringing together people with diverse points of view, trying to build consensus. We need that in a lot of areas in our Nation's Capitol these days, and we especially need it with respect to environmental issues. I look forward to voting for his nomination and working with him if he is confirmed.

I thank the Senator for yielding.

Mr. HATCH. I thank my colleague from Delaware. His comments speak volumes as to why we should support Governor Leavitt. I am particularly pleased and grateful for his support in this matter, as I am for the support of the two leaders.

The PRESIDING OFFICER. All time has expired. Under the previous order, the Senate will proceed to a vote on confirmation of the nomination. The question is, Shall the Senate advise and consent to the nomination of Michael O. Leavitt to be Administrator of the Environmental Protection Agency?

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay".

The result was announced—yeas 88, nays 8, as follows:

[Rollcall Vote No. 412 Ex.]

YEAS—88

Akaka	Dole	Lugar
Alexander	Domenici	McCain
Allard	Dorgan	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bond	Frist	Nelson (NE)
Breaux	Graham (FL)	Nickles
Brownback	Graham (SC)	Pryor
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Byrd	Hagel	Santorum
Campbell	Harkin	Sarbanes
Cantwell	Hatch	Sessions
Carper	Hollings	Shelby
Chafee	Hutchison	Smith
Chambliss	Inhofe	Snowe
Clinton	Inouye	Specter
Cochran	Jeffords	Stabenow
Coleman	Johnson	Stevens
Collins	Kennedy	Sununu
Conrad	Kohl	Talent
Cornyn	Kyl	Thomas
Craig	Landrieu	Voinovich
Crapo	Leahy	Warner
Daschle	Levin	Wyden
DeWine	Lincoln	
Dodd	Lott	

NAYS—8

Boxer	Durbin	Rockefeller
Corzine	Lautenberg	Schumer
Dayton	Reed	

NOT VOTING—4

Bingaman	Kerry
Edwards	Lieberman

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2800, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

DeWine amendment No. 1966, to increase assistance to combat HIV/AIDS.

Byrd amendment No. 1969, to require that the Administrator of the Coalition Provisional Authority be an officer who is appointed by the President, by and with the advice and consent of the Senate.

McConnell amendment No. 1970, to express the sense of the Senate on Burma.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

(The remarks of Mr. CRAIG are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I begin by thanking the Senator from Idaho. It has been a pleasure for me to work with him on this issue. I think we have been working now for close to 3 years, beginning with the Quincy Library Group in California to try to forge a different forest policy, and also to recognize that our forests are overburdened with undergrowth, with non-indigenous species; and so fires, when they happen, burn hotter and do much more destruction than they have done historically.

I thank the Senator for his sympathy for what our State is going through. I want to tell you that I just spoke with the White House, with Mr. Rove, because I had heard from Mr. Blackwell, the regional forester, that the forest fire has taken a turn, because the winds have changed, and is now heading for half a million acres of bark beetle-infested forests near Lake Arrowhead and 44,000 homes are now in jeopardy.

This is just huge. I hope that anyone listening will begin to bring in some military help, more C-130s. With the winds down, the C-130s can work. Perhaps this area can be worked from the air. But the fire is advancing so strongly and also like a spear into San Diego itself, and over the Santa Monica mountains into Malibu. So we have a real maelstrom on our hands.

We think we have a good bill. We believe we have the only bill that can be accepted by this body, and I am hopeful that the leadership will bring this bill to the floor very shortly. I think we need to put everything aside and just get a bill passed.

The Senator is right about streamlining the administrative review process. Our bill does that. It does so in a way that it does not prevent collaboration, does not prevent public testimony, but it streamlines the process.

I think we have handled judicial review in a way that we can agree makes it truncated; temporary injunction, 60 days, and if you want another, you have to come back and justify it. It is the Federal court in the area of the project. We have the first old-growth protection which will be codified in the history of this country.

It is a good bill. I hope that those who might want to place amendments on this bill will really not do so, so we can pass a bill and get it moved on so the 20 million acres that are in this bill, which we know are at the highest risk of catastrophic fire, can be dealt with quickly.

The Senator and I have talked. The Appropriations Committee has been helpful in getting additional dollars for bark beetle infestation. But for 3 years now, we have known this was going to

happen. The day is upon us and we must do right by our forests. So I am very grateful for the Senator's help and collaboration on this.

Mr. CRAIG. I thank the Senator from California. She has been a full cooperative partner in working in a bipartisan way. She has outlined many of the provisions in the bill that have been worked out between the Agriculture Committee, the chairman, MIKE CRAPO, Senator DOMENICI, BLANCHE LINCOLN, and a good many others. It was a collaborative, bipartisan effort.

I agree that this is a bill that should be on the floor as we speak. It should not be amended. There are a lot of other bills that will come and other issues that can be addressed.

But California is facing its worst nightmare as we speak in the form of fire. The reality of what the Senator spoke to in the San Bernardino Forest in the Greater Lake Arrowhead area is truly a firestorm of great proportions, and we hope the winds will die down and shift and they will come in off the ocean and bring moisture and lift the dewpoint and lower the fires. That isn't happening as we speak. Quite the opposite is happening, as we play out the Santa Ana and get through this season.

But in the meantime, the destruction is now almost immeasurable. You see it on the faces of the people being interviewed. Maybe America finally recognized it when San Diego could not play football in their home stadium. They had to move to Phoenix because they are using the parking lot as a staging area. Maybe America scratched its head a little and said: What is wrong with this? Should this be happening? No, it should not be—at least to the extent that it is.

The Senator from California is right that procedure can help lessen the impact of the kind of fire scenario we are seeing. She and I have teamed up with our leadership and said let's debate this bill now on the Senate floor and throughout the balance of the week, after we finish foreign operations. We can do that. It should not take but a full day of debate. A lot of issues ought to be talked about on this bill, and then we ought to pass it so America can see that the Congress of the United States is responsive when California is at risk to the proportion that it is today. I thank the Senator.

Mrs. FEINSTEIN. I thank the Senator from Idaho, also. I was just talking to Representative LEWIS. He indicated that two members of his family each lost their homes. I understand that Representative DUNCAN HUNTER also lost his home. So they join literally 1,500 families now who are bereft, without housing, without their home. Really, everything they have built is just gone. Now we find that there are another 44,000 homes in jeopardy. So I very much appreciate the comments of the Senator.

AMENDMENT NO. 1977

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to set aside the

pending amendment and call up amendment No. 1977.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Ms. SNOWE, and Mrs. MURRAY, proposes an amendment numbered 1977.

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

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

The amendment is as follows:

(Purpose: To clarify the definition of HIV/AIDS prevention for purposes of providing funds for therapeutic medical care)

At the appropriate place, insert the following:

SEC. _____. For purposes of section 403(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(a)) the term "HIV/AIDS prevention" means only those programs and activities that are directed at preventing the sexual transmission of HIV/AIDS, and activities that include a priority emphasis on the public health benefits of refraining from sexual activity before marriage shall be included in determining compliance with the last sentence of such section 403(a).

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to add Senator SNOWE and Senator MURRAY as cosponsors of this amendment.

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

Mrs. FEINSTEIN. Mr. President, I rise today to offer an amendment to the fiscal 2004 foreign operations bill to provide the administration with greater flexibility in how it funds HIV/AIDS prevention programs.

We believe this amendment is critical to our efforts aimed at stopping the spread of the HIV/AIDS virus and providing a safe and healthy future for millions of people around the world. Time is not on our side, and we must act now.

Our amendment does two things. First, it reserves at least one-third of the funds for prevention of sexual transmission of HIV rather than one-third of all prevention funds for "abstinence-until-marriage" programs. This recognizes that HIV prevention includes many types of activities, and those that target the sexual transmission of HIV/AIDS such as abstinence-until-marriage programs are really only a subset.

Second, our amendment defines an abstinence-until-marriage program as any program that includes, but is not necessarily limited to, providing information that emphasizes the public health benefits of refraining from sexual activity outside of marriage.

Earlier this year I was proud to join my colleagues in passing the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003. This is a historic piece of legislation that expressed our resolve to see the United States take a leadership role in the fight against the HIV/AIDS pandemic. The bill recognized that prevention, along with care and treatment, is an essential component of that fight.

The bill, as passed by both Houses and signed by President Bush, contains language that recommends for fiscal year 2004 and 2005 that at least one-third of all global HIV/AIDS prevention funds be set aside for abstinence-before-marriage programs. This sense of the Senate provision becomes a mandate for fiscal year 2004 through 2008. Our amendment simply clarifies the congressional intent of this provision and increases the flexibility of how HIV/AIDS prevention funds are spent.

In order to fulfill our goal of stopping the spread of HIV/AIDS, we should not tie the hands of workers on the ground by limiting the use of HIV/AIDS prevention funds. A brief glance at some of the numbers related to the HIV pandemic demonstrates the importance of funding a wide range of prevention activities.

Worldwide, 40 million people—that is huge—are infected with HIV; 29.4 million people are infected in sub-Saharan Africa alone. That is 70 percent of the world's total. As of 2001, 21.5 million Africans had died of AIDS. That is 21.5 million Africans dead from AIDS. The national intelligence council projects at least 50 million new cases of HIV by 2010 in five countries alone: China, Ethiopia, India, Nigeria, and Russia. Fifty million new cases in five countries. That is a huge pandemic.

Currently fewer than 1 in 5 persons at risk for HIV/AIDS worldwide have access to prevention. Yet UNAIDS and the World Health Organization have conducted research that shows that two-thirds of the estimated 45 million new HIV infections expected to occur between now and 2010 could in fact be averted with effective prevention. Two-thirds of 45 million anticipated cases could be prevented. That is a very critical figure for us to make use of.

Passing the global HIV/AIDS bill was an important first step to meeting that challenge. Our amendment builds on that endeavor and increases the effectiveness of the legislation.

Let me be clear. Our amendment does not strike the 33 percent earmark for abstinence-until-marriage programs. It simply expands the definition of abstinence-until-marriage and gives the administration maximum flexibility to fund programs that successfully increase abstinence among young people. The key word is “successful.” All Senators, including myself, know that abstinence is a key strategy in preventing the spread of HIV/AIDS, and the importance we place on those programs is reflected in the legislation. What we are trying to do—and I am trying to do—is give the administration and the people on the ground the flexibility needed to design HIV prevention programs that meet the needs of a given community.

Different programs work better in different communities. There is no real one-size-fits-all program. A May 2003 report from the Bill and Melinda Gates Foundation and the Henry J. Kaiser Foundation highlights that proven

AIDS prevention programs involve behavior change programs, including delay in the initiation of sexual activity, faithfulness, correct and consistent condom use, testing and treatment for sexually transmitted disease, promoting voluntary counseling and testing, harm reduction programs for HIV drug users, preventing the transmission of HIV/AIDS from mother to child, increasing blood safety, empowering women and girls, controlling infection in health care settings, and devising programs geared toward people living with HIV/AIDS.

Let's take a closer look at one of these prevention programs: preventing the transmission of HIV from mother to child. We have seen great strides in recent years in this area. Studies have shown that combining drugs such as Nevirapine with counseling and instruction on the use of such drugs reduces mother-to-child transmission by 50 percent. And we have tens of millions of AIDS orphans in Africa alone. So it is a really important program.

Such cost-effective prevention programs are not related to abstinence and should not be constrained by the 33 percent earmark in funds for prevention. Our amendment will allow local communities to spend money on HIV prevention that is most effective in that community. If the most effective program in a community is the promotion of abstinence until marriage, my amendment will not preclude funding for such a program.

Ensuring that the earmark applies only to programs related to preventing the sexual transmission of HIV would free up additional resources for non-abstinence programs while at the same time maintaining the importance of abstinence-until-marriage activities. In fact, my amendment would not prevent the United States from spending more than one-third of funds for the prevention of the sexual transmission of HIV on abstinence-until-marriage programs if the administration decided that was the most effective use of those funds.

We believe the United States should have the flexibility to fund programs that are successful in leading to increased abstinence.

In response to a letter I wrote to Assistant Secretary of State for Legislative Affairs, Paul V. Kelly inquiring about the definition of an “abstinence-until-marriage” program, Secretary Kelly responded:

Achieving the HIV/AIDS prevention goals of the President's Emergency Plan will require a comprehensive and sustainable approach recognized by both the Plan and the law. The “ABC” model [Abstain, Be faithful, Use condoms], has been used successfully to prevent HIV/AIDS transmission in Uganda as well as Zambia and Ethiopia. These successes show that promoting behavior change and healthy lifestyles, including abstinence and delayed sexual initiation, mutual monogamy, faithfulness and fidelity in marriage and reduction in the number of partners, consistent and correct use of condoms, and avoidance of substance abuse, are suc-

cessful in preventing the spread of HIV/AIDS.

This tells me that this administration understands that the most effective way to prevent HIV is a multipronged approach. We should be able to fund programs that place a priority emphasis on abstinence but also discuss other methods as outlined under the ABC approach.

For example, the United States Agency for International Development has sponsored Zambia's HEART, Helping Each Other Act Responsibly Together, HIV/AIDS prevention program, a mass media campaign that promotes HIV/AIDS prevention through messages about abstinence, consistent condom use, and the fact that “you can't tell by looking” if another person is HIV-positive.

A 2001 impact survey of youth aged 13 to 19 found that many of the respondents chose to remain abstinent because of the campaign. In fact, respondents were more likely to report that they chose to abstain than to report condom use. This confirms what I have long believed: if young people are given the necessary information and education, they will make an informed and health decision regarding their sexual activity.

If programs like the HEART program in Zambia are successful in increasing abstinence, we should not turn our back on them or limit the amount of resources available because they discuss multiple prevention strategies.

Again, this amendment is about giving our Government and other countries the flexibility to get the job done.

Cultural differences, epidemiology, population age groups, and the stage of the epidemic in a given community will all play roles in how an effective HIV/AIDS prevention program is designed.

This amendment is pro-abstinence, it recognizes that there is more to preventing the spread of HIV/AIDS than preventing the sexual transmission of HIV, it balances congressional priorities with public health needs, and it preserves the administration's flexibility in deciding which programs to fund that would be most likely to increase abstinence.

It is a commonsense amendment and I urge my colleagues to support it.

I thank Senators SNOWE and MURRAY for cosponsoring this amendment.

I yield the floor.

Ms. SNOWE. Mr. President, I rise today in support of the amendment offered by Senator FEINSTEIN and myself to clarify the funding under the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003.

As my colleagues will remember, we stayed on the floor late into the night to pass that bill, and we did so in a bipartisan manner, without amendment, because of the critical importance of providing the President with a bill before he attended the G-8 Summit in Evian, France. In doing so, we sent the President to the G-8 with the firm

commitment and resolve of the United States to tackle the global AIDS crisis.

This clarification was not made in May, because of the fact that there was no time to conference any changes from the House-passed bill. I believe we did the right thing by sending that bill to the President when we did, but as we address issues today related to funding that commitment, I believe we have a responsibility to address this clarification.

This amendment recognizes prevention—along with care and treatment—as essential to stemming the AIDS epidemic and supports a multiplicity of HIV prevention strategies. HIV prevention must include many types of activities, of which prevention activities targeting sexual transmission are only a subset.

The amendment is consistent with the intent of the bill by reserving at least one-third of the funds for the prevention of the sexual transmission of HIV for “abstinence-until-marriage” programs—otherwise known as “abstinence only.” Ensuring that one-third of prevention funds, instead of one-third of all funds, are used for these “abstinence only” programs preserves the funding for multilayered approaches which have been most effective in combating HIV transmission. It is also important to note that the amendment takes into account the fact that there are many ways to succeed in changing the behavior of young people so that they abstain, including programs that emphasize the health benefits of refraining from sexual activity before marriage, and ensures that these programs can benefit from this funding.

This clarification reinforces the notion that encouraging programs that educate about abstinence and delayed sexual initiation is a key strategy in preventing the spread of HIV/AIDS. Strategies that include encouraging the delay in the initiation of sexual activity, faithfulness as well as consistent and correct condom use have had the highest rate of prevention of HIV/AIDS on the continent of Africa. According to the May 2003 report from the Bill and Melinda Gates Foundation and Henry J. Kaiser Foundation, we need to develop a multilayered approach that combines those types of programs with testing and treatment for sexually transmitted diseases, promoting voluntary counseling and testing, harm-reduction programs for IV drug users, preventing mother to child transmission, increasing blood safety, and controlling infection in health care settings.

This amendment supports the intent of the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 by ensuring that funds are targeted to the programs that are the most effective, while balancing the priorities on spending these resources. The amendment also preserves the President’s flexibility in determining which programs will be supported.

Mr. President, I believe this amendment provides the right approach to this critical issue and I urge my colleagues to support this clarification.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from California. I am very strongly supportive of the points she has made.

I see the distinguished chairman of the subcommittee, the senior Senator from Kentucky. I think he and I totally agree that if Members have amendments, they should get them to the floor and then we can begin voting on them. Traditionally, we break at 12:30 for the Republican and Democratic caucuses. I would like to get a vote before then. I do not know what the situation is on the Feinstein amendment. I ask my friend from Kentucky whether that is something on which we might vote. There has not been a chance for someone on the other side to speak as of yet.

I think what we need to do, if we can, and before I yield the floor, is make this plea on our side of the aisle—and I suspect the same one will be made on the other side—that if Members have amendments, bring them and see either Senator MCCONNELL or myself. If they are going to require a rollcall, we can enter into some time agreements.

Senator MCCONNELL and I have some housekeeping amendments which we can dispose of by voice vote, but let’s get these others with a time agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I certainly concur with my friend from Vermont. We hope to finish this bill today. We believe we can. There are not a large number of amendments on each side.

With regard to Senator FEINSTEIN’s amendment, we are taking a look at that now and hope to be able to react soon about moving that one forward as well. If everyone would share our view that it might be desirable to finish this bill today, the way to get that done is to talk to Senator LEAHY and myself about amendments. We are open for business and would love to sit down with Members and talk about their amendments.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Senator from Kentucky and the Senator from Vermont for their comments. I very much appreciate them.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we are now about a month behind time in get-

ting a number of the appropriations bills through. Senator MCCONNELL and I worked very hard on this bill. I think we have crafted good, bipartisan legislation. Unlike some of the things that happen around here, this has had strong input from both sides of the aisle. It would be a shame if there were so many delays it became part of an omnibus—or, as some more accurately describe, an “ominous”—appropriations bill.

This bill, as much as anything, can reflect the real nature of America. We are the wealthiest, most powerful nation on Earth. There are so many things we can do and should do even better. It requires pennies per person, for example, to remove the threat of measles, diphtheria, and other diseases in Africa and elsewhere, diseases that kill millions of children.

I do not doubt that if anybody in this body were told, “Look at these 20 children; if they will give us \$2 or \$3, we will save their lives; if they do not, the children are going to die,” of course we would reach in our pocket and say: “How about some money for others?”

We do have some money for that. It is nowhere near as much as a wealthy nation such as ours should have, but it is a start. That is just one of the things that is in the bill on which we should move forward.

There will be those who will try to bring the amount on AIDS prevention up to the amount the President of the United States has promised over and over again in speeches. We will be supportive and try to bring it up to that amount. I hope the administration will support us as we try to support what the President has said he wants.

There are so many other areas. There is money in there to help the victims of landmines. There are still millions of landmines in the ground all over the world. The Leahy War Victims Fund that is in here is designed to help them. That is a bipartisan effort.

I say that, not to go down through a litany of everything that is in this piece of legislation, because I would much prefer people come forward and raise their amendments and have them voted on. We, as Senator MCCONNELL said, can finish this bill today. We can finish by early evening with cooperation. After 29 years here, I know what happens to a bill such as this. It is almost like pulling teeth to get people to the floor now. At about 5 or 6 at night, people are here saying, My gosh, I have to go to this; I have to go to that; can’t you put this over to tomorrow?

I know we have time agreements. Now is the time to do it. The McConnell-Leahy store is open. Come by and do your shopping. Let us talk. Let us reason together. Let us seek prayerful guidance under the benevolent tutelage of the distinguished Presiding Officer, and let us get this bill off and get it voted through. The final package is going to pass overwhelmingly. Let’s get the amendments done.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, AND 1988, EN BLOC

Mr. MCCONNELL. Mr. President, the Senator from Vermont and I have cleared a series of amendments which I will send to the desk to be considered en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and others, proposes amendments numbered 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, and 1988, en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1978

(Purpose: To provide funding to protect and promote media freedoms in Russia)

On page 27, line 1 after the colon insert the following: “*Provided further*, That \$5,000,000 shall be made available to promote freedom of the media and an independent media in Russia.”

AMENDMENT NO. 1979

(Purpose: To provide authority to use economic assistance appropriations for “Transition Initiatives”, and for other purposes)

On page 13, line 22 before the period, insert the following: “: *Provided further*, That if the President determines that is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to \$5,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations”.

AMENDMENT NO. 1980

(Purpose: To permit USAID to modify the terms of guaranteed loans, and for other purposes)

On page 14, line 6 strike “costs” and insert the following: “costs, including the cost of modifying such direct and guaranteed loans,”.

On page 14, line 7 before the period insert the following: “: *Provided further*, That funds made available by this paragraph and under this heading in prior Acts making appropriations for foreign operations, export financing, and related programs, may be used for the cost of modifying any such guaranteed loans under this Act of prior Acts”.

AMENDMENT NO. 1981

(Purpose: To require a report on the admission of refugees)

On page 147, between lines 6 and 7, insert the following:

REPORT ON ADMISSION OF REFUGEES

SEC. 692. (a) Congress makes the following findings:

(1) As of October 2003, there are 13,000,000 refugees worldwide, many of whom have fled religious, political, and other forms of persecution.

(2) Refugee resettlement remains a critical tool of international refugee protection and an essential component of the humanitarian and foreign policy of the United States.

(3) Prior to the beginning of each fiscal year, the President designates, in a Presidential Determination, a target number of refugees to be admitted to the United States under the United States Refugee Resettlement Program.

(4) Although the President authorized the admission of 70,000 refugees in fiscal year 2003, only 28,419 refugees were admitted.

(5) From fiscal year 1980 to fiscal year 2000, the average level of U.S. refugee admissions was slightly below 100,000 per year.

(6) The United States Government policy is to resettle the designated number of refugees each fiscal year. Congress expects the Department of State, the Department of Homeland Security, and the Department of Health and Human Services to implement the admission of 70,000 refugees as authorized by the President for fiscal year 2004.

(b)(1) The Secretary of State shall utilize private voluntary organizations with expertise in the protection needs of refugees in the processing of refugees overseas for admission and resettlement to the United States, and shall utilize such agencies in addition to the United Nations High Commissioner for Refugees in the identification and referral of refugees.

(2) The Secretary of State shall establish a system for accepting referrals of appropriate candidates for resettlement from local private, voluntary organizations and work to ensure that particularly vulnerable refugee groups receive special consideration for admission into the United States, including—

(A) long-stayers in countries of first asylum;

(B) unaccompanied refugee minors;

(C) refugees outside traditional camp settings; and

(D) refugees in woman-headed households.

(3) The Secretary of State shall give special consideration to—

(A) refugees of all nationalities who have close family ties to citizens and residents of the United States; and

(B) other groups of refugees who are of special concern to the United States.

(4) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees describing the steps that have been taken to implement this subsection.

(c) Not later than September 30, 2004, if the actual refugee admissions numbers do not conform with the authorized ceiling on the number of refugees who may be admitted, the Secretary of State, the Secretary of Homeland Security, and the Secretary of Health and Human Services shall report to Congress on the—

(1) execution and implementation of the refugee resettlement program; and

(2) reasons for the failure to resettle the maximum number of refugees.

AMENDMENT NO. 1982

On page 75, line 17, after “Afghan” insert the following: “Independent”.

AMENDMENT NO. 1983

On page 35, line 10, after the semi-colon, insert “and”.

Page 35, line 12, strike “; (3)” and insert in lieu thereof the following: “: *Provided further*, That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that”.

On page 35, line 15, strike “; and” and insert in lieu thereof the following: “: *Provided further*, That”.

AMENDMENT NO. 1984

On page 105, line 25, strike “180 days” and insert in lieu thereof the following: “one year”.

On page 106, line 3, strike “nongovernmental” and everything that follows through “plan” on line 6, and insert in lieu thereof the following: “governments and nongovernmental organizations, shall submit to the Committees on Appropriations a strategy”.

On page 106, line 10, strike “\$10,000,000” and insert in lieu thereof the following: “\$5,000,000”.

On page 106, line 11, strike “implement the action plan” and insert in lieu thereof the following: “develop the strategy”.

AMENDMENT NO. 1985

On page 87, line 23, strike “That in” and everything thereafter through “subsection” on line 24, and insert in lieu thereof the following: “That the application of section 507(4)(D) and (E) of such Act”.

On page 87, line 26, strike “the” and everything thereafter through “subsection” on page 88, line 1, and insert in lieu thereof the following: “and”.

AMENDMENT NO. 1986

On page 20, line 9, before the colon, insert the following: “, of which up to \$1,000,000 may be available for administrative expenses of the United States Agency for International Development”.

AMENDMENT NO. 1987

On page 34, line 17, strike “\$2,500,000” and insert in lieu thereof: “\$3,500,000”.

AMENDMENT NO. 1988

(Purpose: To withhold funds for foreign assistance for nations that refuse to pay diplomatic parking tickets)

Beginning on page 98, strike line 24 and all that follows through page 99, line 10 and insert the following:

SEC. 644. (a) Subject to subsection (c), of the funds appropriated by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties owed by such country shall be withheld from obligation for such country until the Secretary of State submits a certification to the appropriate congressional committees stating that such parking fines and penalties are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regulation notification procedures of the appropriate congressional committees, provided that no such funds shall be made available for assistance to a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d) The Secretary of State may waive the requirements set forth in subsection (a) with respect to a country if the Secretary—

(1) determines that the waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a written justification for such determination that includes a description of the steps being taken to collect the parking fines and penalties owed by such country.

(e) In this section:

(1) The term "appropriate congressional committees" means the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(2) The term "fully adjudicated" includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment or challenge the summons has lapsed.

(3) The term "parking fines and penalties" means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997 through September 30, 2003.

Mr. MCCONNELL. Mr. President, included in the cleared amendments that I sent to the desk is an amendment by myself providing funding for media freedoms to Russia; another McConnell amendment providing authority to ESP assistance for transition initiatives; another one relating to development credit authority guaranteed loans; and an amendment by Senator BROWBACK related to refugee admissions. Senator LEAHY has four technical amendments and one providing funds for administrative expenses for USAID in the Democratic Republic of Timor-Leste; another Leahy amendment increasing funding for Colombian-United Nations High Commissioner for Human Rights; and a Schumer amendment withholding funds for nations that refuse to pay diplomatic parking tickets.

That is the summary of the amendments that are at the desk. As I have indicated, they have been cleared on both sides.

Mr. LEAHY. Mr. President, I understand I am a cosponsor of Senator BROWBACK's refugee amendment. If not, I should be.

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

Mr. LEAHY. Mr. President, I have no objection. These are all cleared on our side of the aisle.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendments are agreed to en bloc.

The amendments (Nos. 1978 through 1988), were agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I have offered an amendment to this foreign operations bill cosponsored by Senators BROWBACK, KENNEDY, and LEAHY that will help persecuted refugees across the world.

I think this amendment will enhance our Nation's commitment to humanitarian principles.

In 1990, Congress passed what has become known as the "Lautenberg

amendment," a provision that has allowed nearly 700,000 persecuted religious minorities to come to the United States.

These individuals have qualified for refugee status based on their membership in an ethnic, religious, or national minority facing a credible threat of state-enforced persecution.

In 1998, I traveled to the Balkans to visit ethnic Albanians Kosovars who had fled their homes in the face of the brutal rampage of Slobodan Milosovic. Many of these refugees eventually came to the United States, and I was proud to greet them at Fort Dix in New Jersey.

Today, I continue to believe that the United States, as a prosperous global leader, has a special responsibility to those who have been displaced because of political conflict or those who are threatened by ethnic, racial, or religious persecution.

The amendment we included in this bill today reflects our serious concern about the low number of refugees currently gaining entrance to the U.S.

Each year, the President designates a maximum number of refugees to be admitted under the U.S. Refugee Resettlement Program. It is then up to various Government agencies to find and process those refugees who are eligible and to help them gain admission to the U.S.

However, in the past few years, the annual number of admitted refugees has been dramatically lower than ceiling set by the President. In fiscal year 2003, for example, the U.S. admitted only 28,419 refugees, though the limit had been set at 70,000.

With 13 million refugees worldwide, it is unconscionable that the U.S. cannot offer admission to the full number of individuals legally authorized.

There are various reasons for the shortfall in refugees admitted to the U.S. It is extremely demanding on our foreign service officers abroad to find and process each refugee applicant. The amendment agreed to today attempts to improve this process by directing the Department of State to reach out to international non-profit organizations and private voluntary organizations to help identify refugee applicants.

Our amendment also urges the Secretary of State to prioritize those refugees who are most in need, so we can ensure that humanitarian considerations not political ones determine the order of the waiting list for entry.

There is a refugee crisis in the world, and this nation must play a role in trying to solve this crisis. On the African continent alone, some 45 countries host over 3.3 million refugees. These numbers are growing as the accelerating violence in West Africa continues to uproot thousands from their homes.

Current civil conflicts in Liberia, the Congo and elsewhere suggest that the number of refugees will increase in the coming months.

I thank my colleagues for remaining committed to helping victims of op-

pression, war and persecution across the world. As a child of immigrants, I believe that our country's history and values instruct us to continue welcoming in the "tired, the poor, and the huddled masses."

I thank my colleagues for supporting this amendment.

AMENDMENT NO. 1989

Mr. MCCONNELL. Mr. President, there are three additional amendments that have been cleared which we would like to act on individually.

There is a Craig amendment regarding reforestation in Afghanistan. I commend Senator CRAIG for recognizing a problem that we solved while we were in Afghanistan 2 weeks ago, which is the country has stripped a huge percentage of its trees. As a result of that, there is enormous erosion that they would not have otherwise had.

Senator CRAIG knows a good deal about reforestation. He jumped on that and has offered this very worthwhile amendment which would appropriate \$5 million for a reforestation program in Afghanistan. I know Senator CRAIG is hoping this fund will be something like a challenge grant in which corporations and individuals in America and foundations in America that have an interest in reforestation would contribute knowing that at least up to \$5 million of that money will be matched by the these USAID funds.

It is a very worthwhile project. I commend Senator CRAIG for recognizing this and coming up with a way to begin to deal with a huge problem related to the rebuilding of Afghanistan.

I send the Craig amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. CRAIG, proposes an amendment numbered 1989.

Mr. MCCONNELL. 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 facilitate a reforestation program in Afghanistan)

On page 75, line 15 after the colon insert the following:

Provided further, That of the funds made available pursuant to this section, not less than \$5,000,000 shall be made available for a reforestation program in Afghanistan which should utilize, as appropriate, the technical expertise of American Universities: *Provided further*, That funds made available pursuant to the previous proviso should be matched, to the maximum extent possible, with contributions from American and Afghan businesses:

Mr. LEAHY. Mr. President, I ask unanimous consent that I might be listed as a cosponsor.

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

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1989) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1990

Mr. MCCONNELL. Mr. President, I send to the desk an amendment by Senator DOMENICI relating to the International Law Enforcement Academy.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. DOMENICI, proposes an amendment numbered 1990.

Mr. MCCONNELL. 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:

On page 32, line 7, before the colon insert the following: “, of which \$2,105,000 should be made available for construction and completion of a new facility”.

Mr. MCCONNELL. Mr. President, I am unaware of any opposition on this side. I believe that is the case on the other side.

Mr. LEAHY. Mr. President, we have no objection on this side.

The PRESIDING OFFICER. Is there further debate? Without objection, the amendment is agreed to.

The amendment (No. 1990) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1991

Mr. MCCONNELL. Mr. President, finally I send an amendment by Senator LEAHY and myself to the desk which provides assistance to the Ibn Khaldun Center for Development in Egypt related to democracy building.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. LEAHY, proposes an amendment numbered 1991.

Mr. MCCONNELL. 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 provide assistance for the Ibn Khaldun Center for Development in Egypt)

On page 17, line 17, after the colon insert the following:

Provided further, That of the funds made available pursuant to the previous proviso, \$2,000,000 shall be made available for the Ibn Khaldun Center for Development:

Mr. MCCONNELL. Mr. President, I am pleased to offer an amendment—co-sponsored by the ranking member of the subcommittee—that provides \$2 million for the Ibn Khaldun Center for Development in Egypt.

The Center is directed by Dr. Saad Eddin Ibrahim, a vocal champion of human rights and democracy in Egypt. My colleagues may remember that Dr. Ibrahim was arrested on June 30, 2000, on charges that included defaming the country's image. Many in Cairo and abroad believe that Dr. Ibrahim's arrest was a direct response by the Egyptian Government to his investigations into discrimination against the country's Coptic Christian minority and parliamentary fraud.

Dr. Ibrahim spent several years in jail and was finally acquitted this spring after a second retrial. However, imprisonment neither dulled his desire for democracy, justice or human rights in Egypt nor his passion for pursuing these fundamental rights in the face of repression from the authoritarian Egyptian government.

In fact, when my staff visited Dr. Ibrahim in prison almost 2 years ago he was just as feisty in support of democracy for Egypt as when he passed through Washington a few short months ago.

Given Dr. Ibrahim's noble cause, the amendment provides funding for the center for core support and programmatic activities that promote democracy, the rule of law and human rights in Egypt.

I urge my colleagues to support this amendment, which underscores that an important front in the war on terrorism includes the pursuit of freedom, democratic institutions, the rule of law and human rights in countries throughout the Middle East.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1991) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, Senator SESSIONS is here and I am prepared to offer an amendment. Therefore, I yield the floor.

AMENDMENT NO. 1993

Mr. SESSIONS. Mr. President, I spoke last night about my concern over our inadequate attention given to the substantial problem of health care transmission of AIDS in Africa. As part of this bill, we are moving forward with a \$15 billion program to deal with AIDS in Africa.

Some of the agencies involved have been too slow, frankly, to recognize how significant the transmission of AIDS is in Africa as a result of medical transmissions. It occurs in two primary ways. One, throughout Africa they are reusing needles for injections. When people come in, they are given shots. There is one story of an elementary classroom where all were injected with an immunization using the same needle, something we would not tolerate in America.

As a matter of fact, we have taken extraordinary steps to make sure that no one in America who goes to a physician or doctor or hospital or clinic comes home infected with AIDS. We did that with the Ryan White Act. We dealt with hemophiliacs who have blood transfusions. We knew that was a major cause of the transmission of AIDS. We stopped that. We test all blood. We know it is clean or we will not allow it to be injected in someone's body.

That is not true now in Africa. Twenty-five percent of the blood in Africa is transfused without being tested.

We also know that in some countries in Africa as much as 40 percent of the adults have the HIV virus. We know that many more transfusions take place in Africa than in the United States. You would be surprised to know that; most people would. Diseases such as malaria cause anemia, and frequently physicians utilize transfusions to deal with that.

They have other problems that lead to the need for transfusions. Many more transfusions take place in Africa. Many more injections take place in Africa, surprisingly. We find that when people go to the doctor in Africa, they can receive a pill, but they tend to get a shot for whatever their problem is. We believe at least as much as 40 percent of the injections in Africa are unnecessary. Perhaps even more of the transfusions are unnecessary. But in addition to being unnecessary, they are highly risky.

That is the problem. When you reuse a needle, you put patients at risk. In America, we have gone to extraordinary lengths to make sure our blood is clean and our needles are clean. In addition, we have gone to great lengths to make sure that health care workers, through accidents, won't prick themselves with a needle that might be contaminated. Remember, we have only about a 1 percent infection rate in the United States, whereas in Africa it is much larger throughout the continent.

We have numbers from a study in South Africa that between ages 2 and 15, there are 670,000 children infected with HIV. Studies have shown that some of their mothers are not infected with HIV. How did they get it? This is not a sexually caused problem for most of them. This is a problem caused, I am afraid, from unsafe health care practices.

Senator LEAHY knows Holly Burkhalter of Physicians for Human Rights. They have been dealing with this issue for some time. They have concluded that it may be the single most significant act we can take to prevent AIDS in the short term in the world.

We have also discovered that it would take only a relatively small portion of the \$15 billion to fix it, the combination of testing and certifying that every transfusion is done with blood that is clean and safe. You take every injection in Africa, even some that are

unnecessary, but every injection in Africa, if you examined all of those and gave a free and clean non-reusable needle for every injection in Africa, we are talking about less than \$100 million, really about \$75 million. That is what it would take. We are going to be spending \$3 billion a year in Africa on AIDS over the next 5 years.

There has been some dispute over how much of HIV is caused by medical transmissions. The WHO says the number is 10 percent. They say that blood transfusions are 5 to 10 percent. They also say that needles account for 2.5 percent.

I have conducted two hearings before the Health, Education Labor and Pensions Committee, of which Senator ENZI, the Presiding Officer, is an able member. We have taken the best witnesses we could get. Dr. Gisselquist and others who are familiar with the issues have testified. I have become more convinced than ever that those numbers are conservative. But at the 10-percent number, the numbers come in at 250,000 to 450,000 infections per year from health care in Africa.

Imagine that: 250,000 to 450,000 human beings, many of them children, many of them infants, going to the doctor to get health care, to get a shot, coming home infected with a disease that will lead to their early death.

Because it is a matter of such colossal error, we need to confront it, and we can. We can do so much better. I will be offering an amendment to urge that we earmark at least \$75 million to fix the problem. I believe in very short order we can completely fix it. There is no excuse for any blood in Africa being used that had not been tested. Seventy-five percent of it is tested now. Why don't we go the rest of the way? Do you think that is not a large number, the 25 percent? It is a tremendous number.

Particularly, women who go for transfusions after birth or because of malaria and anemia, those kinds of conditions, are the ones causing the transfusions. They are coming home with AIDS, and they are dying.

These numbers don't consider the fact that people who have been infected by a health care injection or transfusion can go out and infect others, their spouses, or other people. It creates a cycle of growth in the spread of AIDS that is unacceptable.

Dr. Gisselquist says the numbers should be declining in Africa today. They are not. The only explanation for the failure of the numbers of infections in Africa to decline, in his view, is medical transmissions. He has studied every study of this issue that has ever been done in Africa. From that, he considers it as high as 30 percent, three times the number I mentioned before, three times that number. And on the WHO numbers, we are talking about 1,000 infections per day, a number that can be fixed.

It is time for us to ensure, as part of this bill, that the people who are running our AIDS program for the United

States and the world understand we expect them to confront the medical transmission issue.

The good news is, the great news is that we can bring these percentages to virtually zero. We can stop 1,000 to 2,000 infections per day. We can take it to zero and eliminate this problem for less than \$100 million a year.

I say let's do it. We need to have a sense of urgency. Mr. Tobias, heading this effort, needs to have a sense of absolute urgency. This has been talked about for years.

Last night I had a chart that depicted a headline article in the San Francisco Chronicle, dated October 27, 1998—5 years ago yesterday—detailing needles of death, talking about this very problem. Nothing has been done about it. It will not undermine the effort to deal with the sexual transmission of the disease and it will not, in my view, scare people from going to health care clinics to get treatment—the only two excuses I have heard to date as to why we should not go forward.

I thank the Chair and Senator MCCONNELL for his leadership in managing this bill and his willingness to listen to my concerns.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, this is an excellent amendment that has been cleared on both sides of the aisle. It is an important contribution. The Senator from Alabama is making an effort to combat this plague, which is clearly the No. 1 public health problem in the world today. I thank him for this important contribution.

Has the Senator sent the amendment to the desk?

Mr. SESSIONS. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 1993.

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

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

The amendment is as follows:

(Purpose: To require that a portion of the funds appropriated for the Global AIDS Initiative shall be made available for injection safety and blood safety programs)

On page 23, line 8, strike the period and insert “: *Provided further*, That of the funds appropriated under this heading, not less than \$29,000,000 shall be made available for injection safety programs, including national planning, the provision and international transport of nonreusable autodisposable syringes or other safe injection equipment, public education, training of health providers, waste management, and publication of quantitative results: *Provided further*, That of the funds appropriated under this heading, not less than \$46,000,000 shall be made available for blood safety programs, in-

cluding the establishment and support of national blood services, the provision of rapid HIV test kits, staff training, and quality assurance programs.”.

Mr. MCCONNELL. Mr. President, I see my friend from Vermont here.

Mr. LEAHY. Mr. President, I think the Senator has done us all a service with his amendment. I ask unanimous consent that I may be included as a cosponsor.

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

Mr. SESSIONS. I thank the Senator from Vermont.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 1966

Mr. DURBIN. Mr. President, I would like to speak for a few moments on behalf of an amendment that I believe is now pending, offered by Senator DEWINE and myself relative to global AIDS.

I thank Senator MIKE DEWINE for his amazing leadership on public health issues, particularly relating to the Third World. Most of my colleagues are not aware of the commitment Senator DEWINE and his wife Fran have made to the island of Haiti, which they have visited, as I understand, 15 different times. I was fortunate to join him on one of those trips a few months back and to meet with some of the poorest people in the world, who happen to live in our backyard. They are suffering from the worst conditions you can imagine and, sadly, also being devastated by their own AIDS epidemic.

Senator DEWINE has, through his family and friends, politically committed himself to the people of Haiti. I believe this amendment he offers today is consistent with that commitment. That is why I am honored to be his cosponsor on this amendment relative to global AIDS, which takes an important step forward in meeting a pledge America has made.

Senator DEWINE said Friday, when he introduced our amendment, this is clearly the right thing to do. If we want to put this into perspective, our headlines every day focus on the war on terrorism and the situation in Iraq, as they should; but Secretary of State Colin Powell very eloquently told the U.N. a few days ago what his perspective was. I will quote that:

AIDS is more devastating than any terrorist attack, any conflict or any weapon of mass destruction.

He went on to say:

It kills indiscriminately, and without mercy. As cruel as any tyrant, the virus can crush the human spirit. It is an insidious and relentless foe. AIDS shatters families, tears

the fabric of societies, and undermines governments. AIDS can destroy countries and destabilize entire regions.

That is what Secretary of State Colin Powell said to the U.N. I think it is an appropriate introduction in the consideration of this important amendment. This is becoming the worst plague the world has ever seen. Imagine those words for a moment, when we consider the plagues throughout the history of the world. Already, 25 million people have been killed by HIV/AIDS. Eight thousand people die from AIDS every day—that is 8,000 mothers, fathers, and children. Today, another 42 million people around the world face a death sentence from AIDS because they have no access to treatment. It can cost as little as a dollar a day.

As parents die, 14 million AIDS orphans have been left without the care and support they need. Unless we act soon, there will be 25 million AIDS orphans by the end of the decade.

Reflect for a moment on the scenes that we have seen in Liberia and other parts of Africa, where we find children carrying automatic weapons, hell-bent on violence and destruction—children who, frankly, have no parental supervision for a variety of reasons, but increasingly because their parents have died from the AIDS epidemic. The boys become predatory with these guns, destabilizing villages, societies, and governments, threatening violence on people in a wanton fashion. The girls, these AIDS orphans, sadly without education and support, many times turn to prostitution, perpetuating the cycle of infection which will then, of course, not only claim their lives but their children as well. That is the cycle of AIDS as we know it today. To think of orphans alone is a sad thought. To think as orphans as predators, or orphans who are young girls who become submissive in societies and perpetuate sexual disease is to really take to heart the comments of Secretary of State Colin Powell.

Each year the world loses a population greater than the population of the city of Chicago, which I represent. We lose a population greater than that to AIDS. We know how to stop these deaths. It is not hopeless. For those who have given up and say this is God's verdict on people who deserve it one way or another, they are not only wrong morally, they are wrong medically.

According to the World Health Organization, 5 million to 6 million HIV-infected people in developing countries immediately need treatment. Fewer than 1 percent of medically eligible people in Africa now have access to treatment. Less than 1 percent have access to treatment today.

The World Health Organization declared AIDS an emergency and promised to treat 3 million people by 2005. It is not going to happen.

Current global spending on AIDS is now less than half of the bare-bones budget, \$10.5 million, that is needed to

reach this goal. We know what the goal should be. We have set the goal. America has joined in setting it with the World Health Organization, and we are going to utterly fail in meeting this goal.

According to Global HIV Prevention Working Group, current prevention spending falls \$3.8 billion short of what is needed by 2005. If we close this prevention gap, if we meet the goals we have set—those of us in the West who are blessed with the best hospitals, doctors, and technology in the world—we can prevent 29 million to 45 million infections by 2010.

As the CIA director, Mr. Tenet, recently said about AIDS:

Is this a security issue? You bet it is. With more than 40 million people infected right now, a figure that—by 2010—may reach 100 million, AIDS is building dangerous momentum in regions beyond Africa.

As the disease spreads, it unravels social structures, decimates populations, and destabilizes entire nations.

The National Intelligence Council found that in five of the world's most populous nations, the number of HIV-infected people will grow to an estimated 50 million to 75 million by 2010. AIDS is particularly devastating national armies around the world that ensure stability. In South Africa, according to the RAND Institute, some military units have infection rates as high as 90 percent.

This amendment will add \$289 million in funding to the battle against AIDS. The President pledged the U.S. would come forward with \$15 billion over 5 years. This Congress went on record saying we would spend \$3 billion this year. The DeWine-Durbin amendment moves us to \$2.4 billion. We are still not where we promised we would be. But we must take this important step forward. I urge my colleagues to join me.

As Majority Leader FRIST said so well:

History will judge whether a world led by America stood by and let transpire one of the greatest destructions of human life in recorded history—or performed one of its most heroic rescues.

We can spare babies from AIDS. We can give mothers hope. We can give families an opportunity to survive. I have been to Africa. I have met these people. I have sat with them. I have cried with them over their plight in this world today. I have left feeling helpless and determined to come to this floor, as often as God gives me the strength to stand behind this desk, and fight that we will have money in our budget to meet the promise we have given to these poor people around the world.

No one else, no other nation, is as rich as the United States. No other nation has stepped forward with this massive commitment. The DeWine-Durbin amendment today moves us closer. We reached \$2.4 billion. We are still about \$600 million short of what we promised. After this amendment is considered, I

will offer an amendment to make up that difference.

I implore my colleagues on both sides of the aisle, do what is right today, not only for the stability of the world but to give hope to people around the world who wonder if anyone notices and anyone is listening. We notice, we are listening, and the DeWine-Durbin amendment, with so many cosponsors, will move us toward providing hope to these families for a future.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Ohio.

Mr. DEWINE. Mr. President, I ask unanimous consent that the time for the noon recess be extended by 10 minutes.

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

The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague from Illinois for his very fine statement and for his sponsorship of this amendment. This is the third time my colleague and I have worked on an amendment on AIDS help for the people of the world who are literally dying of this dread disease. I salute him for his very fine work and for his very fine comments today.

Last Friday, we offered an amendment to the Foreign Operations bill that would increase the bill's current funding level for the global AIDS initiative by \$289 million, as Senator DURBIN has indicated. This additional funding would bring the total fiscal year 2004 allocation to \$2.4 billion. This \$2.4 billion would allow us to meet our goal of providing at least \$2 billion in bilateral assistance, and it would also allow us to meet our current matching commitment to the global fund to fight AIDS, tuberculosis, and malaria.

The new AIDS coordinator, Randall Tobias, would be able to distribute this money for the prevention, treatment, and control of and research in regard to AIDS/HIV, tuberculosis, as well as malaria.

I am very pleased a number of our colleagues have joined us as cosponsors of this amendment. In addition to Senator DURBIN, Senator COLEMAN, Senator WARNER, Senator DASCHLE, Senator LEAHY, Senator GRAHAM of South Carolina, Senator ALEXANDER, Senator SANTORUM, Senator COLLINS, Senator SMITH of Oregon, Senator BINGAMAN, Senator CORZINE, Senator BROWNBACK, Senator LUGAR, Senator ROBERTS, Senator HAGEL, Senator DOLE, Senator SPECTER, Senator HATCH, Senator CLINTON, as well as Senator KERRY have also cosponsored this amendment. I thank them all for their cosponsorship. I thank each one of them for their support and for their own efforts to fight the ravages of the global AIDS epidemic.

Fighting AIDS is a monumental task, a huge effort that will demand the time, resources, support, and certainly the prayers of the American people and people around the world for years to come.

It is a global problem with global implications. It is delicate; it is intricate; it is anything but simple. I think the American people understand this. They certainly need to know this. They need to know we will be fighting against AIDS and HIV for a long time.

The disease, death, and destruction it has left in its wake will not go away overnight, no matter what we do. Our amendment today will not completely solve this problem. It will not make AIDS go away, but it will help. It will begin to make a difference. It certainly can make a difference. The resources this amendment will provide will, in fact, save lives.

Let there be no mistake about it; passing this amendment will save thousands of lives. It will save lives because the resources we will provide by this amendment will go to organizations, groups, doctors, and nonprofit organizations that are already in the field, already are in these countries, that have already proven they have the ability to go out and do the job. So in this regard, it is very simple. There are things we can do right now to save these lives and to make an immediate difference. For example, as I said Friday, I have had the opportunity to travel to Guyana and Haiti in this hemisphere and, as we did this past summer, along with Senator FRIST and other Members of the Senate, we traveled to the southern part of Africa, where we had the opportunity to see doctors and organizations in the field doing the work. They were already saving lives and they looked at us and, in so many words, said: Give us the resources, give us the help, give us the assistance we need so we can expand the work we are doing.

We saw them in place. What this bill will do is to give them more help and assistance so they can expand their work, treat more people and help save more lives.

I think the most striking example of this is when we see a mother who is HIV-positive, we know the facts are if she is HIV-positive when she is pregnant with a child and about to give birth, the odds are 30 percent that child will be HIV-positive and that child will be condemned to death. We also know, though, that for as little as \$3, that mother can be treated and the odds will be reduced from 30 percent to 5 percent or 4 percent that she will give birth to a child who will be HIV-positive. We can give lifesaving drugs and that lifesaving treatment for a very small amount of money, for the cost of two cups of coffee in the United States. We can do that, and we need to do it.

In addition to fighting HIV/AIDS, we must remain vigilant in our efforts to fight other global epidemics. That is another reason this amendment is so important. The funds it provides, in addition to fighting HIV/AIDS, can be used to fight the spread of tuberculosis and malaria. These are two diseases we have the ability to fight, two diseases we have an obligation to fight.

Like HIV/AIDS, the statistics are staggering. According to the World

Health Organization, tuberculosis kills 2 million people per year. It is estimated that between 2000 and 2020, nearly 1 billion people will be newly infected by TB; 200 million people will get sick from it; and 35 million people will die from it if the control of it is not further strengthened. TB is a leading cause of death among women of reproductive age worldwide and it is estimated to cause more deaths among this group than all causes of maternal mortality. With an estimated 3 million new cases of TB each year, Southeast Asia is the world's hardest hit region. In Eastern Europe, TB deaths are increasing after almost 40 years of steady decline. More than 1.5 million TB cases occur in sub-Saharan Africa each year. This number is rising rapidly, largely due to the high prevalence of HIV.

The fact is, people who are HIV positive or who already have AIDS are far more susceptible to acquiring tuberculosis. Their compromised immune system, quite simply, has a very difficult time fighting off the TB infection. As a result, TB is the leading killer of people living with HIV/AIDS. One-third of people infected with HIV would develop TB—one-third. At the end of the year 2001, 13.1 million people living with HIV/AIDS were coinfecting with tuberculosis.

In Africa alone, more than 50 percent of individuals with active TB are also HIV positive. And in Asia, TB accounts for 40 percent of AIDS deaths.

The spread of malaria is equally troubling. According to the World Health Organization, over 40 percent of the world's children live in malaria epidemic countries. Each year, approximately 300 to 500 million malaria infections lead to over 1 million deaths, of which over 75 percent occur in African children. In fact, every 30 seconds an African child dies of malaria.

As with HIV/AIDS, there are some relatively simple things we can do to help prevent these needless deaths. For example, insecticide-treated nets have been shown to reduce mortality among children under 5 years by approximately 20 percent. This translates to the prevention of almost half a million deaths each year in sub-Saharan Africa alone. Simple items such as these nets can cost as little as \$1.50, while a year's supply of insecticides to retreat a net costs from 30 cents to 60 cents. Yet a recent "Child Survival" series in the British medical journal *The Lancet* concluded that:

Fewer than 5 percent of children in regions of Africa with very high prevalence rates of malaria are using insecticide treated materials to prevent malaria.

Again, as with HIV/AIDS, we as a nation and as a people have the resources and the ability to fight these preventable diseases. With this amendment, we can do so much good. So I say to the Members of the Senate, I say to my colleagues, we should not and we must not tolerate a world where so many people are suffering from HIV/AIDS

and so many people are suffering from malaria and tuberculosis. We simply should not tolerate a world where this suffering and dying occurs. And where we have the ability and where we have the tools to help make a difference and to save lives, we must act, and we must act quickly. We should not delay. We must act now.

Every 10 seconds, someone in the world dies because of AIDS. In just the short time I have been speaking here on the Senate floor—in just that time—at least 60 people have died because of AIDS. Those are lives that we can help save. Those are lives that I believe we must help save.

I urge my colleagues to join us, to join Senators DURBIN, COLEMAN, WARNER, DASCHLE, LEAHY, GRAHAM of South Carolina, ALEXANDER, SANTORUM, COLLINS, SMITH of Oregon, BINGAMAN, CORZINE, BROWNBACK, LUGAR, ROBERTS, HAGEL, DOLE, SPECTER, HATCH, CLINTON, and KERRY in supporting this amendment. This amendment will mean more lives can be saved. It is as simple as that.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived and passed, under the unanimous consent agreement we are now in recess until 2:15 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 2:18 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator LEAHY asked that I fill in for him for the next little bit. We have an amendment to offer. We have no one here from the majority, but I am very confident there is no problem with the Senator from North Dakota offering an amendment. I ask unanimous consent that the pending amendment be set aside so the Senator from North Dakota can offer his amendment.

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

The Senator from North Dakota.

AMENDMENT NO. 1994

Mr. DORGAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. SCHUMER, proposes an amendment numbered 1994.

Mr. DORGAN. 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 urge the President to release information regarding sources of foreign support for the 9-11 hijackers)

At the appropriate place, insert the following:

SEC. . Sense of the Senate on declassifying portions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(a) FINDINGS.—The Senate finds that—

(1) The President has prevented the release to the American public of 28 pages of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(2) The contents of the redacted pages discuss sources of foreign support for some of the September 11th hijackers while they were in the United States.

(3) The Administration's decision to classify this information prevents the American people from having access to information about the involvement of certain foreign governments in the terrorist attacks of September 2001.

(4) The Kingdom of Saudi Arabia has requested that the President release the 28 pages.

(5) The Senate respects the need to keep information regarding intelligence sources and methods classified, but the Senate also recognizes that such purposes can be accomplished through careful selective redaction of specific words and passages, rather than effacing the section's contents entirely.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in light of these findings the President should declassify the 28-page section of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001 that deals with foreign sources of support for the 9-11 hijackers, and that only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources and methods should remain classified.

Mr. DORGAN. Mr. President, this amendment is a sense-of-the-Senate amendment. I note there are other sense-of-the-Senate amendments in this legislation. I will at the end of my statement ask consent that we consider waiving points of order.

Let me describe what the amendment is and why I have offered the amendment. I offer this amendment on behalf of myself and Senator SCHUMER from New York.

The Congressional Joint Intelligence Committee inquiry into the intelligence community activities before and after the terrorist attacks of September 2001 finished its work. This past summer, when the report was finally authorized for release by the administration, we discovered that the report, which took 9 months to write and 7 months to declassify, contained 28 pages that had been redacted by White House lawyers.

I will quote a couple of people, one who is in the Chamber now. I will quote Senator SHELBY and Senator GRAHAM, the chair and ranking member of the Intelligence Committee while this inquiry was underway. As I indicated, 28 pages of this report were redacted by White House lawyers. That means the American public cannot see what was in that report. We will have

no knowledge and no information about what was contained in that rather exhaustive report.

The Bush administration has refused to declassify these pages, citing concern for intelligence-gathering "sources and methods." I don't think that is an insignificant issue, by the way. I think intelligence gathering and the sources and methods for doing so are important. But it is also important, it seems to me, to ask the question, Should these 28 pages have been redacted? Should the 28 pages have been outside the view of the American people, given the fact that this report was done in order to evaluate what happened leading up to 2001, what was happening with respect to our intelligence community, what was happening with respect to other countries?

There has been a great deal of speculation about Saudi Arabia. It is assumed that somehow in these pages there is discussion about the Saudis. The Saudi Government is implicated by some because 15 of the 19 hijackers were from Saudi Arabia. Even the leaders of the Saudi Government, who some have said are the object of the redacted pages, want it declassified. They are angry and embarrassed at being singled out and want to defend themselves, and therefore they want this declassified.

How much of the 28 pages could be declassified? Senators GRAHAM and SHELBY, the former chair and cochair of the Intelligence Committee who directed the report are quoted saying the following: "I think they are classified for the wrong reason," the former vice chairman of the Senate Intelligence Committee told NBC's "Meet the Press." "I went back and read every one of those pages thoroughly. My judgment is 95 percent of that information should be declassified and become uncensored so the American people would know." Asked why the section was blacked out, Shelby said: "I think it might be embarrassing to international relations."

Senator BOB GRAHAM of Florida, who was the chairman of the committee investigating this, also called for declassification. He said releasing the report would permit "the Saudi Government to deal with any questions which may be raised in the currently censored pages and allow the American people to make their own judgment about who are our true friends and allies in the war on terrorism." Senator GRAHAM made that request in a letter to President Bush.

This is a very important issue and it has gone on for months and months and months. This report was developed after an extensive amount of study and investigation. The report was then published after being edited by the Bush administration and the White House. And a rather substantial portion of that report—most speculate dealing with the Saudis—was censored, classified, or redacted. That is, the American people are not permitted to see that which is included in the report on those 28 pages.

Again, the chairman and vice chairman of the committee that led or that directed the preparation of this report say most of that information of the 28 pages should be declassified, implying, I believe, since they are not quoted directly, that declassifying that would not compromise sources and methods and not compromise our intelligence community.

My hope is that the Senate, with a sense-of-the-Senate resolution, will weigh in on this in a very significant way and say to the administration these 28 pages should be made available.

Now, in the sense-of-the-Senate resolution, I point out that it is the sense of the Senate that in light of the findings—and I have a series of findings—the President should declassify the 28-page section of the joint inquiry into intelligence community activities before and after the terrorist attacks of 2001 that deal with the foreign sources of support for the 9/11 hijackers and that only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources or methods should remain classified.

In point of fact, those whose expert opinions I respect have said they have read the redacted or the censored or classified portions very carefully and believe most of it should not have been classified; most of it should have been made available to the American people. If that is the case, and if the Saudi Government itself has said this information ought to be declassified, let us deal with it on the public record. Then I believe the American people ought to expect a right to see this information.

My hope is we will have a vote on this amendment, a sense-of-the-Senate amendment that will allow the Senate in this forum to send a message to the President and to the White House that we believe the bulk of this 28-page redaction should be made available to the American people posthaste.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, I commend my colleague, the Senator from North Dakota, for having offered this sense of the Senate. The sense of the Senate has an additional significance as we face some fundamental issues in the closing days of this session.

First, I will talk about the base concerns. As the Senator from North Dakota said, the principal purpose of the joint inquiry was to determine what had been the role of the intelligence community in the events leading up to September 11. In many instances in the course of that pursuit, the committee staff came to unearth FBI reports, CIA reports, and other intelligence community reports. We were not in a position, either in terms of our staff capabilities or our jurisdiction, to then go behind those reports to attempt to validate them. These were reports written by

agents of these appropriate intelligence agencies, but we could not, from primary sources, validate them. The FBI, primarily—and some other intelligence agencies, as well—were tasked to do exactly that, to find out if their own documents in many cases could be substantiated.

Those requests were made approximately a year ago. Still, today, many of those requests have not been answered. The administration has said, either directly or in some cases through intermediaries, that our report is deficient in that there is not second- and third-party confirmation of the statements we include. We included exactly what the FBI or CIA or other agencies had written. We asked the appropriate agencies, primarily FBI, to pursue these to determine if they were substantiated, and in many instances that has not occurred.

There is also an issue not of micro but of macro importance: This report makes a very compelling case, based on the information submitted by the agencies themselves, that there was a foreign government which was complicitous in the actions leading up to September 11, at least as it relates to some of the terrorists who were present in one part of the United States.

There are two big questions yet to be answered. Why would this government have provided the level of assistance—financial, logistical, housing, support service—to some of the terrorists and not to all of the terrorists? We asked that question. There has been no response.

My own hypothesis—and I will describe it as that—is that in fact similar assistance was being provided to all or at least most of the terrorists. The difference is that we happened, because of a set of circumstances which are contained in these 28 censored pages, to have an unusual window on a few of the terrorists. We did not have a similar window on others. Therefore, it will take more effort to determine if they were, in fact, receiving that assistance. That effort has, in my judgment, been grossly insufficiently pursued.

An even more serious question is what would lead us to believe that if there was this infrastructure of a foreign government supporting some of the 19 terrorists, that as soon as September 11 concluded, as soon as the last flames were put out at the Pentagon, the World Trade Center and on the field in Pennsylvania, all that infrastructure was immediately taken down? Again, this is my hypothesis: I don't believe it was taken down. I believe that infrastructure is likely to still be in place assisting the next generation of terrorists who are in the United States.

Those are very fundamental questions, and if the public had access to these 28 pages, they would be demanding answers.

As I mentioned in the beginning of my remarks, there is another issue

which is going to emerge in the next few days. We had a long debate in this Chamber on the supplemental appropriations bill, the bill providing \$87 billion for the reconstruction and occupation of Iraq. We had a long debate as to whether some of that reconstruction money should be in the form of loans rather than, as the President has insisted, all of it being in grants.

What is one of the practical effects of making all of the U.S. money which will go into the reconstruction of Iraq a grant? The answer to that question is that one of the consequences, ironically, will be that we will make all of the countries which currently have loans to Iraq that much more solvent because we will have, without any request for repayment, made a significant investment in enhancing the economic viability of Iraq and, therefore, the ability of whatever government is placed in ultimate control of Iraq more capable of repaying those loans.

There is a further irony that some of those countries, which are disclosed in the 28 censored pages as having been complicitous with the terrorists, are among the list of those creditors of Iraq that are going to get this indirect economic benefit. I believe the Members of Congress, who are going to be called upon to vote on whether we should grant this indirect benefit to a country that has been less than supportive of our Nation's war on terror, ought to know that before we vote and then find out later the full consequences of what we have done.

So there was an issue as to why these 28 pages should have been released when the report was initially completed in December of 2002. Those issues remain today. And there is the additional issue of whether we are going to inadvertently grant a significant financial benefit to a country that has been to say less than our ally in the war on terror would be a gross understatement.

I commend the Senator from North Dakota for having offered this sense of the Senate. It is a very important issue. I hope this Senate will adopt the sense of the Senate. If not, if the President continues to refuse to allow the American people to have access to this information, then I hope the Congress will be willing to use some of the authorities that it has to declassify information. Because the higher interest is not in placating this administration's unwillingness to be forthcoming on the issue. The higher interest in this democracy is that the people have access to relevant information which is not an issue of national security but which is a significant issue in terms of understanding the consequences of decisions that we have and will soon be making.

I urge adoption of the sense of the Senate and again express my admiration to the Senator from North Dakota for having presented it this afternoon.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me make a few additional comments. My

colleague from Florida is in a very unique position. Having worked with his colleague from Alabama, Senator GRAHAM and Senator SHELBY provided a great public service as they initiated this inquiry.

The inquiry, as described by my colleague in part, is an evaluation of whether there were other governments that participated in supporting groups of terrorists who committed acts of terror against this country. The answer to that question is very important. My colleague indicates that if such a program were in place or had been in place by another government to support groups of terrorists, what leads us to believe that parts of that program are not continuing to still operate and, therefore, continue to threaten our country?

The very important question with this sense-of-the-Senate resolution is: Should we not have the ability to know, should full disclosure not be the routine rather than the exception? Should the 28 pages that have been withheld from the American people be made available to them so we all are able to evaluate exactly the same set of information?

My conclusion is, yes, absolutely. It ought to be done sooner rather than later.

I have been intending to offer two amendments to this appropriations bill. One dealt with this sense of the Senate which I have just offered. The second dealt with a sense of the Senate with respect to the cooperation that is now being received or lack of cooperation by the 9/11 Commission, the other commission that is headed by former Governor Kean that is looking into 9/11 and the relationship of a series of issues, both prior to 9/11 and following, by our intelligence community and others.

One of my great concerns is reading in the newspapers just in recent days about the 9/11 Commission. This is a blue-ribbon commission. One of our former colleagues, Senator Cleland, is on the Commission. It is a commission that has to finish its work by May of next year. It has a relatively short timeframe. Now we hear that they have had to issue a subpoena to one of the Federal agencies to get them to cooperate giving information to them. There were other stories yesterday and the day before. They are concerned about not getting information from the White House.

We are not going to be satisfied until we have everything we need to do our job. Governor Kean says—he is a former Republican Governor from New Jersey—this is not about politics. It is about a blue-ribbon commission having access to all of the information so it can do its job.

I find it unbelievable that any agency or crevice or any corner of this Government would not open its records and provide full and immediate cooperation with the 9/11 Commission. That is the least we should expect of every single

agency. They have had to subpoena information from the FAA and yet they are not getting information from the White House that they are requesting. Kean said in an interview that he will resume negotiations with the White House this week and hopes to reach a resolution one way or the other on documents the panel is seeking. The Commission has the power to issue subpoenas and Kean says he does not rule out sending one to the White House.

Why should we read this in the papers? I don't understand it. There ought not be any agency, including the White House, that does not fully cooperate in every respect immediately with the request for information from this 9/11 Commission.

We have had two studies, one initiated by the Senate Intelligence Committee. That is the one that was the focus of my first amendment. The second was to have been the focus of the second amendment. Both were sense of the Senate—first, to declassify the information so that the American people will be able to see what was there. Don't censor this material; give the American people information. The second is to say to all Federal agencies, cooperate with the 9/11 Commission fully, completely, and immediately.

Now, my understanding is, having consulted with the majority, they will raise a point of order against the amendment I have offered just moments ago because it is "legislating on an appropriations bill." My second amendment would be the same. They would make a point of order against them, and the point of order would stand, I expect. So when such a point of order is made, I will regret it. I understand those are the rules of the Senate. But on the very next piece of legislation that comes to the floor—and I believe one is coming later this week that is an amendable vehicle and is a nonappropriations bill—we will vote on both of these sense-of-the-Senate amendments.

I might also say that while a point of order will be raised on these, there are sense-of-the-Senate provisions, I believe, in the underlying bill, or sense-of-the-Senate provisions to be added to it. I will not raise similar points of order. My hope is that all Senators will join me in understanding that this is not partisan or political, it is about this country's interests—our interests in preventing future acts of terrorism, our interests in finding out what happened, what went wrong, and how we can improve the intelligence-gathering system in this country. Who did what? Were foreign governments involved? If so, which ones and to what extent? These questions need to be answered. Both of my resolutions are designed to do one thing—provide more information to the American people, No. 1; No. 2, to ask every corner of our Government in every official working of this Government to decide that they will completely, cooperatively, and immediately work with the 9/11 Commission to provide the requested information.

We ought not to have to come to the Senate floor to ask why the White House, the FAA, or this or that agency has not already fully cooperated with the 9/11 Commission. It is in this country's interest to see that happen.

Mr. President, I ask for consideration of my amendment.

Mr. MCCONNELL. Was consent requested, Mr. President? I am sorry, I didn't hear.

Mr. DORGAN. I asked for consideration of my amendment. I ask unanimous consent that we waive points of order and have my amendment be considered.

Mr. MCCONNELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, in accordance with the precedent of May 17, 2000, I raise a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mr. MCCONNELL. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

AMENDMENT NO. 1974

(Purpose: To authorize appropriations for Foreign Relations and for Foreign Assistance, and to authorize Millennium Challenge Assistance)

Mr. LUGAR. Mr. President, I call up amendment No. 1974.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, the pending amendment will be set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 1974.

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

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LUGAR. Mr. President, I am pleased to offer an amendment that authorizes the spending contained in this appropriations bill. I thank Senator MCCONNELL and Senator LEAHY specifically for the way in which they have worked with me throughout this year on matters pertaining to foreign policy. Our staffs have consulted closely for months, and I believe that our respective legislative efforts have been enhanced greatly by this cooperation.

My amendment is an up-to-date version of S. 925, the foreign affairs authorization bill. It contains all of the amendments included in the S. 925 Senate floor action in July. It is truly a bipartisan product. On those 3 days in July in which we debated the bill, we considered dozens of amendments from both sides of the aisle. The Senate Foreign Relations Committee worked with

Members on constructive legislative language to enhance the bill; various components have received unanimous committee support.

I thank almost every Member of this body who has contributed in one way or another to this amendment because the amendments of almost every Member of this body are a part of the product we are considering today. That is why it not only has enormous bipartisan support, it has pride of authorship of virtually every Senator.

In this amendment, the Senate speaks forthrightly on the foreign policy challenges that this appropriations bill addresses by setting forth funding levels for specific programs and projects. This amendment gives voice to the Senate's views on issues touching every continent, from the threats of terrorism and weapons of mass destruction, to the safety of Americans working in our embassies overseas, to the President's proposed Millennium Challenge Account, which is designed to spur economic growth in the poorest countries.

My amendment authorizes appropriations for our diplomats, our foreign aid workers, our Peace Corps volunteers, many of them in harm's way. They are our civilian soldiers in the war on terrorism, and they are engaged in a noble battle against disease, poverty, and humanitarian disasters. American diplomats and aid workers have become targets in most countries and embassies around the world, but there is no shortage of recruits who want to be trained and sent abroad to do America's work.

I thank every member of my committee for their hard work during the authorization process. Members on both sides of the aisle have devoted tens of hours to developing constructive approaches to a number of very difficult foreign policy questions. The Senate Foreign Relations Committee has approached many foreign policy problems in a bipartisan spirit; thus, all of our authorizing legislation in S. 925 passed out of the committee by a vote of 19 to 0.

I thank and commend, once again, the distinguished ranking member of our committee, Senator BIDEN, for his abiding cooperation through this whole lengthy process of this year. Republicans and Democrats reasoned together and made compromises that led to excellent legislation. The members of our committee are united in our belief that the authorization bill contained in this amendment will enhance U.S. national security.

A vote for this amendment is a vote of confidence in the Senate's ability to help shape a world where peace, justice, and prosperity might prevail. This is not an academic exercise. Authorization legislation is important. If we are to have a foreign policy that has the long-term support of the American people, the Congress must be in it on the takeoffs as well as the landings. We should not be satisfied with appropriating funds after American soldiers

are on the ground. Congress must be in on the policy formulations and the fulfillment of U.S. commitments. Our role is to help make the hard decisions, not just to sign the checks after decisions are made.

Extensive hearings in the Senate Foreign Relations Committee have formed this amendment. The Senate needs the authorization process to project its voice on foreign policy and to have an impact on the direction this country takes in the world. I believe this step is especially necessary because we are now trying to accomplish our legislative work in extraordinary and dangerous times. These times demand the Senate do its duty to pass a foreign affairs authorization bill.

Up to this point, we have not done our duty. We are asking a great deal of our diplomats, our military, and the administration; and on a daily basis, Senators of both parties can be heard delivering commentary on the administration's war effort. Our responsibilities as the elected representatives of the people make such commentary relevant and expected.

Even as we perform oversight and function as loyal critics within our Government, we cannot forget we have our own responsibilities in fighting the war on terrorism. If we function merely as critics and commentators without taking the time and effort to authorize the very legislation that pertains to our Nation's security, we are failing in our duties. This simply cannot continue.

After September 11, 2001, we know we need a robust civilian foreign policy capacity in addition to a strong military if we are going to shape a world that embraces democracy, tolerance, open markets, and the rule of law. But we find the State Department is stretched thin. Our public diplomacy is underfunded and unfocused on many occasions. Our foreign assistance faces constant conflicting pressures and we need to play catchup just to make sure Americans are as safe as possible in their embassy workplaces, and Americans who approach those workplaces are as safe as possible.

We have no civilian surge capacity so our soldiers in Afghanistan and Iraq end up doing the nonmilitary tasks that should be done by civilians. Our appropriators have been sensitive to foreign policy needs. They have carried the burden of keeping vital foreign policy programs going, but a few lines in appropriations bills are not sufficient to provide the needed direction and framework and the sustained oversight this body should be paying to our civilian foreign affairs capacity.

This year the foreign affairs authorization bill has had to overcome obstacles that have had little to do with its own merits. This authorizing amendment lays out Senate priorities for foreign affairs spending. I have resisted adding anything to it that was not approved in July in open debate and after the adoption of the dozens of amend-

ments I talked about from virtually most, if not all, Senators on this floor. The bill exists as it emerged from the Senate floor at that time and it puts people first, as well as the safety of Americans who work around the world for us. It places a high priority on programs that help foreign governments cooperate with us in tracking down terrorists. It authorizes additional funds for security upgrades at embassies which we know are among the most threatened U.S. targets in the world. As we saw in Kenya and Tanzania, Americans serving in embassies are on the front line in the war against terrorism.

The amendment authorized an increase in danger pay for the diplomats who serve in high-risk posts. We are in a race to prevent terrorists from acquiring weapons of mass destruction and the authorization of this amendment will increase our capabilities. The amendment authorizes a greater American effort to reach out to the Islamic world. Beyond the war on terrorism, the amendment places a high priority on recognizing the deep reservoir of hope for humanity that resides in the American heart. It authorizes the fulfillment of our humanitarian instincts, including programs for child survival, nutrition and health, famine assistance and the Peace Corps. It authorizes the Millennium Challenge Account, President Bush's new program to invest American development dollars where they are most likely to spur economic growth.

A lot of work has gone into the deliberations on the Millennium Challenge Account and the final product is supported by Republicans and Democrats in the Senate, as well as the President of the United States and the Secretary of State. All of us now support the President's concept for creating a new means of delivering economic assistance to nations that are implementing positive and measurable economic and political reforms. We agree with the President that this and our development assistance programs are important tools in the war on terrorism. They can prevent failed states, improve our relationships with developing countries, and reduce impoverished conditions that are conducive to terrorist recruitment.

The Senate has been diligent this year in moving other foreign policy items. Among the measures we have passed are the global AIDS bill, the Moscow Treaty, NATO expansion, and the Iraq supplemental. The Senate has shown a capacity to act decisively on the Nation's foreign policy business because we recognize that in these perilous times it is our duty to do so. American national security is at risk, and as the leaders entrusted with passing legislation to keep America secure, we should include the authorization for the civilian foreign affairs agencies and their programs among our accomplishments this year.

I ask for adoption of the amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Reserving the right to object, and I apologize because I just arrived on the floor—I am sorry. I thought my distinguished friend, the senior Senator from Indiana, had propounded a unanimous consent request.

Mr. LUGAR. Yes. I am prepared to accept the passage of the amendment by voice vote if it is the pleasure of both managers of the bill.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, let me say initially that in my experience in the Congress I have learned to recognize the quality of the senior Senator from Indiana. He is a fine man, an outstanding legislator, and his heart is always in the right place.

I understand the importance of the State Department authorization bill. I have understood it for the more than two decades I have been in the Congress. It is important legislation. On this side of the aisle, we understand that and that is why we have worked so hard over the years to try to move forward. As the Senator from Indiana knows, it certainly was not his fault, but we had great difficulty moving the bill previously as a result of one Senator. On this legislation he now wants to make a part of this foreign operations appropriations bill, we have spent 2 days on this bill and during that period of time we had some good debate. We adopted some amendments. But we on this side feel we should move forward as with all legislation and not cut it off. In effect, that is what is happening.

So without belaboring the point more, I raise a point of order that this is legislating on an appropriations bill.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I move to suspend rule XVI of the standing rules of the Senate during the Senate's consideration of H.R. 2800 in order to offer amendment 1974 to that bill.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I think the question of the two managers of the bills: How much time do we need to spend on this? It is my understanding the issue that has been raised by the Senator from Indiana will take a two-thirds vote to pass the Senate. I am sure there are a few people who wish to speak on this, and I am sure on our side we could arrive at a reasonable period of time prior to a vote.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I ask the Senator from Indiana how much time he desires before proceeding to a vote?

Mr. LUGAR. I respond to the distinguished Senator that I would like 15 minutes.

Mr. MCCONNELL. Are there any requests for time on the other side?

Mr. LEAHY. Then would the request be a half hour evenly divided? Is that what the Senator is suggesting?

Mr. REID. I think that is totally reasonable, if I could interrupt. We need to check with the ranking member of the Foreign Relations Committee. Senator HARKIN has agreed to take 15 minutes. We don't know of anyone else who wished to speak on it, other than the manager of the bill.

I hope, if we can go into an extremely brief quorum call, we can come up with a time agreement very quickly.

Mr. MCCONNELL. Mr. President, I hope we can move on with this very quickly. I think a brief quorum call is a good idea. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, I ask that there be 30 minutes of debate, equally divided, on the Lugar amendment, after which we will have a vote on that amendment. Have we had the yeas and nays?

Mr. LEAHY. I ask for the yeas and nays on Lugar—on the motion to waive.

Mr. REID. No, on the motion to suspend.

Mr. LEAHY. On the motion to suspend; I am sorry.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Who yields time?

The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield myself 10 minutes at the outset of this debate.

Mr. President, I regret that objection has been made, although I understand the reasoning of those who have made the objection.

I identified this as the State Department authorization bill, a bill that also included authorization for the money in the challenge account and, for that matter, a good number of other things that, in this particular urgent period of the war on terrorism, attempts to help brave Americans who are serving in our embassies, who are serving in humanitarian ways abroad. I need not remind the Senate that a number of these brave Americans have lost their lives in recent days and weeks. I need not remind the Senate we are at war. This is not an incidental amendment or a last-minute whim of one Senator.

Nor, for that matter, is it a particular desire of our committee—which voted 19 to zero in behalf of some very important principles that support Americans on the civilian side of the war against terrorism—to impose our will upon the Senate. Obviously, we are not in a position to do so. But I pointed out in the days of debate on the amendment that I have offered today, there were tens of amendments offered by many Senators. A majority, I believe, of the body have tried to perfect this bill. It is not a controversial bill. It is, in fact, a statement of the best motivation, the idealism of the Senate. It is our best collective effort to try to meet an imperative in the war against terrorism.

At this point, a point of order has been raised that this is legislation on an appropriations bill. Indeed, it is. I have made a motion to waive that requirement, given what I believe is the gravity and the importance of the lives of the Americans we are trying to serve.

Members may decide that they wish to debate procedure today. And procedure in the Senate and the rules of the Senate are very important. But the rules of the Senate also permit, as one rule of the Senate, the waiver, so that authorization might occur on an appropriations bill.

Some Senators have approached me and indicated they think there is a lot of merit in the bill. As a matter of fact, some of their own work is in this bill, in this amendment I am offering. Yet at the same time, they are reluctant to vote for my waiver on this occasion, my desire to set aside rule XVI, because they believe there are, after all, many considerations the Senate might be taking up today. There is a broad gamut of domestic issues, for that matter, discussions of foreign policy—various ideas that might come to Senators that might be quite welcome to our national debate.

I do ask for consideration of the whole package of the ideas, authorizations, and support that my amendment provides the Senate today because I believe it is important to our country. I believe it is important, as a statement of who we are, that we are doing business. We might make a statement, when we have this vote, that we are prepared, really, not to do business, but in our own internal difficulties we are prepared to frustrate each other at almost every pass.

We enjoy the fact that, as a Senate, we are fairly evenly divided. Yet I pointed out on this particular bill we are not divided. So there almost has to be a very peculiar twist, it seems to me, that finds this debate whether or not we should authorize the State Department Millennium Challenge.

Beyond that, there has been perhaps a debate in the Senate throughout the year. It is an important one. It is important to be resolved constructively. There may be some Senators who would say that, by and large, it is prob-

ably useful to have authorization bills but some Senators almost in the next breath will say it is not very necessary. In other words, if in fact programs are not thought through and they are not fleshed out and there are not formats for them that, by and large, somehow we get along year by year appropriating money and adding some verbiage that gives a hint that someone authorized these expenditures along the way as well as appropriated them.

We found in July when Senator BIDEN and I were attempting to manage this bill that there were a lot of Senators who were in favor of what we were doing but some Senators said we have not really had our day on the floor; we have really not had a chance to offer our agenda; the reason we couldn't was because the format of the Senate always seemed to be taking up appropriations bills; and rule XVI says you cannot have authorization of general legislation. Therefore, we were cut out from any consideration of objectives which we thought were very important. As a result, we came along with an authorization bill and Senators said finally we have an authorization bill. This offers us the opportunity to pile in everything that we have.

The Senators who argued against that point of view said, no, that really wasn't what the debate on foreign policy was about. But the opposition to that was simply we understand that, but we have not had our chance and we don't see that we are going to have our chance. We don't see another authorization bill coming along the pike. Therefore, although yours will somehow disappear in the midst of all of these other discussions, that has happened for years. Very seldom do we pass authorization bills, and in the case of foreign relations, as a matter of fact, not many for many, many years.

As a result, our staff found as we approached the State Department and foreign assistance and what have you that this year there was a need for cleanup of a lot of our case activity, and we hope to do some more of that work next year. One reason for that is if you do not have authorization bills and force things to happen, no one really examines legislative language. There are a whole series of bureaucracies and responsibilities from year to year. No one pays attention and, legislatively, no one cares.

Let me say we do care. In fact, a large majority of Senators care about the content of this legislation. I believe it is very important on this occasion that my proposal to lay aside rule XVI should be adopted, and that will be our goal. I encourage an "aye" vote not only on the rule XVI waiver but a vote on behalf of brave Americans who this amendment supports and serves and remembers.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time remains to each side?

The PRESIDING OFFICER. There are 15 minutes in opposition, and 6 minutes for the proponents.

Mr. LEAHY. Obviously, if the distinguished Senator from Indiana needs more time, I would not object to a unanimous consent request from him.

Does the Senator from Iowa wish time?

Mr. HARKIN. I have an amendment but I am not seeking time on this amendment.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, time is running. I ask unanimous consent that the time under the quorum call not be charged against the side of the distinguished Senator from Indiana.

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

Mr. LEAHY. Mr. President, that leaves us how much time on each side?

The PRESIDING OFFICER. The opponents have 11 minutes 12 seconds, and the proponents have 6 minutes 12 seconds.

Mr. LEAHY. Mr. President, I don't know if we have people coming to speak. If no one does, I will soon yield back the time so we can vote. I urge, as Senator MCCONNELL has and as the leaders have, those who have amendments on which they seek votes to come to the floor and offer their amendments. I know that the intent of Senator MCCONNELL and myself is if there are no other amendments waiting to be disposed of or pending, we plan to go to third reading. Going to the third reading could be in a matter of the next couple of hours at that pace.

Some Senators have said they had a number of amendments. At such point that there are no amendments pending, it is our intention to go to third reading.

I suggest the absence of a quorum and ask unanimous consent that the time be charged to my side.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Mr. President, I note the senior Senator from Massachusetts has arrived. I ask the Chair how much time is remaining.

The PRESIDING OFFICER. Those in opposition have 9 minutes and 12 seconds.

Mr. KENNEDY. I appreciate it. I will be prepared to address the Senate in a

minute. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask that the order for the quorum call be rescinded.

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

Mr. KENNEDY. Mr. President, as I understand, the amendment before the Senate is the State Department reauthorization legislation. I commend the Senator from Indiana and the Senator from Delaware for fashioning the reauthorization. It has not been done for a number of years, and I am very strong in support of that proposal. If the amendment of the Senator from Indiana is effective, we will lose the opportunity to have at least considered one of the very important amendments to the State Department reauthorization which dealt with hate crimes. I think it is entirely appropriate we have an opportunity to address the hate crimes issue on the State Department reauthorization because the State Department reauthorization obviously is dealing with foreign policy issues, and the origin of hate crimes is domestic terrorism. We have seen in recent times the growth of hate crimes in the United States. It is of significant importance. Hate crimes are not just crimes against an individual; they are crimes against a group in our society. They do not just do damage to an individual; they do something to our whole sense of community. That is why they are so treacherous. That is why they are so heinous. That is why they are so wrong.

We have seen the hate crimes that have taken place on the basis of race, and on the basis gender, and the basis of sexual orientation. Particularly the time of the tragic circumstances surrounding the death of Matthew Shephard, whose death in Wyoming was tragic. He had studied overseas and was fluent in Arabic and German before joining the Federal service.

Mr. President, crimes motivated by hate because of the victim's race, religion, sex, ethnic background, and disability are not confined to geographical boundaries of our great Nation. The current conflicts in the Middle East, the ethnic cleansing campaigns in Bosnia, Rwanda or the Holocaust itself demonstrate that violence motivated by hate is a worldwide danger. We have a special responsibility to combat it here at home.

Since the September 11th attacks, we have seen a shameful increase in the number of hate crimes committed against Muslim Americans, Sikh Americans, and Americans of Middle Eastern descent. Congress has done much to respond to the vicious attacks on September 11. We authorized the use of force against terrorists and those who harbor them in other lands. We have enacted legislation to provide aid

to victims and their families, to strengthen airport security, to improve security of our borders, to strengthen our defenses against bioterrorism, and to give law enforcement and intelligence officers enhanced powers to investigate and prevent terrorism. But the one thing we have not done is to try to deal with the hate crimes issue.

We are prepared to vote on that. We are interested in half an hour time limitation, but we are told people have holds on that legislation. Members will refuse to let the Senate consider this legislation. I have indicated to the Senator from Indiana that I am prepared to permit and support the State Department reauthorization, but at least give us some opportunity to vote on hate crimes as a clean bill with a short time limit. We will take next week or the week after. We will even take a date in January or February of next year, but give us an opportunity to vote on hate crimes. The other side says no—not the Senator from Indiana—but the other side says no. So we are in a situation that says, well, let's circumvent or at least use the rules in such a way that will say we have two-thirds of the Senate that will permit him to use this reauthorization and effectively deny the Senate the opportunity to address the hate crimes issue. I don't fault the Senator from Indiana, but if this goes on, I am going to be there on the next amendment offering the hate crimes bill. Make no mistake about it. Make no mistake about it. We will have the opportunity and the time to take this up.

I might mention there are some other issues as well, including the issue of the minimum wage. Here we just increased our own salaries by \$3,400 and we have not been given an opportunity to increase the minimum wage by 75 cents an hour for 2 years. We are denied that opportunity. We are excluded from that. We had that as an amendment to the State Department authorization and we were told we cannot have an hour to debate that.

Meanwhile, we see what is happening to the people at the lowest end of the economic ladder, primarily women.

Regarding the minimum wage, it is a woman's issue because a majority of those receiving the minimum wage are women. It is a children's issue because one-third of the women who receive the minimum wage have children. It is a civil rights issue because a disproportionate number of the men and women who receive the minimum wage are men and women of color. And it is a fairness issue. In this country of ours, people who work 40 hours a week, 52 weeks, ought to have a living wage. But we are denied that opportunity. What is it about our Republican friends that they refuse to permit the Senate to go on record on these issues?

Now we are asked, let's have an exception. If we have an exception to this, we should face up to minimum wage, to hate crimes, and other issues. Fair is fair. I am for this legislation. It is up to the majority to set the agenda and give us an opportunity to vote on these issues and not deny a vote in the

Senate in terms of hate crimes and minimum wage. They say no, no way, you are not going to get your opportunity.

I hope this amendment will not be accepted. I hope we can work this out with the majority leader. We have tried, we have tried, we have tried, and we have tried, but to no avail. Since it is of no avail and we do not have co-operation, there will be no alternative for me other than to offer the amendment.

I withhold the remainder of my time.
The PRESIDING OFFICER. Who yields time?

The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield myself the remainder of the time.

Let me respond as thoughtfully and calmly as I can because the distinguished Senator from Massachusetts has indicated he has been a very strong friend of American diplomacy, of our diplomats abroad, of those who are at risk presently in the war against terror. I appreciate that. I have visited with him about ways in which we could have an authorization bill for the State Department, the millennium challenge, and the other issues that were in this comprehensive Senate bill, S. 925, originally, as amended by so many Senators. The Senator's statement illustrates precisely the problem on which Senators must now vote.

That is, simply, if we are to have an authorization bill this year for the State Department, this is the opportunity. We had an opportunity in July. The distinguished Senator from Massachusetts points out correctly that he and other distinguished Senators had a number of issues that they believed were important. Hate crimes and the minimum wage are two of them. And there were additional ideas that Senators wanted to present. They made the point at that time that they believed that on our side of the aisle, they had not been given an opportunity to forward their agenda, to have a time certain for clean bills.

Therefore, although in some cases they said, we regret the fact that the State Department authorization bill is likely now to be withdrawn and not to happen, essentially it hasn't happened for many years. As a matter of fact, very few authorization bills were happening. The only reason, I gather, that hate crimes and unemployment compensation came up in July was a belief on the part of proponents of those ideas that they had no other authorization bill on which to have a debate or to attach their amendments, that the appropriations procedure we are under today precluded all of that.

I ask that even those who are strong proponents of legislation dealing with the minimum wage and hate crimes support the authorization of legislation that helps civilian Americans who are at risk in the war against terror now. That is an important objective. It has not been my purpose to try to frustrate the aims of any Senator but, rather,

simply on behalf of a committee that voted 19 to zero and on behalf of a Senate that approved tens of constructive amendments, to try to forward that work product while there is still an opportunity this year.

This is the moment in which Senators must make that sort of decision. Some may wish to make it on the basis of procedure or the basis of how the two parties get along with each other in the Senate. But I would plead with Senators that this is important by itself. It is an important, relevant vote for American security and American good governance.

I believe the American people respect this effort. They want us to do this. They want Senators to vote aye, even though some may say this is at least an opportunity to make points on other discussions at the expense of the totality of all of it ending up in failure.

I appreciate very much the cooperation of the managers of the bill. I thank, once again, my distinguished ranking member, Joe Biden, who has served our committee well as chairman and as a member for three decades, for all of the constructive work. I thank especially the members of the staffs on both sides of the aisle who have diligently devoted hundreds of hours of constructive work trying to reform aspects of the State Department, a bureaucracy of our Government that had not been observed and touched for a long time and which this bill, an authorization bill, has really the unique capacity to do.

For all these reasons, I ask that Senators vote aye and that we have an opportunity for this legislation to proceed.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts has 20 seconds.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the hate crimes bill be considered as original text before March 15 on the floor of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. I make a similar request in terms of the minimum wage before March 15 of next year.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana has 1 minute 15 seconds remaining.

Mr. LUGAR. Mr. President, let me just say, in view of the two proposals made by the distinguished Senator from Massachusetts, I offered objection on both of these counts because I am the only Republican Senator in the Chamber. On behalf of the leadership of

our party, that was my duty, given the fact that our party had not had an opportunity to consider those proposals.

I would just say, personally, I am hopeful that consideration will be given to the Senator from Massachusetts and to all Senators for proposals that are constructive. Those two have a lot of constructive emphasis, and it may well be that before March 15, the Senate will be able to entertain those motions. I hope the Senator understands my objection today. That is why I stated it as a part of this conclusion.

Once again, I am hopeful that Senators will vote constructively in favor of the foreign relations bill.

I thank the Chair. I yield back my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the motion to suspend rule XVI with regard to amendment No. 1974.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 40, nays 57, as follows:

[Rollcall Vote No. 413 Leg.]

YEAS—40

Alexander	Craig	Kyl
Allen	Crapo	Lott
Bayh	DeWine	Lugar
Biden	Dole	McCain
Bond	Domenici	Murkowski
Brownback	Enzi	Smith
Bunning	Feingold	Snowe
Burns	Fitzgerald	Sununu
Campbell	Grassley	Talent
Carper	Hagel	Thomas
Chafee	Hatch	Voinovich
Coleman	Hutchison	Warner
Collins	Inhofe	
Cornyn	Jeffords	

NAYS—57

Akaka	Ensign	Miller
Allard	Feinstein	Murray
Baucus	Frist	Nelson (FL)
Bennett	Graham (FL)	Nelson (NE)
Bingaman	Graham (SC)	Nickles
Boxer	Gregg	Pryor
Breaux	Harkin	Reed
Byrd	Hollings	Reid
Cantwell	Inouye	Roberts
Chambliss	Johnson	Rockefeller
Clinton	Kennedy	Santorum
Cochran	Kohl	Sarbanes
Conrad	Landrieu	Schumer
Corzine	Lautenberg	Sessions
Daschle	Leahy	Shelby
Dayton	Levin	Specter
Dodd	Lincoln	Stabenow
Dorgan	McConnell	Stevens
Durbin	Mikulski	Wyden

NOT VOTING—3

Edwards	Kerry	Lieberman
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The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 57. Two-thirds of the Senators voting not

having voted in the affirmative, the motion to suspend rule XVI pursuant to notice previously given in writing is rejected. The point of order is sustained and the amendment falls.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I am shortly going to bring up an amendment on UNFPA. I know the distinguished Senator from Iowa was here waiting.

Mr. MCCONNELL. Will my friend from Vermont yield, just for an observation? The Senator from Colorado is here. He has an amendment which I believe is acceptable. I wonder if we could go ahead and process that.

Mr. LEAHY. Mr. President, obviously I will follow the lead of my friend from Kentucky. If the Senator from Colorado has one that is going to be accepted, let's do that. I ask we do that and then go to the Senator from Iowa. I hope he would accept a time agreement just so we can get moving because, as I stated earlier, certainly on my side, once there are no amendments pending, I am ready to go to third reading.

Mr. MCCONNELL. We are looking at the amendment of the Senator from Iowa and hope to get back to him shortly as to whether we can support it. In the meantime, if it is all right with my colleagues—

Mr. REID. Will the Senator yield just for a brief question?

Mr. MCCONNELL. Yes.

Mr. REID. Mr. President, Senator BYRD is on a very important appropriations conference committee. He is going to recess tonight at 6 o'clock. Senator BYRD cannot be here until 6 o'clock. On his amendment he would like to speak for 20 minutes.

Senator LANDRIEU, as I have said before, has an amendment she wishes to offer. She said she could speak for 15 minutes on her side on that.

Senator HARKIN has an amendment. If that cannot be worked out, he wants 15 or 20 minutes. And there, of course, are a couple of other things that need to be resolved. I just indicate that everyone on our side, as Senator LEAHY has announced, should come over and start offering these amendments because I have been told by the two leaders they want to finish this bill tonight. If that is the case, the way things are moving here—which is not very fast—it would be a long night. So I hope they would come over and offer these amendments on both sides.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I certainly agree with my friend from Nevada. The idea is to finish tonight. In order to facilitate that, we have a Senator on the floor ready to offer an amendment. I suggest the Senator from Colorado be allowed to send his amendment forward, say a few words on its behalf, and let's adopt it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1995, AS MODIFIED

Mr. ALLARD. Mr. President, I thank the Senator from Kentucky for allow-

ing me to offer this amendment at this time.

There is an amendment I have at the desk, No. 1995. I understand I have the right to modify that. I send the modification to the desk.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 1995, as modified.

Mr. ALLARD. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To limit international military education and training funds from being made available for Indonesia)

On page 147, between lines 6 and 7, insert the following new section:

LIMITATION ON THE PROVISION OF IMET FUNDS
TO INDONESIA

Sec. 692. (a) Subject to subsection (c), no funds appropriated by title IV of this Act, under the subheading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" under the heading "FUNDS APPROPRIATED TO THE PRESIDENT" shall be made available for military education and training for Indonesia.

(b) Nothing in this section shall prohibit the United States Government from continuing to conduct programs or training with the Indonesian Armed Forces, including counter-terrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

(c) The President may waive the application of subsection (a) if the President—

(1) determines that the national interests of the United States justify such a waiver; and

(2) submits notice of such a waiver and a justification for such a waiver to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives in accordance with the regular notification procedures of such Committees.

Mr. ALLARD. Mr. President, this amendment, co-sponsored by Senator Gordon Smith, would prohibit International Military Education Training funds for Indonesia. It also gives the President the authority to waive this prohibition for national security reasons. Let me explain why it is important for the Senate to consider and approve this amendment.

Nearly 15 months ago on August 31, 2002, 10 Americans living in Indonesia were brutally attacked less than 6 miles from their homes. Hundreds of rounds of ammunition were fired at them for 45 minutes, leaving two Americans dead and most of the other survivors nursing multiple bullet wounds.

I have had the opportunity to meet with one of the survivors of this horrible tragedy, Mrs. Patsy Spiers, who, along with her husband Rick, was shot multiple times. While Patsy was fortunate enough to survive this ordeal, her husband was not. In January, Mrs. Spiers was brave enough to sit down

with me and walk through her painful experience. The next day I contacted President Bush urging him to press the Indonesian government to conduct a comprehensive investigation into the attack.

Immediately after the ambush, an investigation into the ambush was conducted by the Indonesian civil police. The police report implicated the Indonesian military in the attack, but indicated that further investigation into the ambush needed to be done. Shortly after the police report was filed, the Indonesian military exonerated themselves from the attack.

Only after diplomatic pressure from the United States did the Indonesian government decide to continue the investigation into the ambush. The Indonesian government also promised to permit the full participation of the FBI. Despite visiting the country multiple times, the FBI has not received the cooperation it needs to determine who was responsible for these brutal murders.

At this juncture, there are indications that Indonesian military may have had some involvement in this attack. Yet, despite these continued allegations and lack of cooperation, the Indonesian government and its military still receives U.S. assistance through the International Military Education Training fund. I believe that until a full and open investigation has been completed and those responsible are prosecuted, IMET funding for the Indonesians should be denied.

Since my face-to-face meeting with Mrs. Spiers, I have continued to work with the administration, FBI investigators, and colleagues here in the Senate with two distinct goals in mind. The first is to deny the release of funds until the Indonesians have completed the investigation into these murders. The second goal is to ensure that an impartial investigation, with help from the FBI, is conducted into the brutal attack so that those responsible will be brought to justice.

In no way should the United States government provide military assistance to Indonesia until this matter is resolved. What kind of message will we be sending to other governments if we provide this assistance without first determining who was responsible? Just as important, what kind of message do we send to the families of Ted Burgon and Rick Spiers who were murdered in the ambush if we continue this military assistance. Are not the lives of American citizens more important than this military assistance?

I fear that by our inaction we send the wrong message to the world. What kind of precedent will be set for other Americans who travel overseas? We cannot allow the murder of our citizens to be ignored and the Indonesian government should not let those responsible go unpunished.

I appreciate the efforts by the manager of this bill and his staff for their assistance on this amendment. It is my

hope that we can quickly resolve any concerns with my amendment so it can be accepted. These American families deserve a resolution and justice.

I look forward to working with the chairman and ranking member on getting agreement on my amendment.

I need to get the attention of the floor manager, the Senator from Kentucky, if I might.

Mr. LEAHY. Mr. President, if the Senator will yield, I think there may be a Senator on this side who has a question. We are not quite prepared to accept it yet. I suggest that a way to handle this is to set it aside. Of course, it can be brought back at any time. If there is a need to have more debate and a vote, we will bring it up for that purpose.

I yield the floor.

Mr. MCCONNELL. Mr. President, I apologize to the Senator from Colorado. I misspoke earlier when I thought it was cleared on the other side. We are working on that now. Hopefully, we will be able to get it cleared. If the Senator from Colorado will agree to temporarily set it aside and go back to it before we finish the bill, we hope to get it cleared.

Mr. ALLARD. Mr. President, I appreciate the Senator from Kentucky and the Senator from Vermont working on this most important amendment.

I yield the floor.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. LANDRIEU. Mr. President, I send an amendment to the desk—

Mr. REID. Mr. President, Senator BYRD already has an amendment pending and he is here to speak on it. We have been waiting for him. His amendment is already here.

Ms. LANDRIEU. Mr. President, I ask the Senator if he wouldn't mind if I presented this for 5 minutes. That is all the time I need.

Mr. BYRD. I have no objection to that.

Ms. LANDRIEU. I thank the Senator.

Mr. BYRD. What does this mean with respect to the amendment I have pending, which is being set aside by unanimous consent?

Mr. MCCONNELL. Mr. President, it is our hope that after the Senator from West Virginia speaks—and I have maybe 5 minutes or so to oppose the amendment—we vote.

Mr. REID. I say to my friend from Kentucky that Senator BYRD is here. I hope that before we dispose, with a recorded vote, of the Landrieu amendment, we will allow Senator BYRD to speak and, if necessary, we can have two votes in succession.

Mr. MCCONNELL. We are certainly prepared to vote on the Byrd amend-

ment. I will have to get back to the Senator from Louisiana on her amendment. I have no problem if she would like to explain it and send it to the desk.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside for Senator LANDRIEU to offer her amendment; that following the offering and her statement, Senator BYRD obtain the floor and be allowed to make a statement. He indicated he would take approximately 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object—and I shall not—when would the vote on the Byrd amendment occur?

Mr. MCCONNELL. Mr. President, if it is agreeable with the other side, it is my expectation that, after 5 minutes or less to oppose the Byrd amendment, we will move to a vote.

Mr. REID. That would be appropriate with us on this side.

Mr. BYRD. The vote on the Byrd amendment would occur, and after how many minutes can we vote on the amendment by the Senator from Louisiana?

Mr. REID. The majority has not seen that amendment. They don't know what they are going to do with it or whether we can have a vote.

Mr. MCCONNELL. The Senator from Nevada is correct.

Ms. LANDRIEU. I thank the Senator.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

AMENDMENT NO. 1998

Ms. LANDRIEU. Mr. President, I thank the Senator for his courtesy because he was involved in a very important conference earlier today and he is anxious to proceed on his amendment.

I will offer this amendment in the hope that my friends on the other side will support it. There is very good support on this side for this amendment. It has to do with women and children in armed conflict.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 1998.

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

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

The amendment is as follows:

(Purpose: To ensure that women and children have access to basic protection and assistance services in complex humanitarian emergencies)

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) None of the funds made available by title II under the heading "INTERNATIONAL DISASTER ASSISTANCE", "TRANSITION INITIATIVES", "MIGRATION AND REFUGEE

ASSISTANCE", or "UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND" or made available for such accounts by any other provision of law for fiscal year 2004 to provide assistance to refugees or internally displaced persons may be provided to an organization that has failed to adopt a code of conduct consistent with the Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises six core principles for the protection of beneficiaries of humanitarian assistance.

(b) In administering the amounts made available for the accounts described in subsection (a), the Secretary of State and Administrator of the United States Agency for International Development shall incorporate specific policies and programs for the purpose of identifying specific needs of, and particular threats to, women and children at the various stages of a complex humanitarian emergency, especially at the onset of such emergency.

(c) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on activities of the Government of the United States to protect women and children affected by a complex humanitarian emergency. The report shall include—

(1) an assessment of the specific protection needs of women and children at the various stages of a complex humanitarian emergency;

(2) a description of which agencies and offices of the United States Government are responsible for addressing each aspect of such needs and threats; and

(3) guidelines and recommendations for improving United States and international systems for the protection of women and children during a complex humanitarian emergency.

(d) In this section, the term "complex humanitarian emergency" means a situation that—

(A) occurs outside the United States and results in a significant number of—

(i) refugees;

(ii) internally displaced persons; or

(iii) other civilians requiring basic humanitarian assistance on an urgent basis; and

(B) is caused by one or more situations including—

(i) armed conflict;

(ii) natural disaster;

(iii) significant food shortage; or

(iv) state-sponsored harassment or persecution.

Ms. LANDRIEU. Mr. President, recent reports indicate that the percentage of civilians killed and wounded as a result of armed conflict has risen from 5 percent at the turn of the century to almost 90 percent today, which means that in war it is not just the soldiers who are being killed, the men and women in uniform, but also civilians. That is a new occurrence in this century. It is something that this amendment attempts to address by directing our resources—not adding money, not authorizing new language, but simply directing, within the context of this bill, some attention to be given to this fact.

War is not what it used to be. Its horrors are experienced by more than just the soldiers fighting on far-off battlefields. It is experienced by women and children. It is taking a brutal toll on

these civilians, most of them women and children.

Over 30 wars are now being waged around the world. One in four of the world's children live in war zones.

In the past decade, more than 2 million children were killed during war-time, more than 4 million were wounded, and 1 million have been orphaned or separated from their families as a result of war.

It is estimated that over 300,000 children have been forced to serve as soldiers. These are children as young as 7, 8, and 9 years old serving as soldiers, including an alarming number of girls serving as combatants, cooks, and, unfortunately, sex slaves.

In Sierra Leone, 94 percent of displaced families surveyed had experienced sexual assaults, including rape, torture, and sexual slavery.

After the genocide in Rwanda, 70 percent of the remaining population was female and more than half of the mothers were widows.

Despite these statistics, a survey of current Government-sponsored foreign aid programs reveals that there are but a few coordinated programs targeted at the protection of women and children in conflict and after.

Senator BIDEN and I offered legislation to address the shortfall. S. 1001 would authorize the new women and children armed conflict fund, similar to the displaced children's fund. In addition, it would require several other efforts to be undertaken by our Government to make sure that this issue was addressed appropriately. It would require that the U.S. Government develop and implement a strategy to ensure that its humanitarian programs respond to and reduce the risks of exploitation, violence and abuse of women and children in places like Uganda, Liberia, and Iraq; prevent future crises by creating a list of early warning signs to alert policymakers of possible risks to women and children; foster stability in conflict-prone environments by focusing on reducing threats to innocent civilians in crises around the world.

What my amendment does is provide a bridge for us to stand on until this bill can be passed and this fund can be established. It says: Here is what we can do not, within our existing programs with our existing funds.

The Landrieu amendment ensures that organizations and programs currently serving refugees and displaced persons incorporate protections against violence; encourages the Secretary of State and Administrator of USAID to incorporate into their current agenda specific policies and programs that identify the specific needs of, and particular threats to, women and children; asks for the Secretary to report to Congress on their progress in this area to date and provide recommendations for improving U.S. and international systems for the protection of women and children.

Protecting women and children is not only the right thing to do, but it is also

the smart thing to do. Women are a critical part of rebuilding war torn countries.

In March 2003, UN Secretary General Kofi Annan made the following observation:

Study after study has shown that there is no effective development strategy in which women do not play a central role. When women are fully involved, the benefits can be seen immediately: families are healthier and better fed; their income, savings and reinvestment go up. And what is true of families is also true of communities and, in the long run, of whole countries.

A focus on safety and protection directly impacts the overall well being of women and children. This year's Mothers Index, published by Save the Children, reports that there is a direct correlation between under education and poor health and conflict. Seven of the bottom ten countries in the area of health and education are in conflict and post-conflict situations.

This amendment does not call for us to break the budget caps or create a new program. It merely ensures that every dollar that we are spending to secure the peace is spent in the most effective way possible.

Again, this amendment provides a bridge for us to stand on until the bill I just described can be passed in its complete authorized form. So this fund can be established, and then the authorizing bill would come forward with more of the details.

But it is important that we take this step today to recognize the fact that there are so many women and children brutalized in war. It is not just about the soldiers in uniform any longer, unfortunately. This amendment asks the Secretary to report to Congress on their progress in this area, and it encourages the Secretary of State and the Administrator of USAID to incorporate into their current agenda specific policies and programs that identify the specific needs of and particular threats to women and children.

In conclusion, I submit that study after study has shown the necessity of our effort to direct funds in this way.

I ask unanimous consent that specific quotes from individual young women and girls, particularly, be printed in the RECORD. The language is pretty graphic so I will not read it in the Chamber, but I want it printed in the RECORD to say how serious this issue is in terms of the United States and all of the aid we are giving, and directing a portion of that, and to be cognizant of the tremendous torture, humiliation, and pain inflicted upon innocent women and children.

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

PROTECTION FROM SEXUAL VIOLENCE AND PHYSICAL HARM

"From Pweto down near the Zambian border right up to Aru on the Sudan/Uganda border, it's a black hole where no one is safe and where no outsider goes. Women take a risk when they go out to the fields or on a road to a market. Any day they can be

stripped naked, humiliated and raped in public. Many, many people no longer sleep at home, though sleeping in the bush is equally unsafe. Every night there is another village attacked, burned and emptied. It could be any group, no one knows, but always they take the women and girls away."—United Nations official in Democratic Republic of the Congo.

PROTECTION FROM TRAFFICKING AND PROSTITUTION

"My mother died when I was very small and my father worked as a laborer on other people's farms. At the age of 16, I was lured by my neighbor into a good job. Feeling the pressure and hard times faced by my family and myself, I was very pleased to receive this opportunity. I didn't realize that my faith would land me into the brothel of Bombay. I spent the hell of my life for one year there. Then I was sold to a brothel in Calcutta. I spent three-and-a-half years there, and it was more bitter than ever. I'm happy that I was rescued, but now I've started thinking who will rescue all those Nepalese who are still in the brothels in many parts of India? I'm worried for those sisters and request the stop of such evil practices in the society."—Sita, 23-year-old former prostitute from Nepal

"I was eleven when the rebels attacked our town in Liberia. I got separated from my parents and was captured. I stayed with the rebels for four years. Seven men raped me at the same time and I was forced to pick up arms. I have one child of the rebels—I don't know exactly which one the father is. I escaped and went to Guinea. I had no caretaker and started to work as a 'hotel girl' (prostitute). I thank Save the Children protection workers for having identified me and offering me skill training."—Florence, 18-year-old girl living in a refugee camp in Guinea

PROTECTION OF CHILDREN FROM MILITARY RECRUITMENT

"I've seen people's hands get cut off, a 10-year-old girl raped and then die, and many men and women burned alive. So many times I just cried inside, because I didn't dare cry out loud."—Mariama, 14-year-old girl soldier from Sierra Leone

"During the fighting, you don't have time to think. Only shoot. If a bad person gives an order, you have to follow it. If he says burn the village, you have to burn it. If he says kill a person, you have to do it."—Aung, boy soldier from Myanmar, abducted from school at age 14 and forced into the army

PROTECTION FROM PSYCHOLOGICAL TRAUMA

"We were living in a small village in Port Loko district when the rebels attacked us in 1998. It was daytime and we tried to run away, but I was unfortunate and was captured. I was holding my 2-year-old baby boy. First they killed him with an axe. I cried out: 'Where is my baby, oh my baby.' So they struck me on the head with a machete. There is a deep scar there. After that they ordered me to put my hand on a stick which was on the ground. They chopped and nearly severed my right hand. Then they ran away and left me. My hand hadn't completely severed so the doctor in the next town cut it off. It's hard to find someone who will marry you when your hand has been cut off."—Adamasay, 16-year-old girl from Sierra Leone

PROTECTION FROM FAMILY SEPARATION

"When I lived in Palangkaraya, every day I helped my Dad and Mum sell chicken. When I had to run it felt as if my feet weren't even touching the ground. I followed the other people running, and I wasn't even thinking about where my parents were. The news that my parents were dead, victims of

the violence, came from my aunt who was still in Palangkaraya. It's true I cried, I wanted to scream but I tried to be firm and I entrusted my fate to Allah. Now I have to find my own food. I was happy when my parents were still here. There was no need to think about how to eat. If I could go to school again and follow through the exams and gain a diploma, that would be great."—Rosi, 15-year-old street boy from Indonesia

PROTECTION OF DISPLACED WOMEN AND
CHILDREN IN CAMP SETTINGS

"When ma asked me to go down to the stream to wash plates, a peacekeeper asked me to take my clothes off so that he can take picture. When I asked him to give me money he told me, no money for children, only biscuit."—Refugee child in West Africa

Ms. LANDRIEU. That is the essence of my amendment. I hope it can be accepted. I hope there won't be a necessity for a vote on such a commonsense and much-needed amendment. I ask for the Senate's consideration at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that Senator JEFFORDS and Senator CORZINE be added as cosponsors to Byrd amendment No. 1969.

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

Mr. BYRD. Mr. President, is my amendment pending before the Senate?

The PRESIDING OFFICER. It is not yet pending, but if the Senator calls for the regular order it will be.

Mr. BYRD. Mr. President, I thank the Chair. I call for the regular order.

The PRESIDING OFFICER. Regular order has been called for. The amendment is now pending.

AMENDMENT NO. 1969

Mr. BYRD. Does that amendment need to be stated?

The PRESIDING OFFICER. That is not necessary.

Mr. BYRD. Mr. President, I ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes amendment numbered 1969. At the appropriate place add the following: Section (a) None of the funds made available by this Act or any other Act may be used by the Coalition Provisional Authority (CPA) unless the Administrator of the Coalition Provisional Authority is an officer of the United States Government appointed by the President by and with the advice and consent of the Senate. (b) This provision shall be effective March 1, 2004.

Mr. BYRD. Mr. President, I thank the Chair and I thank the clerk.

I suggest my statement in support of this amendment be entitled "Too Much Money, Too Little Accountability." That would be an appropriate title if I were to suggest it.

This is an amendment about accountability. This is an amendment to ensure that those administration officials charged with spending taxpayer funds are held accountable to the American people and to their representatives in the Congress.

To date, the Coalition Provisional Authority, CPA, has not been held accountable for the money it spends, and that is your money. That is your money, I say to the taxpayers of this great country. Those who spend it should be held accountable. That is what you believe, I am sure.

Not until the President requested \$20 billion in reconstruction aid for Iraq did the CPA make any effort to inform the Congress and the public about the administration's reconstruction plans. Let me say that again. This is an amendment about accountability. This is an amendment to ensure that those administration officials charged with spending taxpayer funds are held accountable to the American people and to their representatives in the Congress.

To date, the Coalition Provisional Authority has not been held accountable for the money it spends—your money. Not until the President requested \$20 billion in reconstruction aid for Iraq did the CPA make any effort to inform the Congress and the public about the administration's reconstruction plans.

The CPA's access to nonappropriated funds—now get this—has allowed it to maintain a low profile, so low that one cannot see it, and to operate largely outside the scope of congressional oversight.

Last fiscal year, the CPA, the Coalition Provisional Authority, in Iraq spent \$1.7 billion in assets frozen under the Saddam Hussein regime. The CPA spent almost \$1 billion in assets seized after the war. That is your money. The CPA spent \$2.5 billion in oil revenues collected through the United Nations Food for Oil Program. Altogether, it spent \$7.5 billion in the fiscal year 2003, including \$2.5 billion appropriated in the supplemental that was passed and enacted by Congress in April of this year.

This CPA did not appear before the Congress even once to explain how those funds would be spent. This year, assuming that the Congress appropriates the \$20 billion in reconstruction aid requested by the President, the CPA's budget will grow to \$23 billion, which includes \$2 billion in unappropriated funds left over from last fiscal year and almost \$1 billion included in the supplemental for the Coalition Provisional Authority's administrative expenses.

At \$23 billion, the Coalition Provisional Authority's budget will be more than three times what it spent in the last fiscal year. Now, that will be more than the Federal budget for seven Cabinets out of the 15 Cabinet Departments that run the Federal Government. That is a lot of money to flow through the hands of the Coalition Provisional Authority in Iraq.

The CPA's budget is four times the budget of the Commerce Department. Think of that. Do we demand accountability from the Commerce Department? The CPA's budget is twice the

size of the entire Interior, Labor, and Treasury Departments and it is billions of dollars larger than the budgets of the Agriculture Department and the Justice Department.

The Senate gives its advice and consent to Presidential appointments to the highest level positions in the Bush administration, or any administration. In the Clinton administration, Reagan administration, and Carter administration, the Senate gave its advice and consent to Presidential appointments to these high-level positions in the Departments. Even a lowly second lieutenant in the Army—now get this. Even a lowly second lieutenant in the Army, who is responsible for the two dozen to three dozen soldiers under his command, is subject to the confirmation by the Senate. And yet the official who is responsible for governing and rebuilding Iraq, a country made up of 23 million, 24 million people—the official with a budget larger than half the Federal departments and responsible for the livelihood of 23 million or 24 million Iraqis—is not subject to confirmation by the Senate.

As it stands today, the people's representatives—that is you, Senator. That is you, Senator. And that is you, I say to every other Senator and I say it to myself as well. As it stands today, the people's representatives—that is us. I am talking about us—the people's representatives in the Senate have no say in who leads the CPA, even though the administration's endeavors in Iraq have drained \$118 billion from our budget, have seized tens of thousands of National Guardsmen from our States, and have so far taken the lives of 351 U.S. soldiers in this war. The CPA claims to be vested with all the legislative, executive, and judicial authority necessary to achieve the administration's objectives in Iraq and yet the Congress has done nothing—nothing—to ensure that its administrator is held accountable to the American people.

Beginning March 1, 2004, my amendment would prohibit the Coalition Provisional Authority in Iraq from spending any appropriated funds until its administrator has been appointed by the President with the advice and consent of the Senate. Is it asking too much, that we ask that the person, the one individual, the Coalition Provisional Authority's administrator—is it asking too much that he be appointed by the President of the United States by and with the consent of the Senate? That is not asking too much. That is in defense of the American taxpayer. That will make sure, yes, that person will be accountable to the American taxpayer, to the American people, to the representatives of the American people in Congress.

The sums of money that are being spent in Iraq are enormous. This is not just chickenfeed we are talking about. We are talking about huge amounts of the taxpayers' money. That person should be accountable to the taxpayers

of the country, accountable to the Congress of the United States, made up of the elected representatives of the people. The sums of money are enormous—\$87 billion we spent, of which \$20.3 billion would be in that amount. I said a moment ago we have appropriated already \$118 billion. That includes the April supplemental and includes the supplemental we just passed. It was passed by the Senate. This is too much money to appropriate without ensuring that the decisionmakers in Iraq will be held accountable to the American people. We owe it to the taxpayers, don't we? Yes. We owe it to the taxpayers to do better than that.

I urge the adoption of my amendment and I reserve the remainder of my time.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Kentucky.

Mr. MCCONNELL. Madam President, with all due respect to my good friend from West Virginia, who has had many good ideas in his 45 years in the Senate, let me suggest this may not be one of them. What the Senator from West Virginia is suggesting here is that we change a temporary position—a position currently held by Ambassador Bremer, which he is trying very hard to work his way out of by having at the earliest opportunity a chance to turn Iraq over to Iraqis and come home—into a confirmed Senate position. Ambassador Bremer spent a lot of time back here testifying, as he should have, on the supplemental. But the real job to do is over in Iraq, trying to get this new government up and running, trying to get the Iraqi security force to a substantial level so we can begin to draw down American troops. I think most of us have concluded we have too many positions that need to be confirmed.

In fact, I can recall a meeting in my office earlier this year, right before the August recess, a bipartisan meeting discussing the possibility of reducing the number of positions which require confirmation and having that bill take effect January 20, 2005, for whoever the next President is, to try to make it possible for the next administration to function more successfully without all of the problems that come from an excessive number of confirmations.

Secretary Rumsfeld is the designated authority for Iraq. Of course, he was confirmed by the Senate. Ambassador Bremer, the CPA administrator, reports to the Secretary of Defense. During the consideration of the supplemental, my good friend from Vermont tried to shift the authority from the Defense Department over to the State Department. Certainly an argument can be made for that. But that failed on a vote of 56 to 42.

The fact is Ambassador Bremer, as I indicated earlier, is trying very hard to work his way out of this job. This is very much a temporary position. We didn't go in there to be there a very lengthy period of time. This temporary job can end the moment the Iraqis are

in a position to take over the administration of their own country. We all know how lengthy confirmations can be. Do we really want to derail reconstruction by having Ambassador Bremer back here for lengthy confirmation proceedings? He is already on the job. As I understand the amendment, if this were to take effect and he were not to be confirmed by March 1 of next year, all the funding would be cut off. So this would be an extraordinarily high profile confirmation.

I know my good friend from West Virginia thought this war was a mistake. He has been very clear about that. A Senator would have to be extraordinarily inattentive not to get the point that the Senator from West Virginia believes the whole thing was a mistake. But I would say with the utmost respect for my good friend, we are there. We are there now. Regardless of how one felt about the process of getting us there, it seems to me we have a lot on the line in having this Iraqi effort be successful, regardless of how we felt about going in.

I venture the opinion that no matter who the next President is, they will try to finish the job in Iraq just like this administration is still in Bosnia and Kosovo, an administration policy of the previous administration.

This job needs to be finished. I plead with my colleagues. Let us not make it any more difficult to wrap up this very tough assignment and have Ambassador Bremer come back and do something else for the rest of his life.

I hope the Byrd amendment will not be approved. We have had ample opportunity to cross-examine Ambassador Bremer and to question him on every conceivable issue related to this, and I am sure we will have other opportunities to do it. But I think the confirmation process is simply not appropriate for this particular position.

I yield the floor.

Mr. LEAHY. Madam President, how much time remains to the senior Senator from West Virginia?

The PRESIDING OFFICER. There is no time limit.

Mr. LEAHY. Madam President, I ask unanimous consent that I be allowed to speak for 3 minutes, of course with an equal amount of time on the other side.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Madam President, reserving the right to object, I would like to have a few minutes myself with an equal amount of time allotted to the distinguished Senator from Kentucky. I have a few words I would like to say in attempting to rebut what my friend said.

Mr. MCCONNELL. Madam President, I really have said all I wish to say. I would be happy to yield time, if I have any time remaining.

The PRESIDING OFFICER. There is no time limit at this point.

Mr. LEAHY. I thought we had 20 minutes.

The PRESIDING OFFICER. No.

Mr. MCCONNELL. Madam President, I say to my friend from West Virginia that I basically have completed my argument and am not interested necessarily in having the last word. I would be anxious to move ahead with a vote.

Mr. LEAHY. Madam President, I didn't realize there was no time limit. I will be brief.

I have heard the arguments of my friend from Kentucky: Why stop things now ahead of this confirmation? Unfortunately, while a great deal of planning went into the war in Iraq—even though there was never any question of the outcome, because we are the most powerful nation history has ever known, of course, and we would succeed against a third-rate or fourth-rate military power like Saddam Hussein—it appears that very little planning went into what happens after the war. Of course, there have been more American casualties since the President said the mission was accomplished, the war was over, and as he famously taunted the Iraqis, "Bring it on." Unfortunately, they did. But we saw first a general being placed in there, which didn't work, and we put Paul Bremer in there, again without much planning. The distinguished Senator from Kentucky said we had debate on the floor about the transfer from the Department of Defense to the State Department. That was defeated. I remember the debate very well. Interestingly enough, the talking points of the administration in opposition were that they are perfectly satisfied with having all of this coordinated by the Secretary of Defense. There was no need to place it anywhere but the Secretary of Defense. That was it, and the White House position carried.

What the White House talking points didn't say, and we all found out about 3 days later, was they had already made the decision to take it out of the Department of Defense and put it into Dr. Rice's office. Actually, moving it out of the Department of Defense had already been decided by the White House. But as often happens when we are told one thing and something else is being done, the talking points coming over from the White House said they had every intention of leaving it—in effect emphatically every intention of leaving it—under the direction of the Under Secretary of Defense.

That probably should have been the tipoff, that they were emphatic and intended to leave it there. They had already made up their mind to leave it there. Of course, that is not how it turned out. But I worry because if you have somebody who is in charge of more foreign assistance than the Secretary of State and the Administrator of USAID combined, both of whom require confirmation, if you give all of this power to someone who does not require confirmation, what does that say about our role in the Senate? What does that say about what we feel about transparency and accountability?

We are appropriating over \$20 billion basically to be distributed solely as the Administrator feels he should. That is more than the Secretary of State and the Administrator of the USAID get to distribute, and they have to be confirmed. The answers were not forthcoming.

I think of the plan we were suddenly shown on the Appropriations Committee. I recall the distinguished Senator from West Virginia asked for more time and, of course, he could not get it. Ambassador Bremer came here, and we were given a plan. They had gone out, apparently, for a couple of months before saying what they were going to do. Then it turned out, amazingly, I know—I am just shocked to find this out—the plan was given only to the Republicans, maintaining the same kind of partisanship there is on this. We were supposed to ask questions of Ambassador Bremer. But only Republicans were allowed to see this plan paid for by the taxpayers of this country. When Democrats asked about it, he said, Well, I thought that had all been sent to you. Apparently the mail only goes to 51 Senators and not to the other 49.

Be that as it may, the plan was interesting. It did say the United States wanted to give the Iraqi people a chance to form a government and a country that would fulfill President Bush's vision for them. Some thought that was a little bit condescending to a country where civilization goes back long before this country's was ever discovered. At least we had a chance finally to talk about it.

The same way in which the White House told us the Secretary of Defense was the only one who should be in charge of this—we find they had already made the decision; They did not tell us about it—apparently they didn't tell the Secretary of Defense about it either. They were yanking it out from him and putting it with somebody else.

My point is, if we are going to give somebody \$20 billion to buy \$33,000 pickup trucks and \$6,000 telephones for Taj Mahal jail cells and have scholarships that are not available to Americans but apparently will be to Iraqis, the person ought to be at least confirmed so we have a chance to ask questions.

I think the Senator from West Virginia is right.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, my amendment does not cut off funds for reconstruction, as I thought I understood the distinguished Senator from Kentucky to say. If I am incorrect and did not hear him say that or indicate that, I certainly would be glad to be corrected.

My amendment would allow the President to allocate that money to other agencies but would not allow the CPA to spend that money until the Administrator is confirmed by the Senate. This won't shut down funding for

the troops. The Senate has until March 1—4 months away—to confirm the Administrator of the CPA. After the Homeland Security Department was created, for example, the Senate confirmed Governor Tom Ridge in just a few short weeks—in just a matter of days. I think it would be the same with Ambassador Bremer.

I certainly have no complaint with respect to Ambassador Bremer. My amendment is not about Ambassador Bremer, currently the head of the CPA, and all of his potential successors. They will have a great deal of authority.

I say again that a lowly second lieutenant in the Army is subject to confirmation by the Senate. Surely the head of CPA should be as well.

My colleague talks about the desire to bring the situation to a conclusion in Iraq as soon as possible.

I agree with him that the job in Iraq should be finished as soon as possible. But it should be carried out with accountability to the elected representatives of the American people.

I also add this postscript: Judging from the events as we have seen them transpire going back several months, I don't believe this situation in Iraq is going to end very quickly. It shows every indication of intensifying. We are in one big mess.

I remember a time when I believed if the President and the administration were to hold out the olive branch and show an indication of willingness to share in economic and political responsibility in Iraq with major European countries and other countries in Asia and elsewhere, if that willingness had been demonstrated some months ago, there would be other major countries making large contributions in treasure and in manpower in Iraq today. But that olive branch was not extended. That willingness to share economic and political responsibility in Iraq was not voiced. It was not made manifest.

Now, I hope that the train has not gone by the station without stopping. As we see the horrific events unfolding in Iraq, I am not so sure that those major European erstwhile contributors would be so willing even to contribute now. The back of the hand was extended to them before the war and it has not been otherwise since the war, to any extent.

By virtue of these mistakes that the administration has made, it is not my belief that the situation in Iraq is going to end all that quickly. I hope it will. But we should not bet on that. Therefore, it would be appropriate to require the President appoint an Administrator and that the Senate be required to confirm or reject that person. That would assure the American people of accountability and of responsibility on the part of their elected representatives and on the part of the CPA Administrator. It is the right thing to do by the American people. It is the right thing to do under the Constitution because the power of the purse is vested

here, in the Congress, in this body and the other body.

That power of the purse carries with it the duty of oversight. Congress cannot properly oversee an administrator who is not accountable to the Congress, an administrator who has not been confirmed by the Senate. Therefore, Congress is not in a position to carry out its responsibility under the Constitution of being accountable to the American people and in accordance with the words of the Constitution.

I say that it is time the Senate act. The Senate has been silent too long. The Senate was silent before the war. The Senate was silent before it voted on October 11 of last year to give the authority to the President of the United States to use the military forces of this country as he saw fit. The Congress gave the President of the United States a blank check, as it were, with respect to authority to take this Nation into war and to put these men and women, soldiers, sailors, airmen, and marines, in harm's way. It was a most shameful moment when Congress washed its hands. One of the most shameful moments in the history of the Senate was when it passed the cusp and attempted to wash its hands of the responsibility of following the Constitution of the United States which says that Congress shall have the power to declare war.

That moment has come and gone, but still, as the distinguished Senator from Kentucky says, our people are there. We are now there. So what do we do?

I say to Senators, put yourselves into these desks, these chairs, into these shoes of ours 1 year from today and look back and see if you cast the right vote on this amendment. How will it be 1 year from today if we find we are in deeper and deeper and deeper and it has become another Vietnam—which I supported; I supported the war in Vietnam. I was practically the last person out of Vietnam because I supported the President. I supported Johnson. I supported Nixon. I supported them all the way. But one should learn by his mistakes.

We were ill advised when it came to the Gulf of Tonkin resolution. We were ill advised by the administration. I voted for it. Two Senators voted against it. Wayne Morse said that the resolution would pass but that those who voted for it would be sorry. I voted for it. I was sorry. I am sorry. We should learn by our mistakes.

We were not properly advised by that administration and we were not properly advised by this administration. That is why we are in Iraq. I will have more to say about that at another time.

The distinguished Senator from Kentucky is right. We are there. What do we do? In this matter, we have a responsibility to hold Ambassador Bremer, or whoever is the Administrator of the Coalition Provisional Authority, accountable to the Congress.

It has been said that Mr. Bremer has already testified before the Congress in

supporting the President's \$87 billion request for Iraq. Of course he testified. Yes, he testified. He was before the Appropriations Committee a short time, a few hours. Ambassador Bremer wanted the Congress to give him \$20 billion. But how often will he testify after he receives the money? How receptive will he be to further invitations to testify before congressional committees once he has received a blank check, as it were?

Let's not delude ourselves to the extent which Ambassador Bremer was made available to the Congress. He testified only once before the Senate Appropriations Committee and he did not have to respond to a single outside witness called to challenge the administration's lying. Ambassador Bremer went so far as to refuse to return to the Appropriations Committee to answer additional questions because, "I don't have time." He said that in response to me. I asked Ambassador Bremer if he could make himself available and would make himself available to the Senate Appropriations Committee in the event the chairman asked him to return and he said: I don't have time. I am sorry that the transcripts have not been printed—yet—but the transcripts are around, the transcripts of the hearings.

He said: I don't have time. Can you imagine that? He wouldn't say that if he had to be confirmed by the Senate. He would have time. He would make himself available whether the Senate would be under the control of the Republicans or under the control of the Democrats, whatever. He would find time. He would be available. Yes, indeed.

So he said: I don't have time. I am completely booked, and I have to get back to Baghdad to my duties.

What are his duties? If he were required to be confirmed, his duty would be to come back before the Senate and to answer questions, and to answer questions under oath, if necessary.

Senators who believe that sufficient action has been taken to ensure accountability by the CPA Administrator are kidding themselves. The CPA has not been sanctioned by the Congress. And Ambassador Bremer has not been confirmed by the U.S. Senate. Congress has no legislative ties to the CPA or its Administrator. Congress has no strings by which it can say to the Administrator: You come before this committee and, if necessary, you be prepared to take an oath that what you say is the truth, the whole truth, and nothing but the truth, so help me God.

That is a part of it. That is what we are talking about.

The secret national security directive that created the CPA dictates that

Ambassador Bremer shall report to the Secretary of Defense and the President. It does not mention the Congress. It does not mention the American people.

When Tom Ridge was appointed Homeland Security Director after the September 11 attacks, the White House refused to allow him to testify before Congress. The President said: No, he is a member of my staff.

Well, technically that was correct. The President opted to create a new Homeland Security Department and reorganize the Federal Government rather than allow an unconfirmed member of his administration to testify before the Congress.

That kind of record should not comfort Members of Congress. We have a responsibility to the American people to ensure that the administration officials responsible for the lives of their loved ones who are fighting in Iraq and for their taxpayer dollars that are being spent in Iraq are held accountable for their actions. We must stop just passing the buck along to the President.

With regard to the argument that holding these officials accountable will somehow endanger our troops, I urge Senators to reject that flimsy scare tactic. What endangers the troops is not having their decisionmakers held accountable to the people. When funds are being spent on postal ZIP Codes, garbage trucks, and escalator and garage beautification projects rather than the necessities of the troops, that is when the Congress must be the most vocal in questioning the judgment of those in the administration who wield power.

I urge Senators to focus on the bigger picture. Senators should cast their votes not only with the thought of a Republican administration directing reconstruction efforts in Iraq, but with an image of a Democratic administration directing the reconstruction efforts in Iraq. I think I know what the answer would be then.

We need to look beyond the party label of the current administration. I am not talking about Mr. Bremer. I spoke of his saying he didn't have time, and he didn't. Those were his words, made of his own free will. Milton wrote about man's free will, "Paradise Lost." Those were Mr. Bremer's words. I have no reason to find fault with Mr. Bremer at all. He is not there without confirmation by virtue of his choice. But that is the way it is. As Walter Cronkite used to say, that is the way it was.

We need to look beyond the party label. We need to take a longer term view of accountability.

Let me say in closing, I thank my friend from Kentucky, who has always

been a gentleman with me, has always been straightforward with me, and has conducted himself, on this occasion, as on all others, as a gentleman should.

I thank him for his characteristic courtesy in this instance. I respect his argument. I respect his vote. But the record will be made and the record will stand.

I yield the floor.

Mr. MCCONNELL. Madam President, I am aware of no further debate on this amendment. I assume the Senator would like a rollcall vote.

Mr. BYRD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1969. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 414 Leg.]

YEAS—44

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lincoln
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Harkin	Pryor
Byrd	Hollings	Reed
Cantwell	Inouye	Reid
Carper	Jeffords	Rockefeller
Clinton	Johnson	Sarbanes
Conrad	Kennedy	Schumer
Corzine	Kohl	Stabenow
Daschle	Landrieu	Wyden
Dayton	Lautenberg	

NAYS—53

Alexander	Collins	Gregg
Allard	Cornyn	Hagel
Allen	Craig	Hatch
Bennett	Crapo	Hutchison
Bond	DeWine	Inhofe
Brownback	Dole	Kyl
Bunning	Domenici	Lott
Burns	Ensign	Lugar
Campbell	Enzi	McCain
Chafee	Fitzgerald	McConnell
Chambliss	Frist	Miller
Cochran	Graham (SC)	Murkowski
Coleman	Grassley	Nelson (NE)

Nickles
Roberts
Santorum
Sessions
Shelby

Smith
Snowe
Specter
Stevens
Sununu

Talent
Thomas
Voinovich
Warner

NOT VOTING—

Edwards Kerry Lieberman

The amendment (No. 1969) was rejected.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Senator CORZINE be added as a cosponsor to the Burma amendment No. 1970.

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

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, I ask that Senator FEINSTEIN also be added as a cosponsor to amendment No. 1970, the Burma amendment.

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

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the Senator for accepting an amendment for the managers' package that deals with making sure we have something in the criteria for the Millennium Challenge Account, assistance dealing with people with disabilities.

Basically, the amendment makes a small but significant change to the Millennium Challenge Account ensuring that one criteria used in determining a country's eligibility for the Millennium Challenge Account funds is their commitment to providing opportunities for the inclusion of people with disabilities. This account represents one of the largest increases in foreign aid spending in half a century, about \$1 billion this year and an additional \$4 billion within the next 3 years.

People with disabilities have been left out of our foreign assistance programs for too long. This amendment does not require they do anything new.

Since 1996, over 100 countries, including the United States, have submitted reports to the United Nations under implementation of 22 rules to equalize opportunities for people with disabilities. President Bush has implemented a new freedom initiative in this country on behalf of people with disabilities. In 2001, he charged each agency with reviewing their policies to remove barriers that promote inclusion of people with disabilities in American society. I commend and I compliment

President Bush for taking this step. This amendment takes this initiative and extends it basically to our foreign assistance programs.

I have a report from the National Council on Disability, dated September 9, 2003. It is titled: "Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections To Ensure Inclusion of People with Disabilities."

In the cover letter from the chairperson of the National Council on Disability to President Bush, Mr. Lex Frieden pointed out that in 1996:

NCD recommended a series of policy changes to "ensure the inclusion of people with disabilities in all foreign assistance programs. . . .

He goes on to say:

Seven years later, NCD has concluded that inclusion of people with disabilities in U.S. foreign policy will be achieved only when specific legislation is enacted to achieve that purpose.

That is what we have done. We have added specific legislative language to ensure in the Millennium Challenge Account one of the criteria to be used is whether that country is trying to provide opportunities for the inclusion of persons with disabilities.

In the executive summary of this report filed by the National Council on Disability, it says:

Individuals with disabilities are subject to a broad pattern of discrimination of segregation in almost every part of the world. In most countries, people with disabilities and their families are socially stigmatized, politically marginalized and economically disadvantaged. The economic cost to society of excluding people with disabilities is enormous. No nation in the world will achieve its full potential for economic development when it leaves out people with disabilities. No society will be a complete democracy unless people with disabilities can participate in public life. Failure to respond to the concerns of people with disabilities ignores one of the great humanitarian and human rights challenges of the world today.

The United States is well positioned to lead the world in demonstrating how to build on the tremendous human potential of people with disabilities.

The Americans With Disabilities Act (ADA) represents a sweeping commitment on the part of the U.S. government to abolish discrimination against people with disabilities in all walks of life.

At present, U.S. foreign policy does not reflect the great accomplishments of people with disabilities within the United States. U.S. citizens with disabilities cannot serve in many embassies abroad because these buildings are physically inaccessible. Qualified and talented individuals may be excluded from U.S. government service abroad based on their medical history.

The U.S. National Council on Disability (NCD) calls on the Executive Branch and Congress to create a new foreign policy that ensures access by people with disabilities to the benefits of democracy and economic development around the world.

I ask unanimous consent that the executive summary of the National Council on Disability's report be printed in the RECORD.

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

PART I. EXECUTIVE SUMMARY AND CONCLUSIONS

More than 600 million people, almost 10 percent if the world's population, have a disability. This number will rise dramatically in the coming years as the population ages and as more people become disabled by AIDS. Rates of disability are particularly high in post-conflict societies, among refugee populations, and in countries with histories of political violence. Even in stable societies, however, people with disabilities make up the poorest of the poor. In some of the world's poorest countries, according to the United Nations (UN), up to 20 percent of the population has a disability.

Individuals with disabilities are subject to a broad pattern of discrimination and segregation in almost every part of the world. In most countries, people with disabilities and their families are socially stigmatized, politically marginalized, and economically disadvantaged. The economic cost to society of excluding people with disabilities is enormous. No nation in the world will achieve its full potential for economic development while it leaves out people with disabilities. No society will be a complete democracy unless people with disabilities can participate in public life. Failure to respond to the concerns of people with disabilities ignores one of the great humanitarian and human rights challenges of the world today.

The United States is well positioned to lead the world in demonstrating how to build on the tremendous human potential of people with disabilities. It is among the world leaders in protecting the civil rights of people with disabilities, with legislation that seeks to ensure their full participation in society, and in supporting their independent living. The Americans with Disabilities Act (ADA) represents a sweeping commitment on the part of the U.S. government to abolish discrimination against people with disabilities in all walks of life. Since the adoption of the Rehabilitation Act in 1973, U.S. civil rights laws have required all U.S. government programs to be inclusive of and accessible to people with disabilities. As they have exercised their rights over the past 30 years, Americans with disabilities have broken barriers to inclusion, shattered stereotypes about their limitations, and contributed to the economic, cultural, and political life of the nation.

At present, U.S. foreign policy does not reflect the great accomplishments of people with disabilities within the United States. U.S. citizens with disabilities cannot serve in many embassies abroad because these buildings are physically inaccessible. Qualified and talented individuals may be excluded from U.S. government service abroad based on their medical history. In addition to failing to protect U.S. citizens with disabilities in foreign operations, U.S. foreign policies and programs have generally not been designed to respond to the concerns of individuals with disabilities abroad. While the Foreign Assistance Act has long established that "a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries," the rights of people with disabilities have been long ignored.

The U.S. National Council on Disability (NCD) calls on the Executive Branch and Congress to create a new foreign policy that ensures access by people with disabilities to the benefits of democracy and economic development around the world. All U.S. foreign operations abroad (including foreign assistance efforts) would be greatly improved if the principles established in U.S. civil rights law—under the Rehabilitation Act and the

ADA—were applied to U.S. operations abroad. Such a policy would require U.S. foreign assistance funding to be used in a manner that is accessible to people with disabilities. Such protections would also ensure that U.S. citizens and contractors with disabilities would be protected against discrimination in the implementation of U.S. programs abroad. Leadership by U.S. citizens with disabilities in our foreign operations would greatly improve our ability to respond to the concerns of people with disabilities in other countries.

Mr. HARKIN. I also ask unanimous consent that the cover letter preceding that by Mr. Lex Frieden also be printed in the RECORD.

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

NATIONAL COUNCIL ON DISABILITY,
Washington, DC, September 9, 2003.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: On behalf of the National Council on Disability (NCD), I am submitting a report entitled Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections To Ensure Inclusion of People with Disabilities. This report is a follow-up to NCD's 1996 Foreign Policy and Disability report that found continued barriers to access for people with disabilities in U.S. foreign assistance programs.

In the 1996 report, NCD recommended a series of policy changes to ensure inclusion of people with disabilities in all foreign assistance programs, including the establishment of specific objectives for inclusion with a timetable for their fulfillment. Seven years later, NCD has concluded that inclusion of people with disabilities in U.S. foreign policy will be achieved only when specific legislation is enacted to achieve that purpose. This report reviews a number of models that Congress has adopted for linking human rights and foreign policy that can be adapted to ensure the inclusion of people with disabilities. This report looks primarily at the U.S. Department of State and the United States Agency for International Development (USAID). Among the various strategies and approaches to improve foreign assistance policies and practices, NCD recommends that Congress amend the Foreign Assistance Act to ensure inclusion of people with disabilities in all U.S. programs by requiring every U.S. agency operating abroad to operate in a manner that is accessible and inclusive of people with disabilities. NCD recommends that this be accomplished by, among other reforms, amending the Foreign Assistance Act to create a Disability Advisor at the State Department and creating an office on Disability and Development at USAID.

NCD also calls on your Administration to recognize that all U.S. government operations abroad should be brought into compliance with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

The principles of non-discrimination, access, and inclusion of people with disabilities have been established as civil rights. The reforms discussed in this report are needed to ensure that people with disabilities can fully contribute to U.S. foreign policies and programs abroad as they have done so effectively at home.

Sincerely,

LEX FRIEDEN,
Chairperson.

Mr. HARKIN. Again, I thank the manager and the ranking member for working out the language. This may seem like a small thing but, believe

me, this is big. This is going to say—and we look at other criteria—but we will look at a country to see what they are doing to provide for people with disabilities.

Quite frankly, this country ought to be taking the lead around the world in that area because we have a lot to talk about in what we have done in our own country since the Americans with Disabilities Act was passed in 1990. What we have done is shown that people with disabilities can provide economic stimulus to a country. They can provide part of that economic engine that a country needs. We have shown conclusively, no matter where you are, no matter what country, that if your policy is one of exclusion of people with disabilities, keeping them institutionalized, materialized, not fully participating in society, it costs that society more to do that than it does to include them in education, for example, transportation, employment, and cultural affairs.

My amendment was designed basically to implement what the National Council on Disability concluded when they said, "The inclusion of people with disabilities in United States foreign policy will be achieved only when specific language is enacted to achieve that purpose." That is what we have done this evening with the inclusion of this amendment.

I only hope when we go to conference with the House that we can have the support of the administration. As I said, President Bush had an enlightened policy on people with disabilities when he came in in 2001. I hope the White House will take that inclusion policy of theirs and make sure we keep it in this foreign operations appropriations bill for the next year and that they will use the Millennium Challenge Account to promote and to stimulate other countries in thinking about how they can provide for the inclusion of people with disabilities.

I thank Senator MCCONNELL, Senator LEAHY, and their respective staffs for working on this issue.

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. MCCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). WITHOUT OBJECTION, IT IS SO ORDERED.

AMENDMENTS NOS. 2001; 2002; 2003; 1995, AS MODIFIED FURTHER; 2004; 2005; 2006; 1973; 2007; 2008; 2009; 2010; 2011; 2012; 2013; 2014; 2015; 1998, AS MODIFIED; 2016; 2017; 2018; AND 2019; EN BLOC

Mr. MCCONNELL. Mr. President, we have two blocks of amendments that have been agreed to on both sides that we are prepared to move at this point.

The first is a series of amendments as follows: Senator LEAHY, providing funds for U.S. contribution to UNAIDS; Senator VOINOVICH, annual report on

antisemitism; Senator DODD, providing assistance for OAS mission in Haiti; Senator ALLARD, amendment No. 1995 as modified further; Senator FEINGOLD, relating to U.S. citizens in Indonesia; Senator LUGAR, relating to danger pay for USAID; Senator DASCHLE, sense of Congress on delivery of assistance by air; Senator MCCAIN, amendment No. 1973 relating to Azerbaijan; Senator FEINGOLD, report on Sierra Leone; Senator BIDEN, technical amendment; Senator FEINGOLD, report on Somalia; Senator LUGAR, relating to the Global Fund; Senator INOUE, related to the guinea worm eradication; Senator HARKIN, disabilities; Senator ALLEN, related to intellectual property rights; Senator BROWNBARK, providing assistance to promote democracy in Iran; Senator BROWNBARK, sense of the Senate on Iran; Senator LANDRIEU, modification to amendment No. 1998; Senator DODD, relating to contracts in Egypt; Senator LUGAR, relating to Millennium Challenge Account; Senator ENSIGN, relating to democracy in Cuba; and Senator LEAHY, relating to HIV/AIDS.

Mr. President, I send this block of amendments to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to consideration of the amendments en bloc? Without objection, it is so ordered.

Without objection, the amendments are agreed to.

The amendments were agreed to, as follows:

On page 23, line 8, before the period, insert the following:

: *Provided further*, That of the funds appropriated under this heading, not less than \$28,000,000 shall be made available for a United States contributions to UNAIDS.

AMENDMENT NO. 2002

(Purpose: To require the Annual Report on International Religious Freedom to include a section on anti-Semitism and other religious intolerance)

On page 147, between lines 6 and 7, insert the following new section:

ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO INCLUDE INFORMATION ON ANTI-SEMITISM AND OTHER RELIGIOUS INTOLERANCE

SEC. 692. Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by adding at the end the following new subparagraph:

“(G) ACTS OF ANTI-SEMITISM AND OTHER RELIGIOUS INTOLERANCE.—A description for each foreign country of—

“(i) acts of violence against people of the Jewish faith and other faiths that occurred in that country;

“(ii) the response of the government of that country to such acts of violence; and

“(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith;

AMENDMENT NO. 2003

(Purpose: To provide assistance for the OAS Special Mission in Haiti to implement OAS Resolution 822 to restore security and hold elections)

On page 21, line 18, after the comma insert the following:

“That of the funds appropriated under this heading, up to \$15,000,000 should be made available as a United States contribution to the Organization of American States for expenses related to the OAS Special Mission in Haiti and the implementation of OAS Resolution 822 and subsequent resolutions related to improving security and the holding of elections to resolve the political impasse created by the disputed May 2000 election: *Provided further,*”

AMENDMENT NO. 1995, AS FURTHER MODIFIED

(Purpose: To limit international military education and training funds from being made available for Indonesia)

On page 147, between lines 6 and 7, insert the following new section:

LIMITATION ON THE PROVISION OF IMET FUNDS TO INDONESIA

SEC. 693. (a) Subject to subsection (c), no funds appropriated by title IV of this Act, under the subheading “INTERNATIONAL MILITARY EDUCATION AND TRAINING” under the heading “FUNDS APPROPRIATED TO THE PRESIDENT” shall be made available for military education and training for Indonesia.

(b) Nothing in this section shall prohibit the United States Government from continuing to conduct expanded IMET programs, programs or training with the Indonesian Armed Forces, including counter-terrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

(c) The President may waive the application of subsection (a) if the President—

(1) determines that important national security interests of the United States justify such a waiver; and

(2) submits notice of such a waiver and a justification for such a waiver to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives in accordance with the regular notification procedures of such Committees.

AMENDMENT NO. 2004

(Purpose: To encourage the Government of Indonesia to meet the conditions necessary for the normalization of military relations with the United States)

On page 147, between lines 6 and 7, insert the following:

UNITED STATES CITIZENS IN INDONESIA

SEC. 692. (a) Congress makes the following findings:

(1) The United States recognizes the cooperation and solidarity of the Government of Indonesia and the people of Indonesia in the global campaign against terrorism.

(2) Increased cooperation between the United States and the Indonesia police forces is in the interest of both countries and should continue.

(3) Normal military relations between Indonesia and the United States are in the interest of both countries.

(4) The respect of the Indonesia military for human rights and the improvement in relations between the military and the civilian population of Indonesia are extremely important for the future of relations between the United States and Indonesia.

(b) The normalization of the military relationship between the United States and Indonesia cannot begin until—

(1) the Federal Bureau of Investigation has received full cooperation from the Government of Indonesia and the Indonesia armed forces with respect to its investigation into the August 31, 2002, murder of 2 American schoolteachers in Timika, Indonesia; and

(2) the individuals responsible for those murders are brought to justice.

(c) Congress looks forward to continued and increased cooperation with respect to this investigation and to the resolution of the issue, which will contribute to the normalization of military relations between the United States and Indonesia.

AMENDMENT NO. 2005

(Purpose: To increase the maximum rate of post differentials and danger pay allowances for civilian employees of the United States Agency for International Development)

On page 147, between lines 6 and 7, insert the following:

POST DIFFERENTIALS AND DANGER PAY ALLOWANCES

SEC. 692. (a) Section 5925(a) of title 5, United States Code, is amended in the third sentence by inserting after “25 percent of the rate of basic pay” the following: “or, in the case of an employee of the United States Agency for International Development, 35 percent of the rate of basic pay”.

(b) Section 5928 of title 5, United States Code, is amended by inserting after “25 percent of the basic pay of the employee” both places it appears the following: “or 35 percent of the basic pay of the employee in the case of an employee of the United States Agency for International Development”.

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 2003, and shall apply with respect to post differentials and danger pay allowances paid for months beginning on or after that date.

AMENDMENT NO. 2006

(Purpose: To state the sense of Congress on the use of small, locally-owned air transport providers to provide for the delivery by air of assistance under the bill)

On page 147, between lines 6 and 7, insert the following:

SENSE OF CONGRESS ON CONTRACTING FOR DELIVERY OF ASSISTANCE BY AIR

SEC. 692. It is the sense of Congress that the Administrator of the United States Agency for International Development should, to the maximum extent practicable and in a manner consistent with the use of full and open competition (as that term is defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))), contract with small, domestic air transport providers for purposes of the delivery by air of assistance available under this Act.

AMENDMENT NO. 1973

(Purpose: To express the sense of Congress on the October 15, 2003 election in Azerbaijan and require a report on an investigation in Azerbaijan)

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) Congress makes the following findings:

(1) International organizations and non-governmental observers, including the Organization for Security and Cooperation in Europe, the National Democratic Institute, and Human Rights Watch documented widespread government manipulation of the electoral process in advance of the Presidential election held in Azerbaijan on October 15, 2003.

(2) Such organizations and the Department of State reported widespread vote falsification during the election, including ballot stuffing, fraudulent additions to voter lists, and irregularities with vote tallies and found that election commission members from opposition parties were bullied into signing falsified vote tallies.

(3) The Department of State issued a statement on October 21, 2003 concluding that the irregularities that occurred during the elec-

tions “cast doubt on the credibility of the election’s results”.

(4) Human Rights Watch reported that government forces in Azerbaijan used excessive force against demonstrators protesting election fraud and that such force resulted in at least one death and injuries to more than 300 individuals.

(5) Following the elections, the Government of Azerbaijan arrested more than 330 individuals, many of whom are leaders and rank-and-file members of opposition parties in Azerbaijan, including individuals who served as observers and polling-station officials who refused to sign vote tallies from polling stations that the individuals believed were fraudulent.

(6) The national interest of the United States in promoting stability in the Caucasus and Central Asia and in winning the war on terrorism is best protected by maintaining relationships with democracies committed to the rule of law.

(7) The credible reports of fraud and intimidation cast serious doubt on the legitimacy of the October 15, 2003 Presidential election in Azerbaijan and on the victory of Ilham Aliyev in such election.

(b) It is the sense of Congress that—

(1) the President and the Secretary of State should urge the Government of Azerbaijan to create an independent commission, with participation from the Organization for Security and Cooperation in Europe and the Council of Europe, to investigate the fraud and intimidation surrounding the October 15, 2003 election in Azerbaijan, and to hold a new election if such a commission finds that a new election is warranted;

(2) the violence that followed the election should be condemned and should be investigated in a full and impartial investigation;

(3) the perpetrators of criminal acts related to the election, including Azerbaijani police, should be held accountable; and

(4) the Government of Azerbaijan should immediately release from detention all members of opposition political parties who were arrested for peacefully expressing political opinions.

(c) Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Attorney General, shall submit a report to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives on the investigation of the murder of United States democracy worker John Alvis. Such report shall include—

(1) a description of the steps taken by the Government of Azerbaijan to further such investigation and bring to justice those responsible for the murder of John Alvis;

(2) a description of the actions of the Government of Azerbaijan to cooperate with United States agencies involved in such investigation; and

(3) any recommendations of the Secretary for furthering progress of such investigation.

AMENDMENT NO. 2007

(Purpose: An amendment requiring a report on a USAID mission in Sierra Leone)

On page 147, between lines 6 and 7, insert the following:

REPORT ON SIERRA LEONE

Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development shall submit a report to the Committee on Foreign Relations and Committee on Appropriations of the Senate and the Committee on International Relations and Committee on Appropriations of the

House of Representatives on the feasibility of establishing a United States mission in Sierra Leone.

AMENDMENT NO. 2008

(Purpose: To provide a clarification with respect to the availability of funds for a voluntary contribution to the International Atomic Energy Agency)

On page 40, line 18, insert after “Commission” the following: “and that are not necessary to make the United States contribution to the Commission in the amount assessed for fiscal year 2004”.

AMENDMENT NO. 2009

Purpose: To require a report on a strategy for promoting stability and improving the quality of life in Somalia)

On page 147, between lines 6 and 7, insert the following:

REPORT ON SOMALIA

SEC. 692. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report on a strategy for engaging with competent and responsible authorities and organizations within Somalia, including in Somaliland, to strengthen local capacity and establish incentives for communities to seek stability.

(b) The report shall describe a multi-year strategy for—

(1) increasing access to primary and secondary education and basic health care services;

(2) supporting efforts underway to establish clear systems for effective regulation and monitoring of Somali hawala, or informal banking, establishments; and

(3) supporting initiatives to rehabilitate the livestock export sector in Somalia.

AMENDMENT NO. 2010

(Purpose: To provide for the designation of the Global Fund to Fight AIDS, Tuberculosis and Malaria under the International Organizations Immunities Act)

On page 147, between lines 6 and 7, insert the following:

DESIGNATION OF THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS AND MALARIA UNDER THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT

SEC. 692. The International Organizations Immunities Act (22 U.S.C. 288 et seq.) is amended by adding at the end the following new section:

“SEC. 16. The provisions of this title may be extended to the Global Fund to Fight AIDS, Tuberculosis and Malaria in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.”.

AMENDMENT NO. 2011

(Purpose: To provide funding for the Carter Center's Guinea Worm Eradication Program)

On page 147, between lines 6 and 7 insert the following new section:

GUINEA WORM ERADICATION PROGRAM

SEC. 692. Of the funds made available in title II under the headings “CHILD SURVIVAL AND HEALTH PROGRAMS FUND” and “DEVELOPMENT ASSISTANCE”, not less than \$5,000,000 may be made available for the Carter Center's Guinea Worm Eradication Program.

AMENDMENT NO. 2012

(Purpose: To clarify the criteria to be considered in determining eligibility for Millennium Challenge assistance)

On page 46, line 15, insert after “resources” the following: “and to providing opportunities for the inclusion of persons with disabilities”.

AMENDMENT NO. 2013

(Purpose: To fund enhanced enforcement of intellectual property rights in foreign countries)

On page 32, line 10, before the period insert “: Provided further, That \$5,000,000 of amounts made available under this heading shall be for combating piracy of United States intellectual property”.

AMENDMENT NO. 2014

(Purpose: To set aside an amount for grants to media organizations to support broadcasting that promotes human rights and democracy in Iran)

Beginning on page 78, line 25, strike “funds” and all that follows through “Iran:” on page 79, line 3, and insert the following: “not to exceed \$5,000,000 of such funds may be used in coordination with the Middle East Partnership Initiative for making grants to Educational, Humanitarian and Nongovernmental Organizations and individuals inside Iran to support the advancement of democracy and human rights in Iran.

AMENDMENT NO. 2015

(Purpose: To express the sense of the Senate on the development of democracy in Iran)

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) Congress makes the following findings:

(1) The Islamic Republic of Iran is neither free nor fully democratic, and undemocratic institutions, such as the Guardians Council, thwart the will of the Iranian people.

(2) There is ongoing repression of journalists, students, and intellectuals in Iran, women in Iran are deprived of their internationally recognized human rights, and religious freedom is not respected under the laws of Iran.

(3) The Department of State asserted in its “Patterns of Global Terrorism 2002” report released on April 30, 2003, that Iran remained the most active state sponsor of terrorism and that Iran continues to provide funding, safe-haven, training, and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(4) The International Atomic Energy Agency (IAEA) has found that Iran has failed to accurately disclose all elements of its nuclear program. The IAEA is engaged in efforts to determine the extent, origin and implications of Iranian nuclear activities that were not initially reported to the IAEA.

(5) There have been credible reports of Iran harboring Al-Qaeda fugitives and permitting the passage of terrorist elements into Iraq.

(b) It is the sense of Congress that it should be the policy of the United States to—

(1) support transparent, full democracy in Iran;

(2) support the rights of the Iranian people to choose their system of government.

(3) condemn the brutal treatment and imprisonment and torture of Iranian civilians expressing political dissent;

(4) call upon the Government of Iran to comply fully with requests by the International Atomic Energy Agency for information and to immediately suspend all activities related to the development of nuclear weapons and their delivery systems;

(5) demand that al Qaeda members be immediately turned over to governments requesting their extradition; and

(6) demand that Iran prohibit and prevent the passage of armed elements into Iraq and cease all activities to undermine the Iraqi Governing Council and the reconstruction of Iraq.

AMENDMENT NO. 1998, AS MODIFIED

(Purpose: To ensure that women and children have access to basic protection and assistance services in complex humanitarian emergencies)

On page 147, between lines 6 and 7, insert the following new section:

SEC. . (a) None of the funds made available by title II under the heading “MIGRATION AND REFUGEE ASSISTANCE”, or “UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND” to provide assistance to refugees or internally displaced persons may be provided to an organization that has failed to adopt a code of conduct consistent with the Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises six core principles for the protection of beneficiaries of humanitarian assistance.

(b) In administering the amounts made available for the accounts described in subsection (a), the Secretary of State and Administrator of the United States Agency for International Development shall incorporate specific policies and programs for the purpose of identifying specific needs of, and particular threats to, women and children at the various stages of a complex humanitarian emergency, especially at the onset of such emergency.

(c) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate, the Committee on International Relations of the House of Representatives and the Committees on Appropriations a report on activities of the Government of the United States to protect women and children affected by a complex humanitarian emergency. The report shall include—

(1) an assessment of the specific protection needs of women and children at the various stages of a complex humanitarian emergency;

(2) a description of which agencies and offices of the United States Government are responsible for addressing each aspect of such needs and threats; and

(3) guidelines and recommendations for improving United States and international systems for the protection of women and children during a complex humanitarian emergency.

AMENDMENT NO. 2016

(Purpose: To obtain assurance and a timetable for payments of U.S. contractors by the Egyptian Government)

On page 17, line 18 after the first comma add the following:

“That the Government of Egypt should promptly provide the United States Embassy in Cairo with assurances that it will honor contracts entered into with United States companies in a timely manner: *Provided further,*”

AMENDMENT NO. 2017

(The amendment No. 2017 is printed in today's RECORD under “Text of Amendments.”)

AMENDMENT NO. 2018

(Purpose: Democracy Building in Cuba)

On page 147, between lines 6 and 7, insert the following new section:

DEMOCRACY BUILDING IN CUBA

SEC. 692. (a) Of the funds appropriated in Title II, under the heading "Transition Initiatives" not more than \$5,000,000 shall be available for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

(1) Published and informational material, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economics, to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression, and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) In this section:

(1) The term "independent nongovernmental organization" means an organization that the Secretary of State determines, not less than 15 days before any obligation of funds made available under this section to the organization, is a charitable or nonprofit nongovernmental organization that is not an agency or instrumentality of the Cuban Government.

(2) The term "individuals" means a Cuban national in Cuba, including a political prisoner and the family of such prisoner, who is not an official of the Cuban Government or of the ruling political party in Cuba, as defined in section 4(10) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(10)).

(c) The notification requirements of section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) shall apply to any allocation or transfer of funds made pursuant to this section.

AMENDMENT NO. 2019

On page 23, line 3, before the colon, insert the following:

: *Provided further*, That of the funds appropriated under this heading, funds shall be made available to the World Health Organization's HIV/AIDS, Tuberculosis and Malaria Cluster.

On page 23, line 8, before the period, insert the following:

: *Provided further*, That the Coordinator should seek to ensure that an appropriate percent of the budget for prevention and treatment programs of the Global Fund to Fight AIDS, Tuberculosis and Malaria is made available to support technical assistance to ensure the quality of such programs.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2004

Mr. FEINGOLD. Mr. President, on August 31, 2002, two American schoolteachers and one Indonesian citizen who were working at an international school for the children of Freeport McMoran's mine employees were killed, and eight more Americans were wounded, when they were ambushed on a mountain road in Indonesia. Indonesian garrisons reportedly controlled all access to the remote road where the attack occurred. Police reports indicated that the Indonesian military was very likely involved in the attack, but the investigation was then turned over to that same military, where it has stalled. The Indonesian military, to

date, has proven unwilling to fully cooperate with the FBI.

The survivors of the attack and the families of the murdered want their government to insist that Indonesia cooperate in uncovering the truth about the ambush and in bringing those responsible to justice. The Senate should support them.

The House already has. Congressman HEFLEY of Colorado offered an amendment linking resolution of this issue to Indonesia's access to the International Military Education and Training program when the House considered the Foreign Operations Appropriations bill. His amendment was accepted by unanimous consent. The Senate should send an equally unequivocal signal.

Today I offered an amendment, with the support of Senators CAMPBELL and WYDEN, to do just that. I appreciate the support of the managers, Senators MCCONNELL and LEAHY, who have accepted this amendment into the larger bill. I also appreciate the efforts of Senator ALLARD, who shares my interest in this issue.

My amendment is not out of step with current policy. I would like to call my colleagues' attention to an article from the October 23 edition of the Australian Financial Review. The article states that, during their recent talks in Bali, "Mr. Bush told Mrs. Megawati military relations could not resume until Jakarta had completed a full investigation into the killing of two Americans near the Freepoint mine in Timika in Indonesia's Papua province last year." Our President was right to make that point. There can be no "business as usual" when it comes to the murder of American citizens, and there can be no "business as usual" until the FBI has received full cooperation, and any perpetrators uncovered by the investigation are held accountable for their actions.

This amendment simply makes it clear that the Senate wholeheartedly endorses that policy. It states that the full normalization of the military relationship between the United States and Indonesia cannot begin until the FBI has received full cooperation, not partial cooperation, in its investigation, and individuals found to be responsible are brought to justice. I am pleased that the Senate has taken action to make certain that our resolve is firm and our signal perfectly clear.

AMENDMENT NO. 2020

Mr. MCCONNELL. Mr. President, I also have an amendment by Senator FEINGOLD that has been approved on both sides. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. FEINGOLD, proposes an amendment numbered 2020.

Mr. MCCONNELL. 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 provide funds to support the development of responsible justice and reconciliation mechanisms in central Africa)

On page 147, between lines 6 and 7, insert the following:

RESPONSIBLE JUSTICE AND RECONCILIATION MECHANISMS IN CENTRAL AFRICA

SEC. 692. (a) Of the funds appropriated under title II under the heading "ECONOMIC SUPPORT FUND", \$12,000,000 should be made available to support the development of responsible justice and reconciliation mechanisms in the Democratic Republic of the Congo, Rwanda, Burundi, and Uganda, including programs to increase awareness of gender-based violence and improve local capacity to prevent and respond to such violence.

Mr. MCCONNELL. Mr. President, I am aware of no opposition to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2020) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that Senator GREGG be added as a cosponsor to amendment No. 1968 relating to the Leahy amendment on war crimes in Africa.

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

Mr. MCCONNELL. Mr. President, we are very close to completing the bill. We have a couple of problems on this side that are not yet worked out. We have a few more amendments we are working on which we are going to clear tonight. For the moment, 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. SESSIONS. 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. 1966

Mr. SESSIONS. Mr. President, I would like to share a few comments about the DeWine-Durbin amendment. It is well meaning. It is dealing with a critical subject that I am particularly interested in: the spread of AIDS in Africa.

I think we can do better in a lot of ways about how to confront that issue. I appreciate Senator MCCONNELL and Senator LEAHY today agreeing to an amendment that I proposed to deal with the medical transmission of AIDS. But I would just say a couple of things here.

We are moving to a historic increase in the amount of money we are spending for AIDS. The \$15 billion we have approved is quite a significant increase in this important effort throughout the world, particularly in Africa.

If this amendment is passed, it would add another \$289 million to the \$2 billion that was requested by the President. I would like to offer into the RECORD and quote from a letter dated October 16 to Chairman STEVENS of the Appropriations Committee from Mr. Joseph O'Neill, deputy coordinator and chief medical officer, Office of the Global AIDS Coordinator.

As I said, this is in his letter of October 16:

Dear Chairman STEVENS: It is my understanding that an amendment regarding funding for HIV/AIDS, tuberculosis and malaria may be offered today to the Fiscal Year 2004 Supplemental Appropriations bill currently under consideration on the Senate floor.

I want to reiterate the Administration's strong support for the Fiscal Year 2004 budget request of \$2 billion for all international HIV/AIDS, tuberculosis and malaria activities, including \$200 million for the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria, as part of the President's larger commitment to spend \$15 billion over the next five years through the Emergency Plan for AIDS Relief. I also want to highlight that it is by careful design that the President's Fiscal Year 2004 budget request is for \$2 billion.

The cornerstone of the President's Emergency Plan for AIDS Relief is its focused approach to use \$9 billion in new funding over the next five years to bring comprehensive and integrated HIV/AIDS prevention, care and large-scale antiretroviral treatment to 14 countries in Africa and the Caribbean. These countries are home to nearly 70 percent of HIV-infected persons in Africa and the Caribbean and 50 percent of the HIV-infected persons in the world. There are considerable challenges inherent in meeting the bold goals the President has set for these 14 countries which must be addressed in the early years of implementation. We believe it is important to ramp up spending on these countries in a focused manner, increasing the amount spent each year to efficiently and effectively create the necessary training, technology, and infrastructure base needed to deliver appropriate long-term medical treatment in a sustainable and accountable way.

That is a mouthful, but I think it says some valuable things. This administration believes we have to effectively utilize the money, and it takes some time. It is certainly necessary for training, technology, and infrastructure that there be a base of that before we can fully implement and spend this extra amount of money we intend to spend.

It goes on to say:

Similarly, the U.S. Government support for the Global Fund to Fight AIDS, Tuberculosis and Malaria is strong. Currently, the United States is responsible for 40 percent of all contributions made to the Global Fund. We have reached a critical time in the Global Fund's development, and other nations must join the United States in supporting the work of the Global Fund.

For the reasons stated above, the Administration strongly opposes any efforts to increase funding beyond the \$2 billion requested in the President's Fiscal Year 2004 budget. I appreciate your support on this issue and look forward to the continued strong bipartisan support of the Senate in ensuring the success of this lifesaving initiative. It is signed: Joseph F. O'Neill, MD, Deputy Coordinator and Chief Medical Officer, Office of the Global AIDS Coordinator.

One of our Senators, Mr. ALEXANDER, on September 3 made this statement. It has a lot of truth to it. He came back from a trip to Africa. He wrote an op-ed piece. He gave 10 very wise and practical bits of advice to the leadership in this AIDS effort on the Senate floor on September 3. This is one of his final bits of advice on how to handle the situation.

Finally, move fast, but do not spend too fast. I imagine we are going to have a pretty good debate about that in the Senate. I have already heard some people say let's spend \$2 billion and others say let's spend \$2.5 and others say let's spend \$3 billion. The fact is, we are going to spend \$15 billion of taxpayers' money in fighting HIV/AIDS in 14 countries and the Caribbean. We are going to do it over 5 years. We need to keep in mind that the African system cannot absorb too much money too quickly. There are treatment guidelines to prepare and to teach. They are very complicated. There is a staff to recruit. There are patients to find and persuade. There are health care organizations to establish.

This amendment unfortunately is not offset. I would be very interested in seeing if we could fund this or we could utilize this money. I am very reluctant to not support an amendment Senator DEWINE has worked so hard on. He is a person committed to doing the right thing. He is a person committed to fighting AIDS. He wants to see us do even more than we are doing. I respect that. I admire him terrifically. He has been around this world. He has met people who are suffering. He wants to help, as we all do.

But the problem is, we agreed to a budget. I serve on the Budget Committee. That budget is a very serious matter. We decided we could spend only so much money. This foreign operations bill has a limit on the amount of money we have agreed to spend in foreign operations. If this amendment were to frame itself in terms of having an offset, that it would fund this \$289 million out of the billions of dollars in this account and would show where we could withdraw and reduce some of those other accounts, I would be very tempted to support Senator DEWINE's amendment. Unfortunately, it does not. It spends on top of the budget. It increases and breaks the budget. It is \$289 million above the amount we have agreed we could afford to spend. I can't see us doing that.

There are so many good ideas here. There are so many things we can do in this country and outside of this country. We have another increase in spending this year in our Federal appropriations bills. We would all like to spend more on projects than we are able to. But we have an increase that is not slashing our budget. We are not cutting our budget, even though we are going to set a record this year for deficit spending. We are going to set a record in deficit spending this year. But we can't continue to break the budget we fought so hard to create, a budget most of us committed to staying with.

Maybe somewhere, as this process goes along, there can be some offsets

that can help increase funding for the Global AIDS Program. I hope so. But I have, as so many have, voted against extra spending for things I care about—IDEA, kids in school, education, highways, matters I believe in and care about, when they exceed our budget. I have not been able to support them. I will not be able to support this one.

I know all of us have priorities, items we care passionately about. I certainly do. I know Senators DEWINE and DURBIN do. I respect their concerns and their passion. We are going to have a huge increase in spending for HIV/AIDS in Africa. It is the right thing to do. I have had two hearings in the HELP Committee on which I am a member on the AIDS problem in Africa. I have concluded we can do more for medical care. The amendment I crafted deals with rearranging the moneys we plan to expend to focus on that problem which can result in the greatest immediate decline in infections of any other action we could take. I cannot go along with breaking the budget on this matter. I hope we can work on it. I will certainly be willing to work with the Senator and we will see what we can do to increase this funding as we can.

The budget is an important matter. We don't need to get in the habit of breaking it. I will not vote to break it in this instance.

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

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

REFORESTATION PROGRAM IN AFGHANISTAN

Mr. CRAIG. Mr. President, I thank Chairman MCCONNELL for the hard work he has put into the Fiscal Year 2004 Foreign Operations and Related Agencies Appropriations bill. It is a challenging process, and he has done an excellent job balancing competing interests within the confines of a limited budget allocation.

I wish to engage in a colloquy with the distinguished chairman of the Subcommittee regarding the development of a reforestation program in Afghanistan. In this appropriations bill, with the adoption of an amendment the chairman and ranking member and I have worked on, \$5 million is to further a reforestation program in Afghanistan. I recently traveled to the Middle East with the chairman and witnessed first hand the devastating conditions of the natural landscape in Afghanistan.

As the chairman of Public Lands and Forestry Subcommittee, it saddens me to see the degradation that has occurred to the natural landscape of this country. Years of war and poverty have put a great strain on the ecosystems of this country. It is time to put an end to the denuding of the hillsides and turn them back to their brilliant shades of green.

I would like to see this funding be used to develop a reforestation program for the country. I think it is important to cultivate the native species to replenish and rejuvenate the area to provide additional opportunities for recreation, wildlife, and business development. The intent of this provision is that the expertise and skill of land grant universities, such as the University of Idaho, should be used to assist in developing this program. I also feel that this is an area in which the private sector could lend their assistance with both the development of the program and the reforestation of the country. Again, there are also leading edge forest products companies in my State like Potlatch Corporation and Boise Cascade who also have expertise of their own and a long time working relationship with the university.

This is an opportunity, through active management, to change the fate of the natural landscape of Afghanistan.

Mr. MCCONNELL. I commend the Senator for his interest in this project and look forward to the development of the reforestation program.

LANDMINE AWARENESS PROGRAMS FOR AFGHAN CHILDREN

Mr. DODD. Mr. President, for over two decades, the Afghan people have endured conflict and internal unrest. And although they are now in the process of rebuilding their country, for many, safety remains elusive. One reason is the continued presence of landmines, which were put into use by occupying powers and governments such as the Soviet Union and Taliban. Unfortunately, these weapons, whose danger is recognized by nations throughout the world, remain a major threat to the safety of ordinary Afghans—especially children.

I know my colleague, Senator LEAHY, has been a leader in calling the world's attention to the dangers created by land mines and the obligation of the United States and other governments to help ensure that innocent civilians, especially children, are not killed or critically injured by land mines and unexploded ordnance left behind after armed conflict ceases.

There are now over 10 million land mines throughout Afghanistan. This number is truly staggering. It is estimated that the process of clearing these devices could take up to 25 years—almost three decades. These land mines pose a tremendous danger to the children of Afghanistan. As my colleagues may be aware, Afghan children often perform a variety of chores that entails their passage through mine-laden fields. In fact, as several types of mines are small and brightly colored, children can be tempted to pick them up or to play with them. Too often, young Afghans die or lose a limb as a result of landmine-related incidents. Indeed, every month, 150 Afghans are injured by landmines, and many of these are children.

We need to help these innocent children. We need to protect them not only

from the horrors of war, but from the dangers that are left behind. Let me call to the attention of my colleagues an ideal organization to further this effort. Its name is “No Strings,” and it is a new aid organization that seeks to use theater and puppetry to provide life-saving education about landmines to children in Afghanistan. “No Strings” is composed of two main groups: one with a broad background in humanitarian relief organizations, and the other with extensive experience in the field of children's educational entertainment and puppetry. I believe my colleague, Senator LEAHY also is aware of this organization.

I had intended to offer an amendment so that, “No Strings”—and other worthy organizations—would be able to engage Afghan children and teach them life saving mine safety lessons. Clearly, we must act in order to help to protect a generation of Afghans. However, since Senator LEAHY has generously offered to join with me in discussing this matter with appropriate officials at the State Department to encourage the Department to fund innovative programs like “No Strings,” I will withhold offering the amendment at this time.

Mr. LEAHY. Mr. President, I concur with my colleague from Connecticut that we need to give special attention to children in Afghanistan and elsewhere who are being put at risk by landmines and unexploded ordnances that are a dangerous byproduct of the civil conflict in that country. Creative ways to teach children about the dangers that landmines and unexploded ordnances pose is critically needed to prevent any more innocent Afghani children from being killed or crippled. I believe that organizations, such as “No Strings” which has been mentioned by Senator DODD, that are prepared to develop novel programs to protect children from the dangers of landmines are worthy of US support. I look forward to working with Senator DODD in support of funding for such important projects.

INTERNATIONAL WATER SECURITY CENTER

Mr. LEAHY. I would like to ask the assistant minority leader two or three questions about international water security. First, what do we mean by water security and what is its relevance to foreign operations?

Mr. REID. I appreciate the question asked by my friend, the senior Senator from Vermont. As you know, water is vital for the life and health of people and ecosystems and a basic requirement for the development of countries. Yet, around the world, people lack access to adequate and safe water to meet their most basic needs. Water resources and the related ecosystems that provide and sustain them are under threat from pollution, unsustainable use, land-use changes, climate change and many other forces. Water shortages and degradation disproportionately affect arid regions of the world, many of which lack the technical and financial wherewithal to

effectively address the problems. Water and poverty are closely related. In areas of water scarcity, the poor are hit first and hardest. Conversely, water is the single factor most limiting economic development in many arid regions. There is, of course, a huge diversity of needs and situations around the world, but together we have one common goal: to provide water security. This means ensuring that freshwater, coastal and related ecosystems are protected and improved; that sustainable development and political stability are promoted; and that every person has access to enough safe water at an affordable cost to lead a healthy and productive life.

Water security is closely linked to national security. As we in the west are fond of saying, “whiskey is for drinking; water is for fighting.” That may sound tongue-in-cheek, but in reality, there exists a long history of international tensions and conflicts over water resources, the use of water systems as weapons during war, and the targeting of water systems during conflicts caused by other factors. Strategic areas of the Middle East, South and Central Asia, South America and North Africa are plagued by recurring tensions over transboundary allocation of scarce water resources.

Mr. MCCONNELL. I understand that over 1 billion people do not have access to safe and secure sources of drinking water. Does my friend from Nevada have any thoughts on additional actions this subcommittee can take to promote international water security?

Mr. REID. I appreciate the question from my friend, the senior Senator from Kentucky. To achieve water security, we face the serious challenges of meeting basic needs, securing the food supply, protecting ecosystems, sharing water resources, managing risks, valuing water, and involving stakeholders in governing water wisely, while maintaining a balance between social, political, cultural, environment needs. The challenges are formidable, but so are the opportunities.

There are many experiences around the world that can be built upon. For example, through our experiences in managing scarce water resources in the desert State of Nevada, we have gained a valuable knowledge base upon which other arid and water-starved regions can build. Scientists in our university system are recognized among the foremost world leaders in water management in these lands. As an important initiative to increase water security, they have prepared an impressive proposal to launch an International Water Security Center.

Mr. LEAHY. What do you envision as the role of an International Water Security Center?

Mr. REID. The center would be a clearinghouse for scientific research in support of water conflict resolution. As a focal point for advanced research and education in water security issues, it would bring together scientists, engineers, water managers, and policy

makers from arid and other water-starved regions worldwide. Through collaborative research exchanges, the center would promote long-term capacity building in developing countries, which would benefit from our leadership in desalinization, water treatment, hydrologic modeling, water-use efficiency, and other technical approaches. The center would also support education of young Americans in international water policy and security, an area of expertise that we will certainly need in the future. The wide spectrum of cultures and landscapes would broaden the outlook of everyone involved, fostering the multidisciplinary approaches needed to ensure project viability and longevity.

Mr. MCCONNELL. Where might the center be based?

Mr. REID. The University and Community College System of Nevada would provide an excellent home for the center. Through the research and educational programs undertaken by its major institutions, this University System is known throughout the world for its expertise in water resource and watershed management. For example, the Desert Research Institute, or DRI, is a unique blend of academia and entrepreneurship. Grounded in fundamental research, DRI and its Center for Watersheds and Environmental Sustainability apply scientific understanding to the management of scarce water resources in countries around the world while addressing needs for economic diversification and science-based education.

The University of Nevada, Reno, and University of Nevada, Las Vegas collaborate with DRI and conduct nationally recognized research and educational programs in their own right. The University of Nevada, Reno, UNR, has one of the Nation's largest and well-known education programs in the study of groundwater. A new international program at UNR sends undergraduate and graduate students to work with local villagers in some of the world's most impoverished nations. This training works both ways, helping the world's poorest people and training American students to work safely and effectively overseas. At the University of Nevada, Las Vegas, UNLV, the interdisciplinary educational program in Water Resource Management considers the scientific and engineering aspects of the hydrologic sciences within the context of policy and management issues related to water and water security. The expertise of UNLV's William S. Boyd School of Law in the field of water rights and water allocations is also a fundamental to this program.

With its strong tradition of fundamental research and collaboration, the University and Community College System of Nevada is perfectly poised to host an International Water Security Center. The University System is overseen by a chancellor and a 13-member Board of Regents.

Mr. LEAHY. How much funding is requested and how would it be used?

Mr. REID. I am requesting an annual appropriation of \$1.25 million dollars each year for the next 3 years. This funding would be used to develop an administrative structure, identify potential collaborators and projects, initiate "seed" projects, educate and train American students in water security, launch research initiatives, and develop and implement a plan for continued center activities without the need for additional Congressional appropriations. The funding would be administered by the University of Nevada Chancellor's office, and made available to scientists and researchers throughout the University System. The Chancellor's office has a long tradition and expertise in administering federal, state and non-profit research grants.

Mr. NICKLES. Mr. President, S. 1426, the fiscal year 2004 Foreign Operations, Export Financing, and Related Programs Appropriations Act for 2004, as reported by the Senate Committee on Appropriations provides \$18.1 billion in discretionary budget authority and \$20.3 billion in discretionary outlays in fiscal year 2004 for Foreign Operations appropriations. This bill contains about two-thirds of total international affairs spending in the budget. The bill funds U.S. Export and Investment Assistance, Military Assistance, and Multilateral Economic Assistance.

The bill equals the Subcommittee's 302(b) allocation for budget authority and is \$9 million in outlays below the 302(b) allocation. The bill provides \$796 million less in budget authority and \$713 million less in outlays than the President's budget request. The bill provides \$5.6 billion in budget authority less and \$148 million in outlays more than the 2003 enacted level including 2003 supplemental appropriations. Excluding those supplemental appropriations, the bill provides a \$1.866 billion increase over last year, or 11.5 percent.

I am concerned about a proposed amendment that would add funds for Global HIV/AIDS programs without providing an offset within the bill. Any amendments that add funding without offsets will have a budget act violation and I will not be able to support them.

I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

**S. 1426, FOREIGN OPERATIONS APPROPRIATIONS, 2004.—
SPENDING COMPARISONS—SENATE-REPORTED BILL**

(Fiscal year 2004, dollars in millions)

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	18,093	44	18,137
Outlays	20,294	44	20,338
Senate Committee allocation:			
Budget authority	18,093	44	18,137
Outlays	20,303	44	20,347
2003 level:			
Budget authority	23,708	45	23,753
Outlays	20,146	45	20,191

**S. 1426, FOREIGN OPERATIONS APPROPRIATIONS, 2004.—
SPENDING COMPARISONS—SENATE-REPORTED BILL—
Continued**

(Fiscal year 2004, dollars in millions)

	General purpose	Mandatory	Total
President's request:			
Budget authority	18,889	44	18,933
Outlays	21,007	44	21,051
House-passed bill:			
Budget authority	17,119	44	17,163
Outlays	20,182	44	20,226
Senate-Reported Bill Compared To			
Senate 302(b) allocation:			
Budget authority	0	0	0
Outlays	-9	0	-9
2003 level:			
Budget authority	-5,615	-1	-5,616
Outlays	148	-1	147
President's request:			
Budget authority	-796	0	-796
Outlays	-713	0	-713
House-passed bill:			
Budget authority	974	0	974
Outlays	112	0	112

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. MCCONNELL. Mr. President, I take a brief moment to draw the attention of my colleagues to the situation in Cambodia, and in particular to the continued courage and determination of the Alliance of Democrats.

The Alliance—which consists of the opposition Sam Rainsy Party and the royalist FUNCINPEC party—has taken a bold stand for freedom in Cambodia in the wake of flawed parliamentary elections last July. Despite intimidation and pressure from the ruling Cambodian People's Party, CPP, the Alliance is refusing to enter into a coalition government that is led by Prime Minister Hun Sen—himself an enemy of democracy and justice.

Having met with Alliance leaders in Washington not too long ago, and having personally traveled to Cambodia in 1998, I can appreciate their refusal to allow Hun Sen to continue to mislead that country. In the past, senior Alliance leaders have been targets of assassination attempts, a bloody coup d'état staged by the CPP, and imprisonment and political exile. Under Hun Sen's misrule, terrorists, criminal triads and pederasts find a haven in Cambodia. Corruption is the norm in that country, as are politically motivated killings.

It might interest my colleagues to know that there have been two high profile shootings in Phnom Penh over the past several weeks, both victims being affiliated with the FUNCINPEC party. Reporter Chour Chetharith was murdered outside the Ta Prohm radio station. According to press reports, the "execution-style killing followed a warning by Prime Minister Hun Sen . . . that Ta Prohm should stop broadcasting programs critical of his speeches."

Pop singer Touch Sunnich was shot a few short days ago—her only crime apparently being a supporter of non-CPP party. My heart goes out to these victims and their families.

It is not enough for the diplomatic community to condemn this killing. It

is past time that someone is held accountable for all the lawlessness, violence, and corruption that unfortunately has become the norm in Cambodia. I offer to my colleagues that the Alliance is trying to do just that by holding Hun Sen accountable—and they deserve the full backing and support of the international community.

Let me close by expressing my great disappointment with the U.S. Embassy in Phnom Penh. Recently, they issued a visa to travel to the United States to a notorious human rights abuser and gangster in Cambodia—Chief of the National Police Hok Lundy. Why the Embassy would issue a visa to someone considered by many of his own compatriots to be a terrorist is beyond me. It is no understatement that Hok Lundy is the Li Peng of Cambodia—and should be held accountable for the violence following the 1998 elections.

AMENDMENTS NOS. 2021, 2022, 2023, AND 2024, EN BLOC

Mr. MCCONNELL. Mr. President, there are four remaining amendments that have been cleared on both sides: One by Senator BROWNBACK providing funds for certain programs in Tibet; Senator LEAHY, additional funds for the related accounts; Senator KENNEDY regarding HIV/AIDS; Senator FRIST, myself, Senator LEAHY, technical clarifications on HIV/AIDS. I send these four amendments to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Without objection, the amendments are agreed to en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 2021

(Purpose: To provide for the use of not less than \$3,000,000 by the Bridge Fund for certain programs in Tibet)

On page 77, beginning on line 20, strike “not to exceed \$3,000,000 may be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China:” and insert “not to exceed \$4,000,000 shall be provided to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, of which up to \$3,000,000 may be made available for the Bridge Fund of the Rockefeller Philanthropic Advisors to support such activities:”.

AMENDMENT NO. 2022

On page 53, line 21, strike “\$8,898,000” and insert in lieu thereof the following: \$898,000

On page 55, line 26, strike “\$314,550,000” and insert in lieu thereof the following: \$322,550,000

AMENDMENT NO. 2023

(Purpose: To provide for the disclosure of prices paid for HIV/AIDS medicines in developing countries)

At the appropriate place, insert the following:

SEC. ____ The Secretary of State should make publicly available prices paid to purchase HIV/AIDS pharmaceuticals, antiviral therapies, and other appropriate medicines, including medicines to treat opportunistic infections, for the treatment of people with HIV/AIDS and the prevention of mother-to-child transmission of HIV/AIDS in developing countries—

(1) through the use of funds appropriated under this Act; and

(2) to the extent available, by—

(A) the World Health Organization; and

(B) the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

AMENDMENT NO. 2024

(Purpose: To modify provisions relating to activities for the prevention, treatment, and control of HIV/AIDS)

On page 22, strike line 3 and insert the following:

ACTIVITIES TO COMBAT HIV/AIDS GLOBALLY FUND

On page 22, line 10, insert “except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) as amended by section 692 of this Act,” after “law.”.

On page 74, line 22, insert “except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) as amended by section 692 of this Act” before the colon.

On page 147, between lines 6 and 7, insert the following new section:

ASSISTANCE FOR HIV/AIDS

SEC. 692. The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) is amended—

(1) in section 202(d)(4)(A), by adding at the end the following new clause:

“(vi) for the purposes of clause (i), ‘funds contributed to the Global Fund from all sources’ means funds contributed to the Global Fund at any time during fiscal years 2004 through 2008 that are not contributed to fulfill a commitment made for a fiscal year prior to fiscal year 2004.”;

(2) in section 202(d)(4)(B), by adding at the end the following new clause:

“(iv) Notwithstanding clause (i), after July 1 of each of the fiscal years 2004 through 2008, any amount made available under this subsection that is withheld by reason of subparagraph (A)(i) is authorized to be made available to carry out sections 104A, 104B, and 104C of the Foreign Assistance Act of 1961 (as added by title III of this Act).”; and

(3) in section 301(f), by inserting “, except that this subsection shall not apply to the Global Fund to Fight AIDS, Tuberculosis and Malaria or to any United Nations voluntary agency” after “trafficking”.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

FOREST FIRES

Mr. CRAIG. Mr. President, I come to the Chamber to express my profound

sorrow to the families in southern California who have lost their homes and some who have lost their loved ones during this conflagration of fire. I extend my sympathy to the millions of citizens in southern California who have lost part of their rural refuge to these massive wildfires.

Thirteen fires are burning an estimated 600,000 acres of brush and trees, and over 1,900 structures, as of this morning, have been burned. The fire has put thousands of others at risk and, of course, land and mud slides will come with the winter rains. More than 50,000 people have been evacuated as we speak. Over \$20 million has been spent thus far on fire suppression.

Yesterday our President declared Los Angeles, San Bernardino, San Diego, and Ventura Counties as major disaster areas and ordered Federal aid to supplement State and local recovery efforts.

The Old Fire, which started Saturday morning and by Sunday had merged with the Grand Prix Fire, had grown to over 52,000 acres in only a matter of a few hours. It is expected now, as we speak, to consume Lake Arrowhead today. Many firefighters on the ground are describing this fire as Armageddon. For communities such as Lake Arrowhead, that have been suffering through the third year of western bark beetle epidemic, the fire was their worst nightmare. Now it has come true.

In the San Bernardino greater forest area around Lake Arrowhead, over 90,000 acres are now dead. They are simply kindling, standing, waiting for the wave of fire that is now striking that forest. If the U.S. Forest Service had had a streamlined NEPA and appeals process that recognized the importance of dealing with insects, disease, and damage from windstorms and ice storms, and fire, the Forest Service might have had the opportunity to cut fuel breaks between the live forests and the wildland and the urban interface.

Sadly, the Senate has been fiddling around with H.R. 1904, and now southern California is ablaze. Not all of H.R. 1904 would have been directed to the California problem, but now that we are into the standing timber areas of San Bernardino, and we have watched that forest die through bug infestation, unable to do anything about it, here is where it could have helped. The wildland urban interface, where firebreaks could have been built, where the fire could have come down from the trees and onto the ground, many homes could have been saved.

If the Forest Service didn't approach every project as a one-size-fits-all NEPA process, they might have been able to thin the forest out a little, which would have increased the intensity and strength of the western bark beetle epidemic and perhaps reduce this risk of conflagration.

If a viable forest products industry still existed in the area, one which closed its doors in the mid-1980s due to the Forest Service's failure to manage

and thin the forest through the removal of trees, some of this pain and suffering might have been avoided.

While it is the Forest Service's duty to manage the lands entrusted to them, we in the Congress also must take some blame. It seems that we have forgotten to provide the leadership the agency needs to understand our expectation of them.

This is not new. Many of us have stood on this floor and many experts have spoken on the issue of forest health for a decade—whether it is the lower Sierras or the San Bernardino or the forests of Idaho or all of the Great Basin region of the West. We have 190 million acres now of dead and dying forests. The great tragedy is that California, with the Santa Ana winds that come this time of year, set up the perfect scenario, and now the great tragedy is hitting.

This Congress has to deal with the issue. Senator FEINSTEIN has been on the Senate floor working with it. She and I have worked together with the appropriate committees—the Agriculture Committee, and my colleague, MIKE CRAPO, Senator COCHRAN, Senator DOMENICI—we have all come together to try to solve this problem. We have a solution and it is H.R. 1904, and it is a positive step forward.

It is now time for this Senate to debate this bill, vote it up or down. I see my colleague from California on the floor. I turn to her and most sincerely say, Mr. President, I express great sadness and sorrow for the tragedy now underway in her State. I wish it was over. But the firestorm that is sweeping across southern California today will only die with the winds and when we begin a positive effort at restoring the health of our natural lands and forested areas.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On March 17, 1999, Murietta, CA, resident Randy Bowen, who is black, was attacked at a party in the Lake Skinner Hills. Bowen's two white assailants were self-proclaimed white supremacists. They first hit Bowen in the head with a bottle and, when he fled, slashed his back using a straight razor. Both men were found guilty of committing a hate crime.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE MENTALLY ILL OFFENDER TREATMENT AND CRIME REDUC- TION ACT OF 2003

Mr. LEAHY. Mr. President, the Mentally Ill Offender Treatment and Crime Reduction Act is a good bipartisan bill that would help State and local governments deal effectively with a serious law enforcement and mental health problem—the extent to which mentally ill individuals commit crimes and recidivate without ever receiving appropriate attention from the mental health, law enforcement, or corrections systems. I am pleased that the bill passed the Judiciary Committee unanimously last week, and the Senate unanimously last night.

I have enjoyed working on this bill with Senator DEWINE, who has shown commitment and leadership on this issue. I am also pleased that Senators CANTWELL, DOMENICI, DURBIN, GRASSLEY, and HATCH have joined Senator DEWINE and I as cosponsors of this bill.

The issues this bill addresses have received increasing attention of late. For example, Human Rights Watch released a report just last week discussing the fact “that jails and prisons have become the Nation's default mental health system.” The first recommendation in the report was for Congress to enact this bill.

All too often, people with mental illness rotate repeatedly between the criminal justice system and the streets of our communities, committing a series of minor offenses. The ever scarcer time of our law enforcement officers is being occupied by these offenders who divert them from more urgent responsibilities. Meanwhile, offenders find themselves in prisons or jails, where little or no appropriate medical care is available for them. This bill gives State and local governments the tools to break this cycle, for the good of law enforcement, corrections officers, the public safety, and mentally ill offenders themselves.

I held a Judiciary Committee hearing last June on the criminal justice system and mentally ill offenders. At that hearing, we heard from State mental health officials, law enforcement officers, corrections officials, and the representative of counties around our Nation. All of our witnesses agreed that people with untreated mental illness are more likely to commit crimes, and that our State mental health systems, prisons, and jails do not have the resources they need to treat the mentally ill, and prevent crime and recidivism. We know that more than 16 percent of adults incarcerated in U.S. jails and prisons have a mental illness, that about 20 percent of youth in the juvenile justice system have serious mental health problems, and that up to 40 percent of adults who suffer from a serious mental illness will come into contact with the American criminal justice system at some point in their lives. We know these things, but we have not done enough about them at the Federal level, and our State and local officials need our help.

The bill does not mandate a “one size fits all” approach to addressing this issue. Rather, it allows grantees to use the funding authorized under the bill for mental health courts or other court-based programs, for training for criminal justice and mental health system personnel, and for better mental health treatment in our communities and within the corrections system. The funding is also generous enough to make a real difference, with \$100 million authorized for each of the next two fiscal years. This is an area where government spending can not only do good but can also save money in the long run—a dollar spent today to get mentally ill offenders effective medical care can save many dollars in law enforcement costs in the long run.

This bill has brought law enforcement officers and mental health professionals together, as we have seen at both of the hearings the committee has held on this issue.

Now that we have passed this bill, I would hope the Senate could turn its attention to S. 486, the Paul Wellstone Mental Health Equitable Treatment Act. Senators DOMENICI and KENNEDY introduced this bill in February and it has 66 cosponsors. It would provide for equal insurance coverage for mental health benefits, and would do a great deal to accomplish some of the same objectives we seek to achieve through this bill. I would hope that we could find an hour in the time we have remaining in this session to debate and pass this bipartisan and broadly supported bill.

AUTHORITARIANISM IN RUSSIA

Mr. MCCAIN. Mr. President, the arrest of Russian businessman Mikhail Khodorkovsky by Russian security agents last weekend is of grave consequence to U.S.-Russia relations. It caps a chilling and aggressive turn toward authoritarianism in Vladimir Putin's Russia. It is past time for all friends of Russia, and all who support strong U.S.-Russia relations, to speak out about the ascendant role of the Russian security services in the Kremlin, President Putin's suppression of free media, the government's politicized prosecutions of its opponents, continuing and grievous human rights violations at the hands of the Russian army in Chechnya, and increased Russian meddling, intimidation, and harassment of its sovereign neighbors. American policy must change dramatically as a result of these developments, which have been in evidence for several years, for there can be no stability in U.S.-Russia relations, to say nothing of any strategic partnership, as long as Russia is moving away from the values of freedom and democratic progress so many Russians celebrated when the Soviet Union fell 12 years ago. I will have more to say on this matter, but for the moment I wish to draw my colleagues' attention to an incisive opinion article by Bruce Jackson entitled “The Failure of Putin's Russia,” published today

in the Washington Post, and an accompanying Post editorial entitled "Pedaling Backward."

I ask unanimous consent that these articles be printed in the RECORD.

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

[From the Washington Post, Oct. 28, 2003]

THE FAILURE OF PUTIN'S RUSSIA

(By Bruce P. Jackson)

Every so often the arrest of one man involves more than the charges he may face and his fate before the court. In these rare instances, the legal proceedings are a distraction from the larger moral and strategic implications, and so they are intended to be. The arrest of Mikhail Khodorkovsky by Russian secret services in Siberia over the weekend is one such arrest.

The "crimes" of Khodorkovsky are considerable in the eyes of the special prosecutor and the new regime of former KGB officers who now surround President Vladimir Putin. As chairman of Yukos Oil, Khodorkovsky is a successful businessman who built the largest privately held company in Russia from the wreckage of the Soviet energy sector, converted his firm to Western business practices and entered into merger discussions with American corporate giants. This conduct alone might, in today's Russia, be considered a threat to the state, but the real charge behind the arrest contains much more.

This has been a year in which independent media and major independent business owners in Russia have been put out of business by the strong-arm tactics of the special prosecutor and the newly vigilant Federal Security Service (FSB), the agency that succeeded the KGB. In a climate that progressive Russian business executives compare to the fearful period of the 1950s, Khodorkovsky made the fatal mistake of expressing political opinions and having the temerity to provide financial support to opposition parties.

While this alone is insurrectionary behavior in the increasingly czarist world of President Putin, Khodorkovsky had the additional misfortune of being the last surviving oligarch. For those who have not kept up their Russian, "oligarch" is a term of art for "rich Jews" who made their money in the massive privatization of Soviet assets in the early 1990s. It is still not a good thing to be a successful Jew in historically anti-Semitic Russia.

Since Putin was elected president in 2000, every major figure exiled or arrested for financial crimes has been Jewish. In dollar terms, we are witnessing the largest illegal expropriation of Jewish property in Europe since the Nazi seizures during the 1930s.

Unfortunately, the implications of Khodorkovsky's arrest go beyond the suppression of democratic voices and the return of official anti-Semitism. This arrest must be seen in the context of increasingly aggressive, military and extrajudicial actions in Ukraine, Moldova, the South Caucasus and Chechnya. In the past month, Putin has demanded that Ukraine sign a concessionary economic treaty; Russian intelligence services have been detected behind election irregularities in Azerbaijan and Georgia and in influence-peddling in Moldova and Abkhazia; and Russian gunboats have confronted the Ukrainian Coast Guard in an illegal attempt to seize a valuable commercial waterway.

For the balance of his first term, Putin has skillfully taken advantage of America's necessary preoccupations with the war on terrorism and the liberation of Iraq. Now Moscow and the capitals of Eastern Europe are

watching carefully to see how Washington responds to this latest crackdown. If the United States fails to take a hard line in response to such a high-visibility arrest, chauvinists in the Russian Ministry of Defense and the FSB will correctly conclude that there will be no meaningful response to the reestablishment of a neo-imperial sphere of influence in the new democracies to Russia's south and west. In addition to the expected Cold War thuggery and opportunistic financial seizures, we should expect that the new powers in Russia will rig the crucial elections in Ukraine and Georgia next year and continue to prop up the brutal dictatorship of Alexander Lukashenko in Belarus.

Finally, the incarceration of one man in Moscow's notorious Matrosskaya Tishina Prison poses painful questions for U.S. policy. It is now impossible to argue that President Bush's good-faith efforts at personal diplomacy with Putin have produced democratic outcomes. Indeed, each of Putin's visits to the Crawford ranch and Camp David has been followed by the cynical curtailment of democratic freedom inside Russia. While it remains unclear what positive qualities Bush detected in Putin's soul during their famous meeting in Slovenia, it is abundantly clear that this is the "soul" of a would-be Peter the Great.

If anyone should pay a price for the pursuit of thuggish policies, it is Putin. It's difficult to see why the U.S. Senate would even consider repealing the Jackson-Vanik Amendment, the 1974 legislation under which Russia still must receive an annual waiver from the United States to maintain normal trade relations. On the contrary, Congress should probably consider additional sanctions. The FSB-led attack on Russian business has already cost American shareholders multiple billions in their savings. These losses will undoubtedly continue until some element of the rule of law returns to Moscow.

The arrest of one man has sent us a signal that our well-intentioned Russian policy has failed. We must now recognize that there has been a massive suppression of human rights and the imposition of a de facto Cold War-type administration in Moscow. It is not too soon to wonder if we are witnessing the formal beginning of a rollback of the democratic gains we have seen in Central and Eastern Europe, in Ukraine and elsewhere since the fall of the Berlin Wall in 1989.

Obviously, there will be some in Washington who will argue that all the oligarchs are probably guilty of some unspecified crime or another. And that we would be wise not to jeopardize our relationship with Putin for the sake of one man or one company. But there are some who are probably still waiting for the facts of the Dreyfus case before jumping to conclusions. The rest of us already know that we have been played for fools.

[From the Washington Post, Oct. 28, 2003]

PEDALING BACKWARD

Speaking to his cabinet yesterday, Russian President Vladimir Putin dismissed the speculation sparked by last weekend's arrest of Mikhail Khodorkovsky, Russia's richest man. "Everyone should be equal under the law," President Putin said, "irrespective of how many billions of dollars a person has on his personal or corporate account."

Would that it were true. Whatever he may or may not have done, Mr. Khodorkovsky, chairman of the Yukos oil company, has not been arrested solely because he may have committed crimes. If the Russian government were to hold all wealthy businessmen to account for the laws they broke while accumulating capital over the past decade, far more people would be under arrest. In fact,

Mr. Khodorkovsky's arrest has been widely understood in Russia as a political act—and possibly the beginning of a real change in official Russian attitudes toward private property and capitalism itself.

Mr. Khodorkovsky stands out in Russia because he has made his company and its books more transparent than had any of his rivals. Though the origins of his empire are shady, he is, in some ways, Russia's first real capitalist—and like a real capitalist, he hasn't hesitated to participate openly in the democratic system by donating money to political parties, including those who oppose Mr. Putin. Putting him under arrest sends a clear signal to other Russians that no one is safe from arbitrary prosecution, or from the political whims of the Kremlin.

It's also a signal that the Russian government cares far more about destroying its rivals than it does about genuinely improving the Russian economy. In recent months, there were signs that capital flight from Russia had stabilized, as Russian businessmen slowly began to feel more confident in the country's legal system. Following Mr. Khodorkovsky's arrest, the stock market crashed and the Russian ruble plunged, as rumors of new capital flight abounded. Large investors, including Western oil companies, may be confident they have enough Kremlin connections to stay in the country, but smaller investors are now more likely to stay away.

The Bush administration's reaction to this arrest may determine whether it sticks. Just a few weeks ago, President Bush endorsed "President Putin's vision for Russia: a country . . . in which democracy and freedom and rule of law thrive." It's hard to see how President Putin's "vision" can include the rule of law if it also includes arbitrary prosecution. Certainly there are some within the administration who believe that a Russian strategic decision to start rolling back democracy and the rule of law will undermine the Russian-American relationship. But the president himself must now recognize that that is what now may be happening. Mr. Bush may be unable to persuade his friend Vladimir to behave differently, but it is vital that he try. The preservation of democracy in Russia is more than an ideal; it is a crucial U.S. interest.

NATIONAL CYBERSECURITY DAY

Mr. LEAHY. Mr. President, I remind my colleagues of the vital importance of developing, and then maintaining, effective cybersecurity systems in our workplaces, our government offices, and our homes. We have all become acutely aware, as we confront the many possible threats to our national security, that much of our critical infrastructure is now run by computer networks. Illegal access to these networks can compromise the provision of power, telecommunications, and water in an instant. In the private sector, whole industries now rely on information technology in order to function. In addition, millions of Americans depend on their computers to explore the Internet, to access information and entertainment, and to preserve their personal records. At the same time they must protect their most significant, and often intimate, data—such as medical records and credit card information. With all this at risk, effective cybersecurity should be paramount in every corporation, government agency, and personal home.

This past weekend marked National Cybersecurity Day. With the strong efforts of the Federal Trade Commission and the Congressional Internet Caucus, we have come a long way in raising awareness about cybersecurity. The FTC has made a great deal of important information available on their website, and I encourage people to visit that website, at www.ftc.gov. I am proud to be a Senate cochair of the Internet Caucus, along with Senator BURNS, Congressman GOODLATTE, and Congressman BOUCHER. In addition to an impressive array of speakers on all aspects of the Internet, the caucus has begun a series of constituent education seminars, targeted at helping all of us provide better information, assistance, and support to the people in our home states as they grapple with the dizzying possibilities and pitfalls of the Internet.

Our efforts have not been limited to just one day. Last week this body passed important anti-spam legislation that will help to keep unwanted—often illicit—e-mail off the Internet, and off our computer screens. In the Judiciary Committee, we have held hearings recently on the dangers of peer-to-peer technology. This technology has the potential to revolutionize the way people share all sorts of information. But as with any technology, it can be abused. Peer-to-peer networks can be used to distribute child pornography and to expose our children to a host of obscene materials. It can also be used to delve into people's private records or illegally to share copyrighted material.

Pornography, and child pornography in particular, is prevalent on peer-to-peer networks. According to recent reports, as much as 42 percent of peer-to-peer requests are for pornography. What is more, at a recent committee hearing we learned that at least one popular peer-to-peer network does not identify its pornographic material in any way. Thus, advertisements on its network appear just as regularly with child pornography and other obscene content as with scientific reviews and scholarly papers.

Some of the danger of using peer-to-peer networks can be alleviated with good cybersecurity. Reading privacy statements, taking the time to understand the software you are using, as well as keeping filters and antivirus software turned on and up to date, all help. Knowing what your children are doing online is also important. In addition, we have given prosecutors powerful tools to go after the people who threaten our security.

Our efforts must continue. The very nature of cyberspace means that the threat to security is always changing. Our responses must evolve as well, both as individuals and as legislators. I am pleased to be continuing to work with Chairman HATCH as we investigate, not just the peer-to-peer situation, but the larger set of circumstances that may threaten our cybersecurity. As we identify those

threats, our primary goal will be to raise awareness about those dangers, and to give citizens and law enforcement the tools they need to protect our rights, to improve our security, and to redress wrongdoing as we continue to develop ever-better cybersecurity systems.

HONORING OUR ARMED FORCES

Mr. NICKLES. Mr. President, in the time since major combat in Iraq has ended and peacekeeping and transitional operations have begun, the United States, our allies and the Iraqi people have accomplished much.

The men and women of our armed forces in particular deserve much praise for their diligence and bravery. They have been given the goal of establishing democracy in Iraq, and their success in this endeavor is directly linked to the freedom and security we enjoy in the homeland. A free and democratic Iraq will stand as a beacon of hope amidst one of the world's most troubled regions.

Fortunately we are now seeing many of the fruits of their labor.

Nearly 760,000 metric tons of food items have been dispatched into Iraq in just one month's time. Health care centers are receiving shipments of health care kits, refrigerators and furniture. Shipments of office supplies including furniture, computers and printers have been received in Iraq and will be used to equip seven essential government ministries.

The Iraqi people are stepping up to provide leadership for their newly liberated country. Crops are being successfully planted in areas that have not produced for years. Iraqis are volunteering for the new Iraqi Army. The Iraqi Nurses Association has initiated a two-day conference to lay the ground work for adequate nursing services in Iraq over the next ten years and close to 30,000 Iraqis have undergone training to be members of Iraq's new police force.

More importantly, representative democracy in Iraq has taken shape. The Iraqi Governing Council has been formed and brings together 25 political leaders from across Iraq. The Council will name Iraqi Ministers, represent the new country internationally, and draft a constitution that will pave the way for national elections leading to a fully sovereign Iraqi government.

Recently, we have confirmed that Saddam Hussein's sons, Uday and Qusay have been killed in a firefight in Mosul. This development has led to an increase in tips from the Iraqi people, one of which led us the capture of 660 surface to air missiles, as well as an increasing confidence among the Iraqi people.

With two thirds of the Hussein regime gone, one has reason to hope that the final piece of the puzzle will soon follow.

And this good news that we are witnessing in Iraq is a direct result of the

hard work and dedication of our troops. Were it not for their courage and perseverance, our presence in Iraq would be in vain.

Our military men and women will surely face more difficult days in Iraq, and the Iraqi people will be tested by the responsibilities that come with freedom. The thugs who propped up the previous regime and outside forces with goals of their own continue to cause problems, stir up trouble and initiate violence. Freedom is messy—nowhere more so than in a country that has just shaken off a brutal dictatorship.

Today I rise to honor a man who made the ultimate sacrifice one can make for his country. On August 23, Spec. Stephen M. Scott, 21, of Lawton, OK, died of noncombat-related injuries near Al Fallujah after being evacuated to the 28th Combat Support Hospital.

His wife, Marie Scott remembers her husband as a gentle giant with a very affectionate personality. "He was amazing," she said of Scott. "He was 6-foot-5 and weighed 225 pounds, but was so gentle . . . If there was a little guy getting picked on he'd be the one to stand up for him."

Spec. Scott died doing just that. His mission in Iraq was clear: to help the Iraqi people overthrow the shackles of a brutal dictatorship—to help the little guy.

As we watch the dawn of a new day in Iraq, let us never forget that the freedom we enjoy every day in America is bought at a price.

Spec. Scott did not die in vain. He died so that many others could live freely. And for that sacrifice, we are forever indebted. Our thoughts and prayers are with him and his family today and with the troops who are putting their lives on the line in Iraq.

MOVING TO SUSPEND RULE XVI

Mr. DORGAN. Mr. President, I hereby provide notice that I intend to move to suspend rule XVI of the Standing Rules of the Senate for my amendment No. 2000.

(The amendment is printed in today's RECORD under "Text of Amendments.")

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

DOMENICI MOTION TO TABLE FEINGOLD-BROWNBACK AMENDMENT TO THE ENERGY BILL

● Mr. KERRY. Mr. President, today I will clarify my position on an amendment offered by Senators FEINGOLD and BROWNBACK to the Energy Bill. Their bipartisan amendment was aimed at protecting small businesses and consumers from efforts to roll back regulations governing utility holding companies. I was absent for the vote, number 315, and at the time, was announced as an "aye" in favor of a motion to table the amendment. Through no fault of the distinguished Senator from Nevada

who announced my vote, if I had been here, I would have voted "nay," and supported the amendment which would have required the Federal Energy Regulatory Commission to issue rules ensuring that small businesses can stay competitive with deregulated holding companies. The amendment also would have ensured that these holding companies do not damage the financial standing of small businesses or pass the costs of bad investments to consumers.

Senator FEINGOLD and Senator BROWNBACK were correct. This amendment is just good public policy and would have protected small contractors against big utilities. I appreciate their hard work and dedication to this important issue.●

ADDITIONAL STATEMENTS

TATYANA GORYACHOVA

● Mr. HAGEL. Mr. President, I rise today to recognize Tatyana Goryachova for her contributions to journalism and her strength in the face of extreme adversity. Ms. Goryachova is a Ukrainian newspaper editor who, as a result of her unbiased reporting and journalistic integrity, has suffered threats and physical assault.

A free press is a defining characteristic of a democratic society. A free press in the U.S. is provided for and protected by our Constitution. In Ukraine before the fall of communism in 1991, newspapers were censored and only allowed to publish officially sanctioned positions. While a free press is taking hold in Ukraine, significant pressure remains to publish only stories favorable to government and business interests.

Ms. Goryachova and her husband, Sergey Belousov, have owned and edited the Berdyansk Delovoy in Berdyansk, Ukraine since 1998. As editor, Ms. Goryachova has insisted on evenhanded coverage. The newspaper has exposed corruption in the city government and covered challengers as well as incumbents in city elections—a decision that brought her into conflict with government officials.

Ms. Goryachova's professional choices have made her the subject of severe personal hardships. The Berdyansk Delovoy office was vandalized. Ms. Goryachova's life has been threatened. She was attacked and had acid thrown in her face, causing serious damage to her eyes and skin. Despite this, she has persevered and continued complete coverage at the newspaper.

Ms. Goryachova found an advocate in Hal Foster, an American journalist and Omaha World-Herald correspondent she met at a journalism seminar in Kiev, Ukraine. Mr. Foster arranged to have Ms. Goryachova's eye injuries treated in the United States. He secured an anonymous benefactor who paid for her care.

In addition, the Berdyansk Delovoy needed its own printing press to con-

tinue publishing. After hearing Ms. Goryachova's story, Omaha World-Herald Publisher John Gottschalk offered to donate a printing press to the newspaper. The generosity of an anonymous donor and the Omaha World-Herald has ensured that Tatyana Goryachova will have both her eyesight and a strong voice in her community.

U.S. Supreme Court Justice Louis D. Brandeis wrote in 1913 that, "Sunlight is the best of disinfectants; electric light the most efficient policeman." Ms. Goryachova understands that exposing corruption and illuminating Ukraine's darkest corners is the surest way to end abuse and promote democracy. A free press is not only a sign of a thriving democracy, it is an important tool of democracy.

Building a strong democratic tradition takes journalists and citizens like Tatyana Goryachova who are committed to transparency and integrity in government. For her commitment and sacrifices, her contributions to journalism and to democracy, Tatyana Goryachova deserves our recognition and respect.●

ROBERT AND MARGARET SCOTT'S 60TH WEDDING ANNIVERSARY

● Mr. CARPER. Mr. President, I rise today to congratulate Robert and Margaret Scott, better known as Bob and Muff, who will celebrate their 60th wedding anniversary on November 6, 2003.

As they celebrate this milestone in their lives, they will surely reflect on the many changes, successes and accomplishments they have experienced together over the last sixty years. Theirs is a journey of which they can be proud.

Bob is the son of the late Chester and Evangeline Scott. Bob attended Miami University of Ohio for his undergraduate degree and received his master's and PhD in Organic Chemistry from Northwestern University. His wife, Muff, is the daughter of the late Benjamin and Ann Penix. She received her bachelor's and master's degrees in English from the University of Kentucky.

Bob and Muff met and began dating in college. Although their respective schools were over sixty miles apart, a college weekend brought them together. They were married on November 6, 1943 in Morehead, KY.

The Scotts moved to Delaware in 1950, when Bob took a position with Hercules. Over his 35-year career at Hercules, Bob moved from being a bench chemist to a plant chemist, to eventually becoming the Director of Research and Development. Muff divided between raising a family, community service and substitute teaching at area schools. They are blessed with three children, Bob, Ann and Tom, and six grandchildren, Lee, Rob, Joshua, Clarissa, Clay and Lex.

Bob and Muff are active members of the community. Bob is Warden to Delaware's Episcopal Bishop, Wayne

Wright, and has been Warden for the last four Bishops in Delaware. The Scott's are also members of Christ Church in Greenville, DE where Bob has often been a vestry member. Bob was also a delegate to the National Episcopal Church Triennial Convention for more than 20 years, during the contentious times when the Episcopal Church first accepted the ordination of women as clergy members and bishops. Reverend John Martinier of Christ Church describes Bob and Muff as a real team. Whether folding church bulletins or volunteering at community events, they are always working together. They are devoted to each other and to their families.

Bob and Muff are also dedicated to St. Michael's School and Nursery, a non-profit institution that provides affordable, high-quality early childhood education and childcare to the community. Both Bob and Muff are on the board of directors. They have served on the board alternately for over 30 years. Helen Riley, the executive director of St. Michael's, describes the Scott's as representing the true spirit of philanthropy. Muff is known as the "Board Builder" at St. Michael's. She brings in next generations of families to support the organization. She has involved young children in philanthropy by teaching them to donate their own toys and books, and by showing them the value in volunteering their own time. Bob serves as an advisor to the school and has proven to be reliable and dependable for expert advice from a business standpoint. They often sell books at their church and collect money in tin cans for scholarships and faculty training and advancement.

Today, I rise to congratulate Bob and Muff on their 60th wedding anniversary. Both have shown great service and commitment to their family and their community. They serve as true role models. I know that their years together hold many beautiful memories. It is my hope that those ahead will be filled with continued joy. I wish them both the very best in all that lies ahead.●

COMMENDING STEVE PICCO

● Mr. CORZINE. Mr. President, I wish to commend the work of Steve Picco, who is retiring after 8 years as a board member of the Northeast-Midwest Institute. A two-term chairman of the Institute's Board of Directors, Steve served with leadership, vision, and wit.

Steve has had a distinguished career in New Jersey, with more than 20 years of experience as a regulator and practitioner in the areas of environmental and energy law. He served as Assistant Commissioner in both the New Jersey Department of Environmental Protection and New Jersey Department of Energy and as a member of the New Jersey Economic Development Authority and the Delaware River Basin Commission. He currently is a partner with Reed Smith Shaw and McClay in Princeton.

The Northeast-Midwest Congressional Coalitions and Institute strive to promote the region's economic vitality while preserving its environmental quality. A goal served by our States working together to influence legislative policy important to the region. Steve Picco deserves much praise for his efforts on behalf of the State of New Jersey and for ensuring that the Institute's work is relevant to the key policy issues affecting Northeastern and Midwestern States.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a treaty which was referred to the Committee on Foreign Relations.

MESSAGES FROM THE HOUSE

At 2:40 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to section 1002(b) of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 401 note), and the order of the House of January 8, 2003, the Speaker appoints the following Member of the House of Representatives to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: Mr. HOEKSTRA of Michigan; from private life on the part of the House of Representatives: Mr. K Stuart Shea of Virginia, and Mr. Gardner G. Peckham of Maryland.

The message also announced that pursuant to section 103(c) of Public Law 108-83 (2 U.S.C. 130-2), and the order of the House of January 8, 2003, the Speaker appoints Ms. Martha C. Morrison as Director of the Office of Interparliamentary Affairs of the United States House of Representatives.

At 4:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3175. An act to designate the facility of the United States Postal Service located at 2650 Cleveland Avenue, NW, in Canton, Ohio, as the "Richard D. Watkins Post Office Building".

The message also announced that the House has passed the bill (S. 926) to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies, without amendment.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3175. An act to designate the facility of the United States Postal Service located at 2650 Cleveland Avenue, NW in Canton, Ohio, as the "Richard D. Watkins Post Office Building"; to the Committee on Governmental Affairs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 28, 2003, she had presented to the President of the United States the following enrolled bill:

S. 3. An act to prohibit the procedure commonly known as partial-birth abortion.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment:

S. 1757. A bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts (Rept. No. 108-174).

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. ALEXANDER (for himself, Mr. DODD, and Mr. KENNEDY):

S. 1786. A bill to revise and extend the Community Services Block Grant Act, the Low-Income Home Energy Assistance Act of 1981, and the Assets for Independence Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 1787. A bill to establish the Steel Industry National Historic Site in the Commonwealth of Pennsylvania; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 1788. A bill to amend title 40, United States Code, to authorize the Administrator of General Services to lease and redevelop certain Federal property on the Denver Federal Center in Lakewood, Colorado; to the Committee on Governmental Affairs.

By Mr. MILLER:

S. 1789. A bill to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 1790. A bill to designate the facility of the United States Postal Service located at 3210 East 10th Street in Bloomington, Indiana, as the "Francis X. McCloskey Post Office Building"; to the Committee on Governmental Affairs.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1791. A bill to amend the Lease Lot Conveyance Act of 2002 to provide that the amounts received by the United States under that Act shall be deposited in the reclamation fund, and for other purposes; to the

Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself, Mr. SCHUMER, Mr. BENNETT, Mr. SANTORUM, Mr. BUNNING, and Mr. WARNER):

S. 1792. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, and Mrs. CLINTON):

S. 1793. A bill to provide for college quality, affordability, and diversity, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. VOINOVICH, Mr. COLEMAN, Ms. COLLINS, Mr. REID, Mrs. BOXER, and Mr. SMITH):

S. Con. Res. 76. A concurrent resolution recognizing that November 2, 2003, shall be dedicated to "A Tribute to Survivors" at the United States Holocaust Memorial Museum; to the Committee on the Judiciary.

By Mr. SESSIONS:

S. Con. Res. 77. A concurrent resolution expressing the sense of Congress supporting vigorous enforcement of the Federal obscenity laws; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 377

At the request of Ms. LANDRIEU, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 377, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 423

At the request of Ms. COLLINS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 423, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 448

At the request of Mr. CORZINE, his name was added as a cosponsor of S. 448, a bill to leave no child behind.

S. 623

At the request of Mr. WARNER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 950

At the request of Mr. ENZI, the names of the Senator from Michigan (Mr.

LEVIN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 950, a bill to allow travel between the United States and Cuba.

S. 1246

At the request of Mr. ROBERTS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1379

At the request of Mr. JOHNSON, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1422

At the request of Mr. CORZINE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1422, a bill to provide assistance to train teachers of children with autism spectrum disorders, and for other purposes.

S. 1482

At the request of Mr. INOUE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1482, a bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 1506

At the request of Mr. BUNNING, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1506, a bill to amend the Internal Revenue Code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax.

S. 1531

At the request of Mr. HATCH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1562

At the request of Mr. CRAIG, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1562, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under state law.

S. 1586

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1586, a bill to authorize appropriate action if the negotiations with the People's Republic of China regarding China's undervalued currency and currency manipulations are not successful.

S. 1645

At the request of Mr. CRAIG, the names of the Senator from Utah (Mr. HATCH), the Senator from Vermont (Mr. LEAHY), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nebraska (Mr. NELSON) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 1691

At the request of Mr. CORZINE, his name was added as a cosponsor of S. 1691, a bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

S. 1706

At the request of Mr. SCHUMER, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1706, a bill to improve the National Instant Criminal Background Check System, and for other purposes.

S. 1708

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1708, a bill to provide extended unemployment benefits to displaced workers, and to make other improvements in the unemployment insurance system.

S. 1746

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1746, a bill to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building".

S. 1751

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1751, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 1757

At the request of Mr. INHOFE, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. CORZINE), the Senator from South Dakota (Mr. DASCHLE) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1757, a bill to amend the John F. Kennedy Center Act to authorize ap-

propriations for the John F. Kennedy Center for the Performing Arts.

S. RES. 244

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 244, a resolution congratulating Shirin Ebadi for winning the 2003 Nobel Peace Prize and commending her for her lifetime of work to promote democracy and human rights.

AMENDMENT NO. 1966

At the request of Mr. DEWINE, the names of the Senator from Utah (Mr. HATCH), the Senator from Pennsylvania (Mr. SPECTER), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Ms. MIKULSKI) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of amendment No. 1966 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1968

At the request of Mr. REID, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of amendment No. 1968 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1969

At the request of Mr. BYRD, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from New Jersey (Mr. CORZINE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 1969 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1970

At the request of Mr. MCCONNELL, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 1970 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALEXANDER (for himself, Mr. DODD, and Mr. KENNEDY):

S. 1786. A bill to revise and extend the Community Services Block Grant Act, the Low-Income Home Energy Assistance Act of 1981, and the Assets for Independence Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, today Senator DODD and I are introducing the Poverty Reduction and Prevention Act of 2003. This bi-partisan

bill proposes to reauthorize important legislation that provides meaningful assistance to 18 million Americans seeking to fight their way out of poverty. The bill includes the Community Services Block Grant, the Low-Income Heating and Energy Assistance Program, and the Assets for Independence Program.

Statistics show us that poverty touches a large proportion of Americans over their lifetimes. Sometimes poverty is a chronic condition that persists over several generations. But more often, poverty happens as a consequence of life's unexpected tragedies—illness, job loss, divorce, or disability. These can seriously undermine a family's ability to support itself. What's needed is a safety net in such times of need. Our Poverty Reduction and Prevention Act can provide that help and can make the difference in a family's efforts to fight their way out of poverty become self-sufficient again.

The services of the Poverty Reduction and Prevention Act are provided primarily through Community Action Agencies, created 40 years ago. The heart of these programs are those provided through the Community Services Block Grant, created in 1981. The block grant allows for maximum flexibility to tailor programs to meet local needs with minimal administrative cost. Today the programs touch the lives of almost 25 percent of those living in poverty. These programs fund a state-administered community services network of more than 1000 local agencies that work to alleviate poverty and empower low-income families in communities across the United States. The agencies are very effective in leveraging their funds to mobilize additional resources from local businesses and foundations, as well as other public sources, to make an effective impact in fighting poverty in their communities.

A number of social services are provided that are designed to help low-income individuals and their families achieve a better quality of life. They help people find and keep a good job, get an adequate education, obtain a decent place to live, pay their utility bills, and even learn how to manage a household income.

The Poverty Reduction and Prevention Act has five major themes for its services: to assist families in poverty address their immediate, most basic needs and work toward self-sufficiency; to serve the non-traditional poor who are facing poverty due to unexpected events such as a plant closing or a major illness or injury; to assist special populations, including those dealing with chronic poverty and for whom conventional solutions have failed; to work for systemic change in low-income communities to promote economic development and community revitalization; and to provide direct assistance to help low-income individuals pay their utility bills.

These programs are the true "safety net" for millions of low-income and at-

risk families and individuals and serve as the centerpiece of most local social service programs in 96 percent of the counties across the country. Last year the programs in the Poverty Reduction and Prevention Act served over 19 million people, primarily through CSBG, serving 13 million, and the Low-Income Heating and Energy Assistance Program, providing assistance to over 5 million.

In Tennessee, over 100,000 individuals were served by CSBG last year, almost 25 percent of whom were disabled. Over 60,000 families were served, 90 percent were living below the federal poverty level, and 40 percent were elderly or disabled families living on a fixed income. And those who are helped in turn help others by volunteering in the programs and giving back to their community. For example, in my home State of Tennessee, long known as the Volunteer State, those who benefitted from these programs gave back to others by working over 190,000 volunteer hours.

And there is good accountability for how those funds are spent in the community. Each agency is governed by a board of directors, a third of which consists of representatives who live in the low-income community, a third are locally elected officials, and the remaining third are community leaders from business, labor, religion, and education.

These programs are not only important to those who receive services; they also make good use of the Federal dollar. Last year in addition to the Federal monies appropriated for these three programs, the community agencies identified other state and local monies and private contributions. In total, local agencies administered over \$9 billion on behalf of low-income families and individuals in communities across the country.

In addition to good fiscal accountability and effective use of Federal dollars to leverage additional resources, the programs are a model when it comes to tracking and reporting the outcomes they are helping people achieve. In Tennessee, for example, we know that 43 percent of individuals who were seeking employment were able to find a job, and two-thirds of those jobs included health care coverage. Over 75 percent of those seeking housing assistance were able to move from sub-standard to good, stable housing, and 524 families were moved out of homelessness. Over 85 percent of elderly households assisted were able to continue living independently.

Through LIHEAP in Tennessee, over 72,000 received assistance in paying their utility bills, thereby avoiding having their heating and cooling cut off, which is of very real importance for health and safety as well as quality of life. The high cost of energy is a growing problem for those families trying to get by on a lower income and for our elderly living on fixed incomes.

By helping these people in meaningful ways, the programs administered

under the Poverty Reduction and Prevention Act have not only made a difference in thousands of lives but have also saved my state money in significant ways—by avoiding the higher costs of homelessness, reducing the number of people in poverty, reducing the need for nursing homes and institutional care, and providing an important "bridge" to help people moving off of welfare achieve permanent self-sufficiency.

While these programs have had many very real successes in the past, as we approached this reauthorization we also looked for ways we could improve the programs and provide even better access to and delivery of these important services. In drafting the reauthorization we gave particular attention to clarifying and strengthening the purpose of these important programs, which, in summary, is to fight and reduce poverty, working in partnerships with community and state leadership.

In this reauthorization we believed it was important to give states greater flexibility in determining who should receive services. We wanted to expand services to the extent possible to assist more of the working poor and their families achieve economic stability and self-sufficiency. While giving more flexibility, we also provided incentives to encourage States to focus on those most in need and to help those transitions from welfare to self-sufficiency. And we strengthened the accountability and monitoring of funds at both the state and local level. We explicitly asked States to hold the line on excessive administrative salaries and expenses, again at both the state and agency level.

In this reauthorization we also wanted to highlight best practices and encourage creativity and innovation in fighting poverty. We called for identifying exemplary local agencies as Centers of Innovation to promote the sharing of best practices among all community agencies.

Focusing on outcomes, we directed local agencies to have established clear goals for reducing poverty in their community and to show that substantial progress is being made in meeting those goals before receiving continuing block grant funds. These goals include leveraging community resources and fostering coordination across Federal, State, local, and private programs and services.

In the area of heating and cooling assistance, we are recommending a significant increase in the funds authorized for this important program, and we have added provisions and specific triggers that allow for better, more effective release of emergency funds for LIHEAP assistance under extraordinary circumstances.

The programs included under the Poverty Reduction and Prevention Act of 2003 are important to millions of Americans who deserve our consideration and need our support. The services touch almost every community in

the country and are often the only source of assistance available to the people the programs are designed to serve. Quite simply, what these services do is help restore dignity to those we serve. Every day one of these programs makes a difference in the lives of our neediest citizens. What this bill can accomplish will make possible a better quality of life for individuals and for neighborhoods and communities across this great land. I join my colleague Senator DODD in urging the passage of this important reauthorization legislation.

Mr. DODD. Mr. President, I am pleased to join Senator ALEXANDER in introducing the Poverty Reduction and Prevention Act, which reauthorizes the Community Services Block Grant, the Low-Income Home Energy Assistance Program, and the Assets for Independence Act. I would especially like to congratulate Senator ALEXANDER, Chairman of the Subcommittee on Children and Families, and his staff for working so hard to ensure that this bill would be a bipartisan piece of legislation.

I, like many of my colleagues, was greatly disturbed by the latest U.S. Census poverty data released last month, which shows that poverty rose to 12.1 percent in 2002, bringing the total number of people living in poverty to 34.6 million. The number of children in poverty rose by 400,000, which means that nearly 17 percent of children are living in poverty. Even more disturbing is that the number of people who lack health insurance rose by 2.4 million in 2002, bringing the total number of uninsured to an alarming 43.6 million. Although the proportion of uninsured children did not change between 2001 and 2002, 11.6 percent of all children remain without the necessary safety net of health insurance. Our children truly are our future; we must treat them like the precious resources that they are and provide them with the services and assistance they need.

There are many troubling signs for families today, particularly families with children. Unemployment continues to be a problem. Families are running out of unemployment benefits without finding jobs. The most recent data from the Department of Health and Human Services shows that welfare caseloads continue to decline overall, but in many States over the last year, caseloads are increasing. With States facing their worst budget crisis since WWII, many programs for low-income families are being cut. This is particularly a problem given that half the states are cutting child care funds. Parents need affordable child care to get and keep jobs. Clearly, this is a time of crisis for our Nation's low-income individuals and families. It is time for our government to help them through these difficult economic times and give them the opportunities and the tools to lift themselves back onto their feet.

The bill that we are introducing today will reaffirm our nation's commitment to alleviating poverty and upholding the American ethos of helping our neighbors. For over 40 years, Community Action Agencies have been using Community Service Block Grant (CSBG) funds to coordinate and deliver comprehensive poverty programs and services to our nation's poor. From administering Head Start programs, to delivering meals to the sick and elderly, providing adult education and literacy, and implementing the Low-Income Home Energy Assistance Program, CSBG funds are reaching and helping nearly a quarter of all people living in poverty in the United States. It goes without saying, that ideally, we would like to reach out to each and every individual and family living in poverty, but this bill is a start. It is a good start. It is a firm commitment to communities that when times are tough, Community Action Agencies will continue to work at the local level to address local needs.

The bill will enhance community flexibility in serving the poor and working poor. I don't need to tell you, that a poor person living in urban New Haven has different needs from an impoverished family living in rural Danielson, CT. The same holds true for Community Action Agencies across our Nation. One Community Action Agency could be using their CSBG funds to teach computer skills in a town where a major manufacturing plant just closed down, while another Community Action Agency is using the same funds to develop rural waste water management systems. I am pleased that this reauthorization retains and strengthens the flexibility that makes CSBG such a unique and successful program, by upholding and strengthening the successful and innovative Results Oriented Management Assessment (ROMA) system of accountability and monitoring procedures.

I am also pleased that reauthorization of this bill will allow crucial assistance to reach more of our country's poor and working poor by setting a minimum eligibility level for assistance at 125 percent of the poverty level and a maximum of 60 percent of the State median income. In Connecticut alone, nearly 32 percent, or 437,492 households, are below 60 percent of the State median income. Conversely, if we had set the maximum at 185 percent of the poverty threshold, we would only reach 269,373 households. By using the State median income as a maximum, not only will this bill be benefitting the Nation's families living in poverty, but it will also assist those working poor families just above the poverty line, including those leaving welfare to make a smooth and permanent transition to self-sufficiency.

The bill also reauthorizes the Low-Income Home Energy Assistance Program, LIHEAP, which allocates grants to States to operate home energy assistance programs for low-income

households. According to the most recent data from the Department of Health and Human Services, 4.8 million households received winter heating assistance, 250,000 benefitted from cooling aid and 87,000 received summer crisis aid in fiscal year 2001. This legislation makes funding LIHEAP more responsive to community needs by basing emergency funding triggers on the price of home energy bills and the average number of heating and cooling days in a month. These simple automatic triggers will ensure that LIHEAP funds are readily available in times of crisis.

Again, I would like to congratulate and thank Senator ALEXANDER for his fine work on this bipartisan piece of legislation. I firmly believe that this bill is a step in the right direction. Every day in this chamber and throughout the halls of the Senate, we talk about leaving no child behind, food stamps, comprehensive health care, job training and rural housing assistance. Mr. President, this bill encompasses all of these programs and services, and many more important poverty initiatives. I urge my colleagues to support this legislation and join us in helping to strengthen low income communities, so that we can help more families become self-sufficient. In these tough economic times, families deserve this support.

By Mr. SPECTER:

S. 1787. A bill to establish the Steel Industry National Historic Site in the Commonwealth of Pennsylvania; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation that will honor the importance of the steel industry in the Commonwealth of Pennsylvania and the Nation by creating the "Steel Industry National Historic Site" to be operated by the National Park Service in southwestern Pennsylvania.

The importance of steel to the industrial development of the United States cannot be overstated. A national historic site devoted to the history of the steel industry will afford all Americans the opportunity to celebrate this rich heritage, which is symbolic of the work ethic endemic to this great Nation. The National Park Service recently reported that Congress should make remnants of the U.S. Steel Homestead Works an affiliate of the national park system, rather than a full national park, which had been considered in prior years, including legislation I offered two years ago in the 107th Congress. Due to the current backlog of maintenance projects at national parks and the resulting moratorium on new national parks, the legislation offered today instead creates a national historic site that would be affiliated with the National Park Service. There is no better place for such a site than in southwestern Pennsylvania, which played a significant role in early industrial America and continues to today.

I have long supported efforts to preserve and enhance this historical steel-related heritage through the Rivers of Steel Heritage Area, which includes the City of Pittsburgh, and seven southwestern Pennsylvania counties: Allegheny, Armstrong, Beaver, Fayette, Greene, Washington and Westmoreland. I have sought and been very pleased with congressional support for the important work within the Rivers of Steel Heritage Area expressed through appropriations levels of roughly \$1 million annually since fiscal year 1998. I am hopeful that this support will continue. However, more than just resources are necessary to ensure the historical recognition needed for this important heritage. That is why I am introducing this legislation today.

It is important to note why southwestern Pennsylvania should be the home to the national site that my legislation authorizes. The combination of a strong workforce, valuable natural resources, and Pennsylvania's strategic location in the heavily populated northeastern United States allowed the steel industry to thrive. Today, the remaining buildings and sites devoted to steel production are threatened with further deterioration or destruction. Many of these sites are nationally significant and perfectly suited for the study and interpretation of this crucial period in our Nation's development. Some of these sites include the Carrie Furnace Complex, the Hot Metal Bridges, and the United States Steel Homestead Works, which would all become a part of the Steel Industry National Historic Site under my legislation.

Highlights of such a national historic site would commemorate a wide range of accomplishments and topics for historical preservation and interpretation from industrial process advancements to labor-management relations. It is important to note that the site I seek to become a national site under this bill includes the location of the Battle of Homestead, waged in 1892 between steelworkers and Pinkerton guards. The Battle of Homestead marked a crucial period in the Nation's workers' rights movement. The Commonwealth of Pennsylvania, individuals, and public and private entities have attempted to protect and preserve resources such as the Homestead battleground and the Hot Metal Bridge. For the benefit and inspiration of present and future generations, it is time for the Federal Government to join this effort to recognize their importance with the additional protection I provide in this bill.

I would like to commend my colleague, Representative MIKE DOYLE, who has been a longstanding leader in this preservation effort and who sponsors the companion legislation, H.R. 521, pending in the House of Representatives. I look forward to working with southwestern Pennsylvania officials and Mr. August Carlino, President and Chief Executive Office of the Steel Industry Heritage Corporation, in order

to bring this national historic site to fruition. I urge my colleagues to co-sponsor this legislation and I intend to work for its swift passage.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1791. A bill to amend the Lease Lot Conveyance Act of 2002 to provide that the amounts received by the United States under that Act shall be deposited in the reclamation fund, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today to introduce a bill that would greatly benefit one of the largest irrigation districts in Southern New Mexico. Last Congress, H.R. 706, the Elephant Butte Lease Lott Conveyance Act, passed the House and Senate unanimously. The purpose of the original bill was to provide security to 403 lease lot holders who were interested in purchasing property currently being leased to them by the Bureau of Reclamation. Many of the lease holders had, at the urging of the Federal Government, invested time and money into improving these lots, including the addition in many cases of permanent fixtures. The bill I bring today would amend that Act by clarifying where the proceeds from the sale of these lands would be deposited.

With regard to proceeds, the late Honorable Howard Bratton, a former Federal District Court judge for the District of New Mexico, ruled in 1992 and in 1997 that the Elephant Butte Irrigation District was entitled to net profits generated from the leasing of grazing and farm lands of the Rio Grande Project. I would just mention that while the latest in these rulings was handed down almost 6 years ago, the District has yet to receive these profits. I understand the Bureau of Reclamation, at the urging of the Federal District Court, has told the Elephant Butte Irrigations District that it will rectify this situation in fiscal year 2004. I intend to closely monitor that situation.

The Lease Lot Conveyance Act of 2002 is silent with regard to any crediting of the proceeds from the sale of the 403 lease lots. Reclamation has taken the position that the proceeds should be credited to the Reclamation Fund. I would just like to note that the repayment obligations of the District were met and title was transferred to the District in the early nineties. The District, therefore, believes that under current law and the opinions of the Federal District Court in New Mexico, they would be entitled to these funds.

The bill I am introducing today makes it clear that the proceeds of the sale should go to the irrigation district instead of to the Reclamation fund. With Reclamation expenses continually escalating, I have been told by the District that they would utilize these proceeds to offset on-going operation and maintenance costs.

While the appraisal of these lands is still pending I do want to be clear that

we are only talking about roughly 250 acres out of the total 78,000 acres compromising the Elephant Butte and Caballo Reservoir boundaries. I believe it is reasonable to allow these funds to go to the District. I hope the Senate will act expeditiously on this matter, so that the process can continue to move forward as we intended it to.

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:

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

SECTION 1. LEASE LOT CONVEYANCE.

Section 4(b) of the Lease Lot Conveyance Act of 2002 (116 Stat. 2879) is amended—

(1) by striking "As consideration" and inserting the following:

"(1) IN GENERAL.—As consideration"; and

(2) by adding at the end the following:

"(2) USE.—Amounts received under paragraph (1) shall be—

"(A) deposited by the Secretary, on behalf of the Rio Grande Project, in the reclamation fund established under the first section of the Act of June 17, 1902 (43 U.S.C. 391); and

"(B) made immediately available to the Irrigation Districts, to be credited in accordance with section 4(l) of the Act of December 5, 1924 (43 U.S.C. 501)."

By Mr. CAMPBELL:

S. 1788. A bill to amend title 40, United States Code, to authorize the Administrator of General Services to lease and redevelop certain Federal property on the Denver Federal Center in Lakewood, Colorado; to the Committee on Governmental Affairs.

Mr. CAMPBELL. Mr. President, today I am introducing a bill that will help revitalize the Denver Federal Center (DFC) and the surrounding community of Lakewood, CO. This bill will allow the General Services Administration to enter into public/private partnerships, thereby efficiently and effectively addressing infrastructure and environmental issues at the DFC.

The DFC is a 670-acre campus with 77 active buildings. It began as a munitions manufacturing plan during World War II. Since then, many other agencies have called the DFC home, leaving behind a history of landfills, leaking underground storage tanks, chemical laboratories, and firing ranges that have contaminated the area. Additionally, many of the existing buildings are more than 60 years old and are in need of extensive repair or replacement. The Colorado Department of Public Health is requiring an environmental investigation and clean-up of contaminated areas at a cost of over \$70 million.

As the Denver metropolitan region grows, the GSA has an opportunity to create public / private partnerships that will help foster the growth of the DFC campus into a regional hub of commerce and transportation as formulated in the visions of the local communities. At the same time, through these public / private partnerships, the DFC will be able to help

clean up a 60-year-old environmental mess.

The Regional Transportation District (RTD) would like to create an intermodal facility and public transit hub as the West Corridor Light Rail is developed. New offices can be developed, not only for Federal tenants, but potentially for private businesses as well.

I believe this bill will provide many benefits all around—through the partnerships created, this bill will create new jobs and preserve jobs and institutions already in place, while at the same time taking care of a much needed and necessary environmental preservation.

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. 1788

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 shall be cited as the “Denver Federal Center Redevelopment Act”.

SEC. 2. DENVER FEDERAL CENTER DEVELOPMENT AUTHORITY.

Part C of subtitle II of title 40, United States Code, is amended by adding at the end the following new chapter:

“CHAPTER 71. DENVER FEDERAL CENTER DEVELOPMENT

“§ 7101. Master lease development authority

“(a) IN GENERAL.—The Administrator of General Services may enter into leases of Federal real property, including improvements thereon, with totally non-Federal entities to provide for the construction, rehabilitation, operation, maintenance, or use of all, or portions of, the Denver Federal Center as described in section 7106, or such other activities related to the Denver Federal Center as the Administrator considers appropriate. For purposes of this chapter, a lease of Federal real property, including improvements thereon, shall be referred to as a master lease.

“(b) TERMS AND CONDITIONS.—A master lease entered into under this section—

“(1) shall have as its primary purpose enhancing the value of the Denver Federal Center to the United States;

“(2) shall be negotiated pursuant to such procedures as the Administrator considers necessary to ensure the integrity of the selection process and to protect the interests of the United States;

“(3) may provide a lease option to the United States, to be exercised at the discretion of the Administrator, to occupy any general purpose office, storage or other usable space in a facility covered under the master lease;

“(4) shall be for a term not to exceed 50 years;

“(5) shall describe the consideration, duties and responsibilities for which the United States and the non-Federal entity are responsible;

“(6) shall provide—

“(A) that all development risk shall remain with the non-Federal entity;

“(B) that the United States will not be liable for any action, debt or liability of any non-Federal entity; and

“(C) that such non-Federal entity may not execute any instrument or document creating or evidencing any indebtedness unless

such instrument or document specifically disclaims any liability of the United States under the instrument or document; and

“(7) shall include such other terms and conditions as the Administrator considers appropriate.

“(c) CONSIDERATION.—A master lease entered into under this section shall be for fair consideration, as determined by the Administrator. Consideration under a master lease may be provided in whole or in part through in-kind consideration, including provision of other real and related property, goods or services of benefit to the United States, construction, repair, remodeling, or other physical improvements of Federal property, environmental remediation or maintenance of Federal property, or the provision of office, storage or other usable space.

“§ 7102. Additional authorities

“(a) AUTHORITY TO CONVEY REMAINING INTERESTS.—In carrying out a master lease entered into under this chapter, the Administrator is authorized to convey the interest of the United States in the property covered by the master lease to the non-Federal entity by sale or exchange, if the Administrator first determines in writing that such conveyance is in the interests of the United States;

“(b) OTHER AUTHORITIES NOT AFFECTED.—The authority to enter into a master lease under this chapter shall be in addition to, and not in lieu of, any other authorities of the Administrator to convey interests in real property by lease, sale, or exchange.

“(c) OBLIGATIONS TO MAKE PAYMENTS.—Any obligation to make payments by the Administrator for the use of space, goods or services by the General Services Administration on property that is subject to a master lease under this chapter may only be made to the extent that necessary funds have been made available to the Administrator, in advance, in an annual appropriations Act.

“§ 7103. Relationship to other laws.—

“(a) IN GENERAL.—The authority of the Administrator under this chapter shall not be subject to—

“(1) sections 521 through 529 and sections 541 through 559;

“(2) section 1302;

“(3) section 3307; or

“(4) any other provision of law (other than Federal laws relating to environmental and historic preservation) inconsistent with this chapter.

“(b) UNUTILIZED OR UNDERUTILIZED PROPERTY.—Any property covered under a master lease entered into under this section shall be deemed to be property for which there is a continuing Federal need and may not be considered to be unutilized or underutilized for purposes of section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411).

“§ 7104. Use of proceeds

“(a) IN GENERAL.—Net proceeds from a master lease entered into under section 7101 shall be deposited into, administered, and expended, subject to appropriations Acts, as part of the Federal Building Fund established under section 592. In this section, the term ‘net proceeds from a master lease entered into under section 7101’ means the rental proceeds from the master lease minus the expenses incurred by the Administrator with respect to the master lease.

“(b) RECOVERY OF EXPENSES.—The Administrator may retain from the proceeds of a master lease entered into under section 7101 amounts necessary to recover the expenses incurred by the Administrator with respect to the master lease. Such amounts shall be deposited in the account in the Treasury from which the Administrator incurs such expenses.

“§ 7105. Reporting requirements

“(a) IN GENERAL.—Before entering into a master lease under section 7101, the Administrator of General Services shall transmit to the appropriate committees of Congress a report on the proposed development and master lease of the Denver Federal Center not less than 30 days before the award of a master lease.

“(b) CONTENTS.—A report transmitted under this section shall include a summary of a cost-benefit analysis of the proposed development and a description of the provisions of the proposed master lease.

“§ 7106. Description of the Denver Federal Center

“As used in this chapter, the term ‘Denver Federal Center’ means a parcel of land, located in section 9 and in the East half of the East half of the East half Section 8, Township 4 South, Range 69 West of the Sixth Principal Meridian, being more particularly described as follows:

“Commencing at the northeast corner of said section 9;

“thence S76°38’34”W a distance of 779.20 feet to a point on the southerly right-of-way line of West 6th Avenue being also the true point of beginning;

“thence S45°23’16”E a distance of 932.42 feet to a point on the westerly right-of-way line of Kipling Street;

“thence along the westerly right-of-way line of said Kipling Street the following three courses:

“thence S00°23’16”E, a distance of 1806.59 feet;

“thence S00°23’04”E, a distance of 2341.02 feet;

“thence S44°37’45”W, a distance of 355.19 feet to a point on the northerly right-of-way line of West Alameda Avenue;

“thence along the northerly right-of-way line of said West Alameda Avenue the following three courses:

“thence S89°23’50”W, a distance of 2298.81 feet;

“thence S89°24’08”W, a distance of 2544.90 feet to a point of tangent curve;

“thence along said curve to the left an arc distance of 475.81 feet, having a central angle of 11°38’25”, a radius of 2342.00 feet and a chord bearing of S83°31’57”W, a chord distance of 474.99 feet to a point on the south line of the southeast quarter of said section 8;

“thence S89°37’30”W, along the said south line, a distance of 296.29 feet to a point on the westerly line of the east half of the east half of the east half of said section 8;

“thence along the westerly line of the east half of the east half of the east half of said section 8 the following two courses;

“thence N00°00’10”W, a distance of 2634.40 feet;

thence N00°00’33”W, a distance of 2344.86 feet to a point on the southerly right-of-way line of West 6th Avenue;

“thence along said southerly right-of-way line the following five courses:

“thence N89°44’33”E, a distance of 655.37 feet to a point on the westerly line of the northwest quarter of said section 9;

“thence N89°44’33”E, a distance of 50.00 feet;

“thence N81°11’33”E, a distance of 856.70 feet;

“thence N89°14’41”E, a distance of 1741.83 feet;

“thence N89°14’40”E, a distance of 1876.55 feet to the point of beginning.

“Said parcel contains 29,182,824 square feet or 669.95 acres, more or less.

“Note: For the purpose of this description the bearings are based on the east line of the northeast quarter of said section 9 bearing S00°23’16”E, a distance of 2640.79 feet and monumented by a found 3/4 aluminum cap

marked "l.p.i. pls 34986" on the north end and by a found 3/4" aluminum cap marked "vigil land consultants ls 20699" on the south end."

SEC. 3. CONFORMING AMENDMENT

The index for part C of subtitle II of title 40, United States Code, is amended by inserting the following at the end:

"CHAPTER 71. DENVER FEDERAL CENTER DEVELOPMENT."

By Mr. KENNEDY (for himself, Mr. DODD, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, and Mrs. CLINTON):

S. 1793. A bill to provide for college quality, affordability, and diversity, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it should be our common purpose to guarantee the promise of a good education to all from birth through college. The strength, security, and future of our Nation lie in the education and character of our people.

In recent years, on a bipartisan basis, we have been working to improve preschool, elementary, and secondary education. We should move forward in the same bipartisan way on higher education.

Last year, on a bipartisan basis, we passed the No Child Left Behind Act to raise standards for students in elementary and secondary schools to hold schools and states accountable for results. These worthwhile school reforms deserve to be well-funded, so that all public school students will have a fair chance to succeed.

Last year, Senator GREGG and I also introduced a bipartisan bill to improve the quality of early childhood education in the states, and help ensure that young children begin school ready to learn.

This year, in the Education Committee, again on a bipartisan basis, we have worked to strengthen the Individuals with Disabilities Education Act (IDEA) and ensure that special needs children receive a quality education. I hope we can pass that legislation soon, to assure that the federal government meets its full obligation to children with disabilities.

The next great challenge we should confront on a bipartisan basis is to ensure that every student with the talent, desire, and drive to go to college is able to afford to go to college. Education is the golden door of opportunity, but for too long, the door of higher education has been closed to many students, because of their inability to pay. Surely, we have reached a stage in America where we can say it and mean it—cost will never be a barrier to a college education.

Just as Social Security is a promise of retirement security to senior citizens, just as Medicare is a promise of health security to senior citizens, so we should make "Education Security" a promise to every young American. If you work hard, if you finish high school, if you are admitted to a college,

we should guarantee that you can afford the cost of the four years it takes to earn a degree.

As we move forward on the reauthorization of the Higher Education Act, let us come together again on a bipartisan basis to make college affordable to all qualified students. No students should have to mortgage their future to obtain a college degree.

At other times in our nation's history, we have acted boldly to extend college opportunity. In 1862, a year after the Civil War began, President Abraham Lincoln signed into law the Morrill Land Grant Colleges Act which set aside at least 90,000 acres in each Union State—30,000 acres for each of the state seats in Congress. The Act was named for Congressman Justin Morrill from Vermont, and the funds from sales of the land were to be used for public colleges and universities in the fields of engineering, agriculture, and military science. In the following years, over 70 colleges were established, and in 1890, the Morrill Act was extended to Southern and Western States. Today, over 3.5 million students are educated in public colleges and universities first created under the Morrill Act.

The next great benchmark in higher education came in 1944 when President Franklin Roosevelt signed the GI Bill to help the vast number of veterans who would be returning to civilization when World War II ended. The nation embraced the transforming principles that became a cornerstone of our democracy, that the benefits of college education should be available to all in our society, not just the elite, the wealthy or the white. In less than a decade, 8 million veterans benefitted from the GI Bill, and the immense success of that bill is in no small measure the reason why the World War II generation is now called the Greatest Generation.

In the half century since the GI Bill was enacted, we have made ongoing efforts to make college a reality for as many young men and women as possible. In 1972, we created what we now know as Pell Grants to make college affordable for low and middle income families. Since then, over 79 million students have attended college with the assistance of a Pell Grant, which are named for our distinguished colleague Claiborne Pell, who served as Chairman of the Senate Committee.

In 1993, we created the Direct Loans to make inexpensive student loans available to college students. In the same year, we created AmeriCorps to encourage young people to serve their communities and pursue their education.

Now, in this new century, in this new century, it is essential for Congress to take new steps to make the dream of a college education a reality for all.

Men and women with a college degree now earn 75 percent more than those without it—a million dollars more in earnings over their lifetime. Those who

use computers on the job earn 43 percent more than those who do not. Jobs requiring at least some post-secondary education are estimated to account for over 40 percent of total employment growth over the next decade.

The need for a college education is greater than ever, but so is cost, and the soaring cost today is often pressing college education out of reach for qualified students. Last year, tuition and fees at four-year public colleges rose an average of 14 percent, and the year before, 10 percent. For families in the lowest quartile of income average public university costs now consume over 62 percent of their income—compared to 42 percent in the early 1970's.

It is shameful that federal aid has not kept pace with rising tuition. Twenty years ago, a Pell Grant covered over 80 percent of four-year college costs. Today, it covers less than 40 percent. Twenty years ago, the typical package of student financial aid had 60 percent in grants and 40 percent in loans. Today, the ratio is reduced the typical package now has 40 percent in grants and 60 percent loans—and the grant-loan imbalance is getting worse.

Each year, over a half a million high school graduates who are qualified for college do not go to college full-time, because they cannot pay the bill. The average low-income, college student has an average of \$3,800 a year in college costs not covered by grants, loans, work, or family savings.

Students who begin college have trouble staying in college and graduating from college. Only 48 percent of students from upper-income families graduate from college by age 24, and that figure is seven times the graduation rate of students from low-income families. Only 7 percent—7 percent—of low-income students graduate from college by age 24. Students from minority backgrounds and those who would be the first in their family to achieve a four-year college degree are 33 percent more likely to drop out of college.

Only forty percent of all whites in ages of 18 to 24 attend college. Only 30 percent of African-American and only 16 percent of all Latinos are enrolled in college. Four in ten Latino college students drop out within three years of their enrollment.

We cannot allow these unacceptable percentages to continue. We must do more to help students attend and finish college, and do more to help colleges train more teachers and better teachers for our public schools so that more young men and women will be able to go to college and earn their degree, and fulfill their role in the nation's future.

It is a privilege today to join our Democratic colleagues on the Education Committee, in introducing the College Quality, Affordability, and Diversity Improvement Act of 2003 to improve college opportunity for qualified students. We know that too many families and students across the country are struggling to afford the cost of college and we should do all we can to

help them. The bill will improve access to college in six key ways. It helps students pay for college by providing more financial aid. It slows the excessive increases in college tuition. It makes the repayment of students loan less costly. It encourages and rewards students working their way through school. It help minority and low-income students go to college and finish college. It improves the recruitment and training of public school teachers who will prepare the next generation of college students.

In compliance with the Congressional Budget Act of 1974, the cost of our bill is offset by eliminating windfall profits to banks that participate in the student loan program.

Fulfilling a pledge of "Education Security" requires renewed resolve by everyone—students, families, colleges, states, and the federal government. Students should work to save money for college. Families should pay what they can afford. Colleges should commit to reducing increases in tuition. States should continue as much support as they can for students. Federal support should fill the gap that remains.

Under our bill, \$1,500 more in student aid will be available to hard-pressed, middle-class families and \$3,800 to lower income families.

We increase the maximum Pell grant by nearly \$500, from \$4,050 to \$4,500, in order to keep pace with rising costs of tuition in public colleges; 4.8 million lower income and working class students will get larger Pell grants and 200,000 middle-class students will get Pell grants for the first time.

The Act makes \$3,000 in HOPE tax credit aid available to low-income families who currently do not receive this aid, in part because the tax credit is not refundable, and doubles the \$1,500 HOPE scholarship tax credit that middle-class families currently receive. Over 4 million Pell grant students in families with a median income of \$15,200 a year will receive the HOPE tax credit for the first time. For 3.2 million middle-income families, their tax credit will double in size.

The bill increases campus-based financial aid programs such as College Work-Study and the Supplemental Education Opportunity Grants, which means \$200 more in aid to needy students on average.

The bill eliminates \$100 in annual student taxes (also called "origination fees") on federal need-based loans. Over 5 million students will no longer have to pay these up-front fees for the privilege of borrowing tens of thousands of dollars.

For needy families struggling to send their children to college, these changes will provide \$3,800 in additional college aid each year—\$500 in increased Pell aid, \$3,000 in HOPE tax benefits, \$200 more in campus-based aid, and \$100 in waivers of student loan fees.

The rising cost of college is an increasingly serious problem for the nation. Students need more financial aid

each year. Families need protection from tuition increases that year after year are in the hundreds, or even thousands of dollars. We have ignored the tuition increase problem in higher education for too long.

In fact, few students actually pay "sticker price" tuition at private colleges, since many get a discount. At private universities, 8 out of every 10 students receives a discount from the published tuition cost, and those discounts average 40 percent of the sticker price.

The sticker price of college tuition is rising for many reasons. Public colleges are dependent on state funding that has been declining with the struggling national economy. As states cut back their support for higher education, tuition rises. Colleges can reduce some costs in order to limit tuition increases, and we can help them do so.

Tuition is rising in general because colleges believe that in the constant competition for students and faculty, it is necessary for each college to have the best facilities and programs. In effect, and because of this, a "higher education arms race," colleges are constantly striving to be ahead of the competition.

This bill rejects the price controls on college tuition that some have suggested. Instead, it creates incentives for colleges to reduce costs. It reduces regulatory costs for colleges and supports voluntary limits on cost growth. It requires states to do their part in supporting higher education. It ensures that families obtain better information about the true cost of college. And importantly, it rejects the idea of withholding federal student aid for students who attend colleges with excessive tuition costs, because doing so would hurt the neediest students.

Our bill supports the creation of college consortiums that will jointly buy in bulk and share the costs of health care, libraries, faculties, and other needs, so that they achieve economies of scale. It reduces regulatory burdens on colleges. When we lower the operating costs of colleges, we make it easier for them to restrain tuition increases.

The bill requires the Secretary of Education to convene a "higher education arms control" summit. Groups of competing colleges will be convened by the Secretary to negotiate limits on future growth in tuition. The Secretary will be given the authority to waive anti-trust protections, when the waiver is needed to achieve reduced tuition growth.

States and colleges must do their part to make college affordable. The bill insists that states must not treat college students like piggy banks to balance state budgets. The bill offers a new partnership to States, under which additional federal resources will be available to states that invest in higher education. States that dramatically cut higher education will be limited to current levels of aid.

Finally, our bill requires schools to publish their true tuition: the extent and average amount of discounts offered to students. Families should know how much school really will cost and how possible it is to bargain for the best deal.

No matter what we do on grants and college costs, loans will continue to be a large part of college aid, but that debt should not be excessive. Today, the average debt on student loans is \$17,000, but it can exceed \$100,000 for graduate students and professional students. This bill makes it easier to repay student loan debt or work it off. It creates a new refinancing option for borrowers now saddled with consolidated loans at high interest rates. It saves taxpayers money by rewarding student and school participation in the Direct Loan program.

The Act converts the current tax deduction for interest tax on student loans into a tax credit. This bipartisan proposal of Senator SNOWE and Senator SCHUMER will provide low-income graduates with up to \$1,500 in reimbursement for interest in student loans.

To encourage public service, the Act forgives the debt on Direct Loans for remaining after ten years for students in certain public sector jobs. Currently, student loan debt is often so large that it prevents students from accepting public interest jobs and forces them to look for higher paying jobs in the private sector. The bill rewards those who choose lower paying public interest jobs in sectors where the need is great, such as public safety, law enforcement, teaching, and public interest legal services.

In addition, the Act enables all college graduates to refinance their student loans, just as their families would refinance a home mortgage. Under current law, graduates who make payments on multiple variable interest rate student loans can consolidate their loans today into a single fixed rate loan at the relatively low interest rate of 3.42 percent. But over 5 million borrowers consolidated their student loans years ago at higher interest rates. The bill enables them to refinance that consolidated loan at today's prevailing interest rate.

The availability of new Refinanced Direct Loans will dramatically reduce student loan repayment for millions of college graduates. A middle-class borrower, for example, with \$60,000 in student loan debt at 7 percent interest will save \$1,200 a year, or more than \$10,000 over the life of the loan, if they refinance under this proposal.

Further, the bill rewards schools and students that save taxpayers money by participating in the federal Direct Loan program. For every dollar borrowed through the Direct Loan program instead of the traditional private FFEL program, taxpayers save approximately fourteen cents. Our bill offers schools that participate in the Direct Loan program a percentage of the federal savings earmarked for student

aid. Taxpayers will save money and students will receive more financial aid, as a result of this "Direct Loan Reward Program." It's a win-win proposal.

In light of the growing need today, current law imposes too heavy a penalty on students who work their way through college. Their financial aid is reduced by 50 cents for every after-tax dollar they earn.

This bill exempts from penalty the first \$9,000 earned by traditional college students and the first \$18,000 earned by adults attending college. Those students who work to support their college education deserve this additional assistance.

This bill includes a series of proposals to enable larger numbers of minority first-generation college students to go to college and graduate from college. Our national commitment to diversity in college education has been re-affirmed earlier this year by the Supreme Court. A major part of that commitment is preparing all young persons to approach the doors of higher education, making sure the gates are fully and fairly open to them, helping students to pay the costs, and enabling them to stay in college and graduate from college.

The Act increases funding for the successful TRIO and GEAR UP programs that provide information and counseling about college preparation, financial aid, and admissions.

It increases the access of low-income students to college preparation and tutoring programs for the Scholastic Achievement Test and American College Test that have been proven to be effective.

In addition, it assists students in making well-informed decisions on college applications and enrollments, encourages colleges to act on their own to modify policies that make it more difficult for already disadvantaged students to apply or enroll.

The Act supports partnerships between community colleges and four-year colleges, and it encourages them to provide targeted assistance in the form of tutoring, financial aid, child care, counseling, mentoring, and innovative course schedules, all with the goal of improving the admission, retention and graduation rates of low-income students, and non-traditional students.

Increased funding will be available for Hispanic-Serving Institutions and Historically Black Colleges and Universities. These colleges are the source of an extraordinary proportion of minority graduates from college and they deserve greater support.

The federal government must do its part in strengthening further diversity in higher education and colleges and individual students must do their part as well. Diversity is our nation's strength, and all of us have an obligation to support it.

The Act includes a series of initiatives to help recruit and retain high-

quality teachers for the nation's public schools. A fundamental aspect of preparing students for college means making sure they have a good teacher in every classroom.

The shortage of such teachers is increasingly severe. America will need more than 2 million new teachers in the next decade. Today, approximately one in every three teachers leaves teaching within the first three years, and almost half leave within the first five years. The No Child Left Behind Act has set a goal of a highly-qualified teacher in every classroom by 2006. Clearly, it is time for the nation to make teacher training a priority.

The Higher Education Act Amendments of 1998 included a new title II program to respond to the teacher shortage. The Act scales up the current title II "pilot program" and strengthens and expands it, so that every State will receive funds every year, in order to assure that as many children as possible are taught by highly qualified teachers.

The Act authorizes additional for State Grants and Partnership Grants, with the goal of establishing formula grants for every State. We need to train teachers more effectively, attract more men and women to the field of teaching, and encourage them to continue in the field. These grants will improve preparation, recruitment, and retention of teachers, and help States and schools put a highly qualified teacher in every classroom.

By increasing the accountability of teacher preparation programs, the Act strengthens teacher preparation courses, so that teachers will have the skills and support they need to succeed in the classroom. The bill creates a new national database to provide accurate information on the quality of these preparation programs.

In addition, the Act establishes innovative programs to attract and retain teachers. A mentoring program will help train new teachers and provide professional assistance from more experienced teachers. A new home-ownership program will provide teachers in high-need districts with funds to afford the purchase of a home. A separate initiative will develop links between community colleges and four-year colleges in teacher preparation programs, and help train teacher aides in high-need communities to become teachers.

The Act also helps attract teachers to high-need areas in high-demand subjects, by increasing the amount of student loan forgiveness from \$5,000 to \$15,000, for teachers who teach math, science, special education, bilingual education, or early education in these areas.

Good teachers in our schools are essential for preparing students to enter college. We must do all we can to support them and give them the training necessary to enable all students to achieve.

In total dollars, the size of this legislation is approximately \$15 billion a

year. For a sense of context, I would note that we have just approved an \$87 billion package for Iraq, have a \$786 billion annual discretionary budget, and a \$2.3 trillion annual mandatory and discretionary budget. This legislation is comparatively small.

There are three types of cost included. First, there are the tax provisions that total approximately \$9.2 billion a year—the same size as the President's tax breaks on dividend and capital gain income. We should replace those dividend and capital gains cuts for the very wealthy instead with the education tax benefits included in this legislation for families trying to pay for college.

Second, there are about \$1.3 billion in annual changes to the student loan program for which this legislation fully pays. The bill eliminates windfall profits to lenders in the loan program in order to pay fully for the elimination student loan origination fees and to enable borrowers out of school to refinance their consolidated loans.

In particular, this bill closes a loophole in the student loan program whereby taxpayers subsidize a small minority of lenders to the tune of over \$400 million a year in order to assure them a 9.5 percent rate of return. 9.5 percent is too much in today's interest rate environment. All lenders should receive the same guaranteed market rate of return for participating in the student loan program and no more.

Finally, the legislation includes approximately \$4.5 billion in annual increases in discretionary education spending. That amount equals one half of one percent of the discretionary budget and is the same amount that education funding increased last year. It is a modest proposal, frankly.

In the past, higher education policy helped the poor and the middle class together. In recent years, though, we have developed separate approaches for these two groups—grants for the poor, and tax benefits for the middle class. The median family income of recipients of Pell grants is \$15,000 a year. The HOPE Scholarship tax credit is available only to families with more than \$40,000 in income.

Because of the high cost of higher education for everyone, and because each student's own interest in a college education is also in our common interest, this bill will help both hard-pressed low-income and hard-pressed middle income families to send their children to college and prepare them for the future.

Our bill has the support of a variety of national groups: the United States Students' Association, the United States Public Interest Research Group, the Direct Loan Coalition, the National Council for Community and Education Partnerships, the Council for Opportunity in Education, the College Migrant Association, the National Association of Secondary School Principals, the American Federation of Teachers, the National Education Association, and Kaplan, Inc.

Quality, affordability, and diversity—these are the focus of this act because these are the three great challenges we face today in higher education policy and each closely related to the others. Together, we can meet these new challenges in this new century and make the promise of Education Security a reality not just a reality for some of our citizens but a reality for all of our citizens.

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. 1793

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 “College Quality, Affordability, and Diversity Improvement Act of 2003”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings.

TITLE I—ACCESS TO COLLEGE FOR ALL

- Sec. 101. Pell Grants.
- Sec. 102. Expansion of Hope scholarships.
- Sec. 103. Elimination of origination fees and adjustment of fees and terms.
- Sec. 104. Direct Loan Reward Program.
- Sec. 105. Costs of higher education.
- Sec. 106. Credit for interest on higher education loans.
- Sec. 107. Refinancing authority for Federal Direct Consolidation Loan.
- Sec. 108. Loans funded through tax-exempt securities.
- Sec. 109. Windfall profit offset.
- Sec. 110. Support for working students.
- Sec. 111. Student eligibility.
- Sec. 112. Authorization of appropriations levels for campus-based aid.
- Sec. 113. Special programs for students whose families are engaged in migrant and seasonal farm-work.
- Sec. 114. Loan forgiveness and cancellation for certain teachers.
- Sec. 115. Revision of tax table.
- Sec. 116. Income contingent repayment for public sector employees.

TITLE II—TEACHER QUALITY ENHANCEMENT

- Sec. 201. Amendment to title II.

TITLE III—DIVERSITY, RETENTION, AND ENRICHED ACADEMICS FOR MATRICULATING STUDENTS

- Sec. 301. Test preparation for low-income students.
- Sec. 302. Admissions and retention.
- Sec. 303. Federal Trio program.
- Sec. 304. Gear Up.
- Sec. 305. Leveraging educational assistance partnership program.

TITLE IV—OPPORTUNITIES AT HISPANIC-SERVING INSTITUTIONS

- Sec. 401. Postbaccalaureate opportunities for Hispanic Americans.
- Sec. 402. Definitions.
- Sec. 403. Authorized activities.
- Sec. 404. Elimination of wait-out period.
- Sec. 405. Application priority.

TITLE V—HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

- Sec. 501. Professional or graduate institutions.

Sec. 502. Graduate and professional degree development program.

Sec. 503. Authorization of appropriations.

Sec. 504. Patsy T. Mink fellowship program. TITLE VI—RECRUITMENT OF TEACHERS TO TEACH AT TRIBAL COLLEGES OR UNIVERSITIES

Sec. 601. Loan repayment or cancellation for individuals who teach in Tribal Colleges or Universities.

Sec. 602. Amounts forgiven not treated as gross income.

SEC. 3. FINDINGS.

Congress finds the following:

(1) A college education is more important than ever, and the Federal Government should do more to make it affordable and accessible to all qualified students because—

(A) recent shifts in the economy have increased the demand for college-educated workers and increased the wage gap between college-educated workers and those without a degree (workers with a Bachelor's degree earn 75 percent more than workers with just a high school diploma); and

(B) jobs requiring some postsecondary education are expected to account for about 42 percent of total job growth from 2000 through 2010.

(2) Increased access to college, reformed admissions systems, and better retention of students are needed because—

(A) 65 percent of high-income students are on a college-preparatory track, whereas only 28 percent of low-income students are on a college-preparatory track;

(B) 7 times as many students from high-income families (48 percent) graduate from college by age 24 as students from low-income families (7 percent);

(C) 80 percent of 4-year institutions of higher education use the SAT in the admissions process;

(D) commercial SAT coaching classes, such as those run by Kaplan, Inc. and Princeton Review, have demonstrated effectiveness in raising a student's SAT score by 100 points or more, which can significantly improve a student's chance of getting into an elite college;

(E) SAT coaching programs range from \$700 to \$3,000 per course and the costs are prohibitive for low-income students;

(F) those students who receive SAT coaching tend to be disproportionately middle or upper class;

(G) 34 percent of students who receive SAT coaching are from families whose combined annual income is between \$40,000 and \$80,000, and 43 percent are from families whose combined annual income is more than \$80,000;

(H) applying to college early decision provides an advantage to an applicant equal to an additional 100 points on the SAT;

(I) low-income students are less able to apply to colleges early decision because such students need to compare the financial aid packages at different colleges;

(J) 40 percent of all Whites age 18 through 24 are enrolled in institutions of higher education, whereas only 30 percent of all African-Americans and only 16 percent of all Hispanics are enrolled in institutions of higher education;

(K) nearly 4 out of every 10 Hispanics enrolled full time in 4-year colleges drop out within 3 years of their initial enrollment, African-Americans are half as likely as White students to complete a Bachelor's degree in 4 years, and low-income students are half as likely as upper-income students to complete a Bachelor's degree in 4 years;

(L) in 1990, 1 in 4 Americans was a member of a minority group, and in 2001, 1 in 3 Americans was a member of a minority group;

(M) low-income, college-qualified high school graduates have an annual “unmet

need” of \$3,800 in college expenses, expenses not covered by grants, loans, work, or family savings;

(N) 46 percent of all students who work in addition to being full-time students report 25 hours or more a week of employment; and

(O) 50 percent of those employed more than 25 hours a week report that working hurts their grades and retention in college, and students who work more than 35 hours a week are considerably less likely to complete a year of college than those who work less than 15 hours a week.

(3) Federal student aid is too focused on loans instead of grant aid because—

(A) although approximately \$55,000,000,000 is made available annually in direct and indirect Federal aid to postsecondary education students and their families, in 2002, 60 percent of such Federal student aid was in the form of loans while only 40 percent was in the form of grants, a reversal of the distribution 20 years ago;

(B) the purchasing power of the Pell Grant has declined since Pell Grants cover only 40 percent of average fixed costs at 4-year public colleges, about half of what they covered 25 years ago;

(C) 15 years ago Pell Grants covered 98 percent of average tuition at 4-year public colleges, whereas today Pell Grants only cover 64 percent on average;

(D) the Federal Government saves money under the Direct Loan program and makes a profit of 3.5 cents on every dollar lent under the Direct Lending program, while it loses 10.37 cents on every dollar lent under the Federal Family Education Loan Program; and

(E) average student indebtedness is \$17,000, and reaches over \$120,000 for professional school graduates.

(4) The Federal Government should do more to help States, local educational agencies, and schools ensure a qualified teacher in every classroom because under the No Child Left Behind Act of 2001, States are required to ensure that all teachers teaching in core academic subjects within the State are “highly qualified” not later than the end of the 2005–2006 school year. States need to do much more to meet the challenges in the new Federal law. In the 1999–2000 school year, 29 percent of elementary school students, 59 percent of middle school students, and 29 percent of high school students were taught by teachers without both a major and certification in the subject in which they taught.

(5) There is a severe shortage of qualified teachers, especially in high-need fields and low-income areas because—

(A) approximately a third of America's teachers leave teaching sometime during their first 3 years of teaching and almost half leave during the first 5 years;

(B) overall turnover rate for teachers in high-poverty areas is almost a third higher than it is for teachers in all schools;

(C) underqualified teachers are more often found in high-poverty schools; and

(D) in low-poverty secondary schools, approximately 1/3 of students are taught by a teacher who lacks either a college degree in the subject area in which the teacher teaches or certification in such subject area, while in high-poverty secondary schools, approximately 1/2 of students are taught by such a teacher.

(6) Teacher shortages are more severe in some fields than in others:

(A) Employment opportunities in teaching special education are expected to grow 21 to 35 percent through 2010, an increase of over 150,000 positions.

(B) The most recent data from a 1994 General Accounting Office report estimates a

shortage of 100,000 to 200,000 bilingual teachers, even as the limited English proficient student population continues to grow.

(C) It is estimated that of the 2,000,000 teachers needed over the next 10 years, almost 200,000 will be secondary school mathematics and science teachers.

TITLE I—ACCESS TO COLLEGE FOR ALL

SEC. 101. PELL GRANTS.

(a) APPROPRIATION OF FUNDS FOR PELL GRANTS.—There are authorized to be appropriated and there are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2004, for carrying out subpart 1 of part A of title IV of the Higher Education Act of 1965, \$14,515,000,000.

(b) AUTHORIZATION AMOUNT AND MAXIMUM PELL GRANT.—Section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking “appropriation Act” and inserting “appropriation Act or subparagraph (C)”;

(B) by adding at the end the following:

“(C) The maximum Pell Grant for which a student shall be eligible during award year 2004–2005 shall be \$4,500.”; and

(2) in paragraph (2)(A), by striking clauses (i) through (v) and inserting the following:

“(i) \$7,600 for academic year 2005–2006;

“(ii) \$8,600 for academic year 2006–2007;

“(iii) \$9,600 for academic year 2007–2008;

“(iv) \$10,600 for academic year 2008–2009; and

“(v) \$11,600 for academic year 2009–2010.”.

SEC. 102. EXPANSION OF HOPE SCHOLARSHIPS.

(a) EXPANSION OF HOPE SCHOLARSHIP CREDIT.—

(1) DOUBLE MAXIMUM CREDIT TO \$3,000.—Subsection (b) of section 25A of the Internal Revenue Code of 1986 (relating to Hope and Lifetime Learning credits) is amended by striking “2” in paragraph (4) and inserting “3”.

(2) CREDIT AVAILABLE FOR 4 YEARS.—Subsection (b) of section 25A of such Code is amended by striking “2” each place it appears in paragraphs (2)(A), (2)(C), and (4) and inserting “4”.

(3) REFUNDABLE CREDIT.—

(A) IN GENERAL.—Section 25A of such Code is hereby moved to subpart C of part IV of subchapter A of chapter 1 of such Code (relating to refundable credits) and inserted after section 35.

(B) TECHNICAL AMENDMENTS.—

(i) Section 36 of such Code is redesignated as section 37.

(ii) Section 25A of such Code (as moved by subsection (a)) is redesignated as section 36.

(iii) Paragraph (1) of section 36(a) of such Code (as redesignated by paragraph (2)) is amended by striking “this chapter” and inserting “this subtitle”.

(iv) Subparagraph (B) of section 72(t)(7) of such Code is amended by striking “section 25A(g)(2)” and inserting “section 36(g)(2)”.

(v) Subparagraph (A) of section 135(d)(2) of such Code is amended by striking “section 25A” and inserting “section 36”.

(vi) Section 221(d) of such Code is amended—

(I) by striking “section 25A(g)(2)” in paragraph (2)(B) and inserting “section 36(g)(2)”;

(II) by striking “section 25A(f)(2)” in paragraph (2)(B) and inserting “section 36(f)(2)”;

(III) by striking “section 25A(b)(3)” in paragraph (3) and inserting “section 36(b)(3)”.

(vii) Section 222 of such Code is amended—

(I) by striking “section 25A” in subparagraph (A) of subsection (c)(2) and inserting “section 36”;

(II) by striking “section 25A(f)” in subsection (d)(1) and inserting “section 36(f)”;

and

(III) by striking “section 25A(g)(2)” in subsection (d)(1) and inserting “section 36(g)(2)”.

(viii) Section 529 of such Code is amended—

(I) by striking “section 25A(g)(2)” in subclause (I) of subsection (c)(3)(B)(v) and inserting “section 36(g)(2)”;

(II) by striking “section 25A” in subclause (II) of subsection (c)(3)(B)(v) and inserting “section 36”;

(III) by striking “section 25A(b)(3)” in clause (i) of subsection (e)(3)(B) and inserting “section 36(b)(3)”.

(ix) Section 530 of such Code is amended—

(I) by striking “section 25A(g)(2)” in subclause (I) of subsection (d)(2)(C)(i) and inserting “section 36(g)(2)”;

(II) by striking “section 25A” in subclause (II) of subsection (d)(2)(C)(i) and inserting “section 36”;

(III) by striking “section 25A(g)(2)” in clause (iii) of subsection (d)(4)(B) and inserting “section 36(g)(2)”.

(x) Subsection (e) of section 6050S of such Code is amended by striking “section 25A” and inserting “section 36”.

(xi) Subparagraph (J) of section 6213(g)(2) of such Code is amended by striking “section 25A(g)(1)” and inserting “section 36(g)(1)”.

(xii) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period “or from section 36 of such Code”.

(xiii) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 36 and inserting the following:

“Sec. 36. Hope and Lifetime Learning credits.

“Sec. 37. Overpayments of tax.”.

(xiv) The table of sections for subpart A of such part IV is amended by striking the item relating to section 25A.

(4) CREDIT ALLOWED FOR COST OF ATTENDANCE.—

(A) IN GENERAL.—

(i) Subsection (b) of section 36 of such Code, as moved and redesignated by paragraph (3), is amended by striking “qualified tuition and related expenses” each place it occurs and inserting “cost of attendance”.

(ii) Subsection (f) of such section 36 is amended by adding at the end the following new paragraph:

“(3) NO PELL REDUCTION.—The term ‘cost of attendance’ has the meaning given such term in section 472 of the Higher Education Act of 1965, except that the term shall not include any costs described in paragraph (4) or (5) of such section.”.

(B) CONFORMING AMENDMENTS.—

(i) Subsection (b)(1)(B) of such section 36 is amended by striking “such expenses” and inserting “such cost”.

(ii) Subsections (e) and (g) of such section 36 are amended by inserting “the cost of attendance or” before “qualified” each place it appears.

(5) EXPANSION OF LIMITATION.—

(A) IN GENERAL.—Subsection (d) of section 36 of such Code, as moved and redesignated by paragraph (3), is amended—

(i) in paragraph (1), by striking the period and inserting “in the case of the Lifetime Learning Credit and paragraph (3) in the case of the Hope Scholarship Credit.”;

(ii) in paragraph (2), by inserting “FOR THE LIFETIME LEARNING CREDIT” in the heading after “REDUCTION”;

(iii) by redesignating paragraph (3) as paragraph (4) and by adding after paragraph (2) the following new paragraph:

“(3) AMOUNT OF REDUCTION FOR HOPE SCHOLARSHIP CREDIT.—The amount determined under this paragraph is the amount which

bears the same ratio to the amount which would be so taken into account as—

“(A) the excess of—

“(i) the taxpayer’s modified adjusted gross income for such taxable year, over

“(ii) the sum of—

“(I) the amount of any education assistance received by the student that is not subject to tax under this chapter, and

“(II) \$40,000 (\$80,000 in the case of a joint return), bears to

“(B) \$10,000 (\$20,000 in the case of a joint return).”.

(B) CONFORMING AMENDMENTS.—Subsection (h) of such section 36 is amended—

(i) in paragraph (2), by inserting “FOR THE LIFETIME LEARNING CREDIT” in the heading after “LIMITS”;

(ii) by inserting at the end the following new paragraph:

“(3) INCOME LIMITS FOR HOPE SCHOLARSHIP CREDIT.—

“(A) IN GENERAL.—In the case of a taxable year beginning after 2003, the \$40,000 and \$80,000 amounts in subsection (d)(3) shall each be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2002’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of \$1,000, such amount shall be rounded to the next lowest multiple of \$1,000.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 103. ELIMINATION OF ORIGINATION FEES AND ADJUSTMENT OF FEES AND TERMS.

(a) DIRECT LOANS.—Section 455(c) of the Higher Education Act of 1965 (20 U.S.C. 1087e(c)) is amended to read as follows:

“(c) LOAN FEE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall charge the borrower of a loan made under this part an origination fee of 4.0 percent of the principal amount of the loan.

“(2) EXCEPTION FOR SUBSIDIZED LOANS.—The Secretary may not charge the borrower of a loan made under this part an origination fee if the borrower receives an interest subsidy for such loan.”.

(b) FFEL PROGRAM.—Section 438(c) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(c)) is amended by adding at the end the following:

“(9) TERMINATION OF ORIGINATION FEES FOR SUBSIDIZED LOANS.—Notwithstanding any other provision of this subsection, with respect to any loan made, insured, or guaranteed under this part on or after the first July 1 after the date of enactment of this paragraph for which a borrower receives an interest subsidy under section 428(a)—

“(A) no eligible lender may collect directly or indirectly from the borrower any origination fee with respect to such loan, or any other fee relating to the origination of a loan however described; and

“(B) the Secretary shall not collect any origination fee from the lender under this subsection.”.

(c) ADJUSTMENT OF FEES AND LOANS FOR DIRECT LOANS.—Section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e) is amended by adding at the end the following:

“(m) ADJUSTMENT OF FEES AND LOANS.—Notwithstanding any other provision of law, the Secretary shall adjust the fees and terms for Federal Direct Unsubsidized Stafford Loans to be equal to the fees and terms for loans made to borrowers under section 428H.”.

SEC. 104. DIRECT LOAN REWARD PROGRAM.

Part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) is amended by adding at the end the following:

“SEC. 460A. DIRECT LOAN REWARD PROGRAM.

“(a) **SHORT TITLE.**—This section may be cited as the ‘Direct Loan Reward Act’.

“(b) **PROGRAM AUTHORIZED.**—The Secretary shall carry out a Direct Loan Reward Program to encourage institutions of higher education to participate in the student loan program under this part.

“(c) **PROGRAM REQUIREMENTS.**—In carrying out the Direct Loan Reward Program, the Secretary shall—

“(1) provide to each institution of higher education participating in the student loan program under this part a financial reward payment, in an amount determined in accordance with subsection (d), to encourage the institution to provide student loans under this part;

“(2) require each institution of higher education receiving a payment under this section to provide student loans under this part for a period of 5 years from the date the payment is made;

“(3) require that funds paid to institutions of higher education under this section be used to award students Federal Supplemental Educational Opportunity Grants in accordance with subpart 3 of part A, except that an institution of higher education shall not be required to provide any matching funds with respect to such awards; and

“(4) for a period of 2 years beginning on the date of enactment of this section, encourage all institutions of higher education to participate in the Direct Loan Reward Program.

“(d) **AMOUNT.**—The amount of a financial reward payment under this section shall be—

“(1) in the case of the first year of an institution of higher education's participation in the Direct Loan Reward Program, an amount equal to 50 percent of the savings to the Federal Government generated by the institution's participation in the student loan program under this part instead of the institution's participation in the student loan program under part B; and

“(2) in the case of the second through fifth years of an institution of higher education's participation in the Direct Loan Reward Program, an amount equal to 10 percent of the savings to the Federal Government generated by the institution's participation in the student loan program under this part instead of the institution's participation in the student loan program under part B.

“(e) **TRIGGER TO ENSURE COST NEUTRALITY.**—

“(1) **LIMIT TO ENSURE COST NEUTRALITY.**—Notwithstanding subsection (d), the Secretary shall not distribute financial reward payments under the Direct Loan Reward Program that, in the aggregate, exceed the Federal savings resulting from implementation of the Direct Loan Reward Program.

“(2) **FEDERAL SAVINGS.**—In calculating Federal savings, as used in paragraph (1), the Secretary shall determine any Federal savings on loans made to students at institutions of higher education that participate in the Direct Loan Reward Program and that, on the date of enactment of the Direct Loan Reward Program, participated in the student loan program under part B, resulting from the difference of—

“(A) the Federal cost of loan volume made under this part; and

“(B) the Federal cost of an equivalent type and amount of loan volume made, insured, or guaranteed under part B.

“(3) **DISTRIBUTION RULES.**—If the Federal savings determined under paragraph (2) is not sufficient to distribute full financial reward payments under the Direct Loan Reward Program, the Secretary shall—

“(A) first make financial reward payments to those institutions of higher education that participated in the student loan program under part B on the date of enactment of the Direct Loan Reward Program; and

“(B) with any remaining Federal savings after making payments under subparagraph (A), make financial reward payments to the institutions of higher education not described in subparagraph (A) on a pro-rata basis.

“(4) **CARRY OVER.**—Any institution of higher education that receives a reduced financial reward payment under paragraph (3)(B), shall remain eligible for the unpaid portion of such institution's financial reward payment, as well as any additional financial reward payments for which the institution is otherwise eligible, in subsequent fiscal years.”.

SEC. 105. COSTS OF HIGHER EDUCATION.

(a) **SUPPORTING REDUCED TUITION INCREASES.**—Part C of title I of the Higher Education Act of 1965 (20 U.S.C. 1015 et seq.) is amended by adding at the end the following:

“SEC. 132. ECONOMIES OF SCALE.

“(a) **AUTHORIZATION.**—

“(1) **IN GENERAL.**—The Secretary is authorized to award grants, on a competitive basis, to university consortia to enable such consortia to engage in endeavors to reduce college costs.

“(2) **UNIVERSITY CONSORTIUM.**—In this section, the term ‘university consortium’ means a consortium of not less than 5 two- or four-year degree granting institutions of higher education that receive assistance under title IV.

“(3) **DURATION.**—Grants awarded under this section shall be for a period of not more than 4 years.

“(b) **APPLICATION.**—

“(1) **IN GENERAL.**—A university consortium that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines appropriate.

“(2) **CONTENT.**—An application submitted under paragraph (1) shall include—

“(A) a list of the institutions of higher education that are partners in the university consortium;

“(B) a letter of intent to participate in the university consortium from each partner institution of higher education;

“(C) a general description of the nature of the programs, activities, or other cost-cutting measures to be carried out by the university consortium with funds received under this section, and the cost of such programs, activities, or other cost-cutting measures;

“(D) a description of how such activities are expected to result in cost savings for all partner institutions of higher education;

“(E) an estimation of how much money will be saved through such activities;

“(F) an assurance that when the university consortium efforts begin to post savings for the partner institutions of higher education, not less than 50 percent of the savings will be passed to students by cutting or maintaining student tuition rates or increasing student aid;

“(G) an assurance that each partner institution of higher education will not raise tuition more than twice the inflation change tracked pursuant to section 131(c)(4) from academic year to subsequent academic year during the life of the grant;

“(H) a general timeline of how the university consortium will carry out planned activities and when savings are expected to be posted; and

“(I) a statement as to how the university consortium plans to provide matching funds required under this section.

“(3) **PEER REVIEW PANEL.**—

“(A) **IN GENERAL.**—The Secretary shall submit to a peer review panel each application submitted under paragraph (1).

“(B) **COMPOSITION.**—The peer review panel shall consist of representatives from—

“(i) higher education, including professors;

“(ii) the Department; and

“(iii) the business community.

“(C) **APPROVAL OR DISAPPROVAL.**—With respect to each application, the peer review panel shall recommend whether each applicant should be awarded a grant under this section.

“(c) **AWARDING OF GRANTS.**—

“(1) **GEOGRAPHIC DISTRIBUTION.**—In awarding grants under this section, the Secretary shall take into consideration providing an equitable geographic distribution of the grants throughout the United States.

“(2) **MAXIMUM AWARD.**—A grant award under this section shall be not more than \$200,000. Not more than \$75,000 may be awarded in the first year of the grant award and remaining funds shall be evenly divided over the remaining 3 years.

“(d) **ACTIVITIES.**—

“(1) **COST-CUTTING ACTIVITIES.**—A university consortium awarded a grant under this section shall use the grant funds to cut partner institution of higher education costs by carrying out 1 or more of the following activities:

“(A) Cooperative purchasing of health care and other employee benefit plans.

“(B) Cooperative purchasing of technology infrastructure.

“(C) Joint degree programs.

“(D) Expansion of joint distance education programs across institutions of higher education.

“(E) Shared library acquisitions.

“(F) Development and implementation of a credit transfer system among partner institutions of higher education.

“(G) Development and implementation of cooperative billing structures.

“(H) Development and implementation of joint professional development for faculty and staff.

“(I) Joint legal counsel.

“(J) Other activities that have the effect of cutting partner institution of higher education costs.

“(2) **FURTHER ACTIVITIES.**—A university consortium may carry out activities not listed in paragraph (1) in addition to carrying out 1 or more activities listed in paragraph (1).

“(3) **COST SAVINGS TO STUDENTS.**—Each partner institution of higher education of a university consortium awarded a grant under this section shall—

“(A) not raise tuition more than twice the rate of inflation from academic year to subsequent academic year during the life of the grant; and

“(B) pass on to the students at such institution not less than 50 percent of the savings from the grant by cutting or maintaining student tuition rates or increasing student aid.

“(e) **MATCHING FUNDS.**—

“(1) **IN GENERAL.**—Each university consortium awarded a grant under this section shall provide matching funds from non-Federal sources to carry out activities under this section in an amount equal to—

“(A) 40 percent of the grant award in the first year;

“(B) 50 percent of the grant award in the second year;

“(C) 65 percent of the grant award in each of the third and fourth years; and

“(D) 80 percent of the grant award in the fifth year.

“(2) IN-KIND CONTRIBUTIONS.—Not more than 50 percent of the matching funds required under paragraph (1) may be provided in the form of in-kind contributions.

“(f) ONE-TIME AWARD.—A university consortium may receive a grant under this section only one time.

“(g) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, not supplant, other funds available for institutional or campus-based student aid.

“(h) REPORTING.—

“(1) ANNUAL REPORT.—

“(A) IN GENERAL.—Each university consortium awarded a grant under this section shall submit an annual report to the Secretary on progress toward meeting the purposes of this section.

“(B) CONSEQUENCES OF NOT MAKING SUBSTANTIAL PROGRESS.—If the Secretary, after consultation with the peer review panel described in subsection (b)(3), determines that the university consortium is not making substantial progress in meeting the purposes and goals of this section, as appropriate, by the end of the second year of the grant, the grant shall not be continued for the third and fourth year of the grant.

“(2) REPORT BY THE SECRETARY.—The Secretary shall—

“(A) conduct an analysis on the overall effectiveness of university consortia in cutting college costs and passing savings on to students; and

“(B) make the analysis under subparagraph (A) available to Congress and the public biannually.

“(i) NATIONAL ACTIVITIES.—The Secretary may reserve not more than 5 percent of the funds appropriated for this section for any fiscal year for—

“(1) peer review of applications;

“(2) conducting the analysis required under subsection (h)(3); and

“(3) technical assistance.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$5,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.”

(b) COLLEGE COST SUMMIT.—Part C of title I of the Higher Education Act of 1965 (20 U.S.C. 1015 et seq.), as amended by subsection (a), is further amended by adding at the end the following:

“SEC. 133. COLLEGE COST SUMMIT.

“(a) IN GENERAL.—The Secretary shall convene a college cost summit with representatives of competing peer institutions of higher education for the purpose of negotiating voluntarily agreed upon limits on future college tuition and fee increases.

“(b) SECRETARIAL APPROVAL.—No agreement reached pursuant to subsection (a) shall take effect absent approval by the Secretary.

“(c) ANTITRUST EXEMPTION.—

“(1) DEFINITIONS.—In this subsection:

“(A) ANTITRUST LAWS.—The term ‘antitrust laws’ has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition.

“(B) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’—

“(i) means an institution of higher education as defined in section 101; and

“(ii) includes any individual acting on behalf of such an institution.

“(2) EXEMPTION.—The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among institutions of higher education or

their representatives pursuant to this section and for the purpose of, and limited to, negotiating voluntarily agreed upon limits on future college tuition and fee increases, approved by the Secretary.”

(c) MAINTENANCE OF EFFORT.—Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

“Subpart 9—Maintenance of Effort

“SEC. 420K. MAINTENANCE OF EFFORT.

“(a) IN GENERAL.—A public institution of higher education is eligible to receive the full amount of assistance under this title for any fiscal year only if the Secretary determines that the State in which the public institution of higher education is located maintains not less than 90 percent of its support for higher education from the preceding fiscal year, as demonstrated by the State aggregate expenditures with respect to the provision of higher education.

“(b) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

“(1) exceptional or uncontrollable circumstances, such as a natural disaster; or

“(2) a precipitous, unpredicted, and unpredictable decline in State budget authority.

“(c) CONSEQUENCES OF FAILURE TO MAINTAIN EFFORT.—Notwithstanding any other provision of this Act, the Secretary shall adjust the level of assistance available to institutions described in subsection (a) by restoring the Pell Grant maximum under this part and student loan fees under parts B and D to their levels on June 30, 2004.”

(d) TRUTH-IN-TUITION.—Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), as amended by subsection (c), is further amended by adding at the end the following:

“Subpart 10—Truth-in-Tuition

“SEC. 420L. DISCLOSURE IN APPLICATION.

“An institution of higher education that receives Federal funds and is eligible for assistance under this title shall include in materials accompanying an application for admission to the institution up to date annual trend information regarding the extent and average amount of such institution’s tuition and fee discounts.”

(e) COLLEGE CONSUMER PRICE INFORMATION.—Section 131(c)(4) of the Higher Education Act of 1965 (20 U.S.C. 1015(c)(4)) is amended to read as follows:

“(4) HIGHER EDUCATION MARKET BASKET.—

“(A) IN GENERAL.—The Bureau of Labor Statistics, in consultation with the Commissioner for Education Statistics, shall develop a higher education cost index that tracks inflation changes in the necessary costs associated with higher education.

“(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph \$7,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.”

SEC. 106. CREDIT FOR INTEREST ON HIGHER EDUCATION LOANS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

“SEC. 25C. INTEREST ON HIGHER EDUCATION LOANS.

“(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the interest paid by the taxpayer during the taxable year on any qualified education loan.

“(b) MAXIMUM CREDIT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowed by subsection (a) for the taxable year shall not exceed \$1,500.

“(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

“(A) IN GENERAL.—If the modified adjusted gross income of the taxpayer for the taxable year exceeds \$50,000 (\$100,000 in the case of a joint return), the amount which would (but for this paragraph) be allowable as a credit under this section shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so allowable as such excess bears to \$10,000 (\$20,000 in the case of a joint return).

“(B) MODIFIED ADJUSTED GROSS INCOME.—The term ‘modified adjusted gross income’ means adjusted gross income determined without regard to sections 911, 931, and 933.

“(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2004, the \$50,000 and \$100,000 amounts referred to in subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘2003’ for ‘1992’.

“(D) ROUNDING.—If any amount as adjusted under subparagraph (C) is not a multiple of \$50, such amount shall be rounded to the nearest multiple of \$50.

“(c) DEPENDENTS NOT ELIGIBLE FOR CREDIT.—No credit shall be allowed by this section to an individual for the taxable year if a deduction under section 151 with respect to such individual is allowed to another taxpayer for the taxable year beginning in the calendar year in which such individual’s taxable year begins.

“(d) LIMIT ON PERIOD CREDIT ALLOWED.—A credit shall be allowed under this section only with respect to interest paid on any qualified education loan during the first 60 months (whether or not consecutive) in which interest payments are required. For purposes of this paragraph, any loan and all refinancings of such loan shall be treated as 1 loan.

“(e) DEFINITIONS.—For purposes of this section:

“(1) QUALIFIED EDUCATION LOAN.—The term ‘qualified education loan’ has the meaning given such term by section 221(d)(1).

“(2) DEPENDENT.—The term ‘dependent’ has the meaning given such term by section 152.

“(f) SPECIAL RULES.—

“(1) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any amount taken into account for any deduction under any other provision of this chapter.

“(2) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and the taxpayer’s spouse file a joint return for the taxable year.

“(3) MARITAL STATUS.—Marital status shall be determined in accordance with section 7703.”

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25B the following new item:

“Sec. 25C. Interest on higher education loans.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any qualified education loan (as defined in section 25C(e)(1) of the Internal Revenue Code of 1986, as added by this section) incurred on, before, or after the date of enactment of this

Act, but only with respect to any loan interest payment due after December 31, 2002.

SEC. 107. REFINANCING AUTHORITY FOR FEDERAL DIRECT CONSOLIDATION LOAN.

Section 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1087e(g)) is amended—

(1) by striking “A borrower” and inserting the following:

“(1) IN GENERAL.—A borrower”; and

(2) by adding at the end the following:

“(2) REFINANCING AUTHORITY.—

“(A) IN GENERAL.—Notwithstanding any other provision of this part, a borrower may refinance a Federal Direct Consolidation Loan at the prevailing fixed rate as determined by the Secretary, if the interest rate on such borrower’s Federal Direct Consolidation Loan is not less than the sum of 3.3 percent and the average of the bond equivalent rates of the 91-day Treasury bills auctioned for the previous calendar quarter.

“(B) ONE-TIME ONLY.—A borrower may refinance under subparagraph (A) only once.”.

SEC. 108. LOANS FUNDED THROUGH TAX-EXEMPT SECURITIES.

(a) REPEAL.—Subparagraph (B) of section 438(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)) is repealed.

(b) LOANS FUNDED THROUGH TAX-EXEMPT SECURITIES.—Section 438(b)(2) of the Higher Education Act of 1965 is amended further by inserting after subparagraph (A) the following:

“(B) Notwithstanding any other provision of law, the quarterly rate of the special allowance for the holders of loans financed directly, indirectly, or derivatively with funds obtained by the holders from the issuance of obligations, the income from which is excluded from gross income under the Internal Revenue Code of 1986, regardless of the date of the issuance of the obligations, shall be the quarterly rate of the special allowance established under subparagraph (A), (E), (F), (G), or (H), as the case may be.”.

SEC. 109. WINDFALL PROFIT OFFSET.

Section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1) is amended by adding at the end the following:

“(g) WINDFALL PROFIT OFFSET.—

“(1) IN GENERAL.—Except as provided in paragraph (2), at the end of every fiscal quarter for which an eligible lender does not receive a special allowance payment under this section, the eligible lender shall pay to the Secretary of the Treasury for deposit into the Treasury as miscellaneous receipts a windfall profit offset payment for the fiscal quarter equal to the amount by which—

“(A) the aggregate amount of all payments of interest received by the eligible lender from borrowers on all loans made, insured, or guaranteed under this part during the fiscal quarter; exceeds

“(B) interest guaranteed the lender under this section for the fiscal quarter, irrespective of the amount received under subparagraph (A).

“(2) EXCEPTION.—An eligible lender shall not be subject to the requirement of paragraph (1) if the eligible lender is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and a nonprofit entity as defined by applicable State law, and meets the following requirements:

“(A) The eligible lender does not confer a salary or benefits to any employee of the lender in an amount that is in excess of the salary and benefits provided to the Secretary by the Department.

“(B) The eligible lender does not maintain an ongoing relationship whereby it passes on revenue directly or indirectly through lease, securitization, resale, or any other financial instrument to a for-profit entity or to shareholders.

“(C) The eligible lender does not offer benefits to a borrower in a manner directly or indirectly predicated on such borrower’s participation in a program under this part, part D, or with any particular lender.

“(D) The eligible lender certifies that it uses the windfall profit amount described in paragraph (1) to carry out the purposes of this Act through activities such as the following:

“(i) Conferring grants, scholarships, or loans.

“(ii) Financing work-study student employment.

“(iii) Carrying out activities authorized under chapters 1 and 2 of subpart 2 of part A.

“(E) The eligible lender is subject to public oversight through either a State charter, or not less than 50 percent of the lender’s board of directors consists of State appointed representatives.

“(F) The eligible lender does not engage in the marketing of the relative value of programs under this part as compared to programs under part D, nor does the lender engage in the marketing of loans or programs offered by for-profit lenders. This subparagraph shall not be construed to prohibit the eligible lender from conferring basic information on lenders under this part and the related benefits offered by such lenders.”.

SEC. 110. SUPPORT FOR WORKING STUDENTS.

(a) DEPENDENT STUDENTS.—Section 475(g)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087oo(g)(2)) is amended by striking subparagraph (D) and inserting the following:

“(D) \$9,000;.”

(b) INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—Section 476(b)(1)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087pp(b)(1)(A)) is amended by striking clause (iv) and inserting the following:

“(iv) \$13,000;.”

(c) INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—Section 477(b) of the Higher Education Act of 1965 (20 U.S.C. 1087qq(b)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (D) and inserting the following:

“(D) \$18,000;.”; and

(B) in subparagraph (E), by striking “paragraph (5)” and inserting “paragraph (4)”;

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

(d) CONFORMING AMENDMENTS.—Section 478 of the Higher Education Act of 1965 (20 U.S.C. 1087rr) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) INCOME PROTECTION ALLOWANCE.—For each academic year after academic year 1993–1994, the Secretary shall publish in the Federal Register a revised table of income protection allowances for the purpose of section 475(c)(4). Such revised table shall be developed by increasing each of the dollar amounts contained in the table in such section by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 1992 and the December next preceding the beginning of such academic year, and rounding the result to the nearest \$10.”; and

(2) in subsection (h)—

(A) in the first sentence, by striking “477(b)(5)” and inserting “477(b)(4)”;

(B) in the second sentence—

(i) by striking “477(b)(5)(A)” and inserting “477(b)(4)(A)”;

(ii) by striking “477(b)(5)(B)” and inserting “477(b)(4)(B)”.

SEC. 111. STUDENT ELIGIBILITY.

Section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091) is amended by striking subsection (r).

SEC. 112. AUTHORIZATION OF APPROPRIATIONS LEVELS FOR CAMPUS-BASED AID.

(a) FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.—Section 413A(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1070b(b)(1)) is amended by striking “\$675,000,000 for fiscal year 1999 and such sums as may be necessary for the 4 succeeding fiscal years” and inserting “\$1,000,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years”.

(b) FEDERAL WORK-STUDY PROGRAMS.—Section 441(b) of the Higher Education Act of 1965 (42 U.S.C. 2751(b)) is amended by striking “\$1,000,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “\$1,500,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years”.

(c) FEDERAL PERKINS LOANS.—Section 461(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1087aa(b)(1)) is amended by striking “\$250,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “\$300,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years”.

SEC. 113. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND SEASONAL FARMWORK.

Section 418A of the Higher Education Act of 1965 (20 U.S.C. 1070d–2) is amended—

(1) in subsection (f)—

(A) in paragraph (1), by striking “\$150,000” and inserting “\$225,000”; and

(B) in paragraph (2), by striking “\$150,000” and inserting “\$225,000”; and

(2) in subsection (h)—

(A) in paragraph (1)—

(i) by striking “\$15,000,000” and inserting “\$40,000,000”; and

(ii) by striking “1999” and inserting “2004”; and

(iii) by striking “4” and inserting “5”; and

(B) in paragraph (2)—

(i) by striking “\$5,000,000” and inserting “\$30,000,000”; and

(ii) by striking “1999” and inserting “2004”; and

(iii) by striking “4” and inserting “5”.

SEC. 114. LOAN FORGIVENESS AND CANCELLATION FOR CERTAIN TEACHERS.

(a) FFEL LOANS.—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078–10) is amended—

(1) in subsection (c), by adding at the end the following:

“(3) ADDITIONAL AMOUNTS FOR HIGHLY QUALIFIED TEACHERS IN MATHEMATICS, SCIENCE, SPECIAL EDUCATION, OR BILINGUAL EDUCATION.—Notwithstanding the amount specified in paragraph (1) and the requirements of subsection (b)(1), the Secretary shall repay not more than \$15,000 in the aggregate of the loan obligation on a loan made under section 428 or 428H that is outstanding after the completion of the fifth complete school year of teaching described in subparagraphs (A) and (B) in the case of a teacher—

“(A) who has been employed as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such schools, except that the enrollment of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 exceeds 40 percent of the total enrollment of such school;

“(B) whose qualifying employment is teaching mathematics, science, special education, or bilingual education; and

“(C) who is highly qualified (as defined in section 9101 of the Elementary and Secondary Education Act of 1965).”; and

(2) by adding at the end the following:

“(i) EARLY EDUCATION TEACHERS.—

“(1) AUTHORIZATION.—The Secretary shall carry out a program, through the holder of the loan, of assuming the obligation to repay a qualified loan amount for a loan made under section 428 or 428H, in accordance with paragraph (2), for any new borrower on or after October 1, 1998, who—

“(A) has been employed as a full-time teacher for 5 consecutive complete school years in a Head Start or Early Head Start program under the Head Start Act (42 U.S.C. 9831 et seq.), or in another comparable pre-kindergarten program that serves children not less than 60 percent of whom are eligible to participate in a Head Start or Early Head Start program; and

“(B) is not in default on a loan for which the borrower seeks forgiveness.

“(2) QUALIFIED LOAN AMOUNT.—

“(A) IN GENERAL.—The Secretary shall repay not more than \$15,000 in the aggregate of the loan obligation on a loan made under section 428 or 428H that is outstanding after the completion of the fifth complete school year of teaching described in paragraph (1)(A).

“(B) TREATMENT OF CONSOLIDATION LOANS.—A loan amount for a loan made under section 428C may be a qualified loan amount for the purposes of this paragraph only to the extent that such loan amount was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H for a borrower who meets the requirements of paragraph (1), as determined in accordance with regulations prescribed by the Secretary.”.

(b) DIRECT LOANS.—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(1) in subsection (c), by adding at the end the following:

“(3) ADDITIONAL AMOUNTS FOR HIGHLY QUALIFIED TEACHERS IN MATHEMATICS, SCIENCE, SPECIAL EDUCATION, OR BILINGUAL EDUCATION.—Notwithstanding the amount specified in paragraph (1) and the requirements of subsection (b)(1)(A), the Secretary shall cancel not more than \$15,000 in the aggregate of the loan obligation on a Federal Direct Stafford Loan or a Federal Direct Unsubsidized Stafford Loan that is outstanding after the completion of the fifth complete school year of teaching described in subparagraphs (A) and (B) in the case of a teacher—

“(A) who has been employed as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such schools, except that the enrollment of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 exceeds 40 percent of the total enrollment of such school;

“(B) whose qualifying employment is teaching mathematics, science, special education, or bilingual education; and

“(C) who is highly qualified (as defined in section 9101 of the Elementary and Secondary Education Act of 1965).”; and

(2) by adding at the end the following:

“(i) EARLY EDUCATION TEACHERS.—

“(1) AUTHORIZATION.—The Secretary shall carry out a program of canceling the obligation to repay a qualified loan amount in accordance with paragraph (2) for Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans made under this

part for any new borrower on or after October 1, 1998, who—

“(A) has been employed as a full-time teacher for 5 consecutive complete school years in a Head Start or Early Head Start program under the Head Start Act (42 U.S.C. 9831 et seq.), or in another comparable pre-kindergarten program that serves children not less than 60 percent of whom are eligible to participate in a Head Start or Early Head Start program; and

“(B) is not in default on a loan for which the borrower seeks cancellation.

“(2) QUALIFIED LOAN AMOUNT.—

“(A) IN GENERAL.—The Secretary shall cancel not more than \$15,000 in the aggregate of the loan obligation on a Federal Direct Stafford Loan or a Federal Direct Unsubsidized Stafford Loan that is outstanding after the completion of the fifth complete school year of teaching described in paragraph (1)(A).

“(B) TREATMENT OF CONSOLIDATION LOANS.—A loan amount for a Federal Direct Consolidation Loan may be a qualified loan amount for the purposes of this paragraph only to the extent that such loan amount was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H for a borrower who meets the requirements of paragraph (1), as determined in accordance with regulations prescribed by the Secretary.”.

SEC. 115. REVISION OF TAX TABLE.

Section 478(g) of the Higher Education Act of 1965 (20 U.S.C. 1087rr(g)) is amended by adding at the end the following: “The Secretary shall develop such revised table only after consultation with appropriate committees of Congress.”.

SEC. 116. INCOME CONTINGENT REPAYMENT FOR PUBLIC SECTOR EMPLOYEES.

Section 455(e) of the Higher Education Act of 1965 (20 U.S.C. 1087e(e)) is amended by adding at the end the following:

“(7) REPAYMENT PLAN FOR PUBLIC SECTOR EMPLOYEES.—

“(A) IN GENERAL.—The Secretary shall forgive the balance due on any loan made under this part for a borrower—

“(i) who has made 120 payments on such loan pursuant to income contingent repayment; and

“(ii) who is employed, and was employed for the 10-year period in which the borrower made the 120 payments described in clause (i), in a public sector job.

“(B) PUBLIC SECTOR JOB.—In this paragraph, the term ‘public sector job’ means a full-time job in emergency management, government, public safety, law enforcement, public health, education (including early childhood education), or public interest legal services (including prosecution or public defense).

“(8) RETURN TO STANDARD REPAYMENT.—A borrower who is repaying a loan made under this part pursuant to income contingent repayment may choose, at any time, to terminate repayment pursuant to income contingent repayment and repay such loan under the standard repayment plan.”.

TITLE II—TEACHER QUALITY ENHANCEMENT

SEC. 201. AMENDMENT TO TITLE II.

Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended to read as follows:

“TITLE II—TEACHER QUALITY ENHANCEMENT

“PART A—TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS

“SEC. 201. PURPOSES; DEFINITIONS.

“(a) PURPOSES.—The purposes of this part are to—

“(1) improve student achievement;

“(2) increase the size and scope of programs funded under this part to meet the goal of having 100 percent of teachers as highly qualified teachers;

“(3) retain and recruit highly qualified individuals into the teaching force through incentives;

“(4) hold institutions of higher education accountable for preparing teachers, through coursework in pedagogy, with effective methods of teaching as a means of better preparing teachers for the modern day classroom;

“(5) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

“(6) hold institutions of higher education accountable for preparing teachers who have the necessary teaching skills and are highly competent in the academic content areas in which the teachers plan to teach, such as mathematics, science, English, reading or language arts, foreign languages, history, economics, art, civics, Government, and geography, including training in the effective uses of technology in the classroom;

“(7) recruit highly qualified individuals, including individuals from other occupations, into the teaching force, especially in subject areas of high need (including bilingual education, special education, mathematics, science, and early childhood education), geographic areas of high need, and in geographic areas with teacher vacancy or retention problems; and

“(8) encourage learning partnerships between students and parents that lead to improving student academic achievement and school performance.

“(b) DEFINITIONS.—In this part:

“(1) ARTS AND SCIENCES.—The term ‘arts and sciences’ means—

“(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

“(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

“(2) HIGH NEED LOCAL EDUCATIONAL AGENCY.—The term ‘high need local educational agency’ means a local educational agency in which—

“(A)(i) 30 percent of the students served by the agency are from families with incomes below the poverty line; or

“(ii) there are more than 20,000 students served by the agency from families with incomes below the poverty line; and

“(B)(i) there is a high percentage of teachers who are not highly qualified; or

“(ii) there is a high teacher turnover rate.

“(3) HIGH NEED SCHOOL.—The term ‘high need school’ means an elementary school or secondary school—

“(A) in which there is a high concentration of students from families with incomes below the poverty line; or

“(B) that is identified as in need of school improvement or corrective action pursuant to section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316).

“(4) HIGHLY QUALIFIED.—The term ‘highly qualified’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

“(5) MENTORING.—The term ‘mentoring’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

“(6) PARENT.—The term ‘parent’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

“(7) PARENTAL INVOLVEMENT.—The term ‘parental involvement’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

“(8) POVERTY LINE.—The term ‘poverty line’ means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

“(9) PROFESSIONAL DEVELOPMENT.—The term ‘professional development’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

“(10) TEACHING SKILLS.—The term ‘teaching skills’ means skills—

“(A) grounded in the disciplines of teaching and learning that teachers use to create effective instruction in subject matter content and that lead to student achievement and the ability to apply knowledge; and

“(B) that require an understanding of the learning process itself, including an understanding of—

“(i) the use of strategies specific to the subject matter;

“(ii) the application of on-going assessment of student learning;

“(iii) individual differences in ability and instructional needs; and

“(iv) effective classroom management.

“SEC. 202. PROGRAM AUTHORITY.

“(a) COMPETITIVE GRANT PROGRAM.—If the amount appropriated to carry out this part for a fiscal year is less than \$270,000,000, then the Secretary shall use—

“(1) 25 percent of such funds to carry out the competitive State grant program under section 203; and

“(2) 75 percent of such funds to carry out the competitive partnership grant program under section 204.

“(b) FORMULA GRANT PROGRAM.—

“(1) IN GENERAL.—

“(A) AUTHORIZATION OF GRANTS.—If the amount appropriated to carry out this part for a fiscal year is equal to or exceeds \$270,000,000, then the Secretary shall use such funds to award a grant to each State from allotments under subparagraph (B).

“(B) ALLOTMENTS.—The Secretary shall make an allotment to each State in an amount that bears the same relation to the funds as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year bears to the amount received by all States under such part for the preceding fiscal year.

“(2) STATE USE OF FUNDS.—A State that receives an allotment under paragraph (1) shall expend—

“(A) 25 percent of such funds to carry out State level activities under subsections (d) and (e) of section 203; and

“(B) 75 percent of such funds to carry out the competitive partnership grant program under section 204.

“SEC. 203. STATE GRANTS.

“(a) IN GENERAL.—From amounts made available under section 210 for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to enable the eligible States to carry out the activities described in subsections (d) and (e).

“(b) ELIGIBLE STATE.—

“(1) DEFINITION.—In this part, the term ‘eligible State’ means a State educational agency.

“(2) CONSULTATION.—The State educational agency shall consult with the Governor,

State board of education, or State agency for higher education, as appropriate, with respect to the activities assisted under this section.

“(3) CONSTRUCTION.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

“(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible State shall, at the time of the initial grant application, submit an application to the Secretary that—

“(1) meets the requirement of this section;

“(2) includes a description of how the eligible State intends to use funds provided under this section; and

“(3) contains such other information and assurances as the Secretary may require.

“(d) REQUIRED USES OF FUNDS.—A State that receives a grant under this section shall use the grant funds to carry out the following activities:

“(1) RIGOROUS TEACHER CERTIFICATION OR LICENSURE PROGRAMS.—Ensuring that the State’s teacher certification or licensure program is rigorous and has high standards.

“(2) TEACHER RECRUITMENT.—

“(A) IN GENERAL.—Awarding scholarships to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

“(B) SUPPORT SERVICES.—Providing support services, if needed, to enable scholarship recipients to complete postsecondary education programs.

“(C) ASSISTANCE TO BECOME HIGHLY QUALIFIED TEACHERS.—Providing teachers who are not highly qualified with the opportunity to take coursework or credentialing courses in order to become highly qualified teachers.

“(D) FOLLOWUP SERVICES.—Providing followup services to former scholarship recipients during the recipients first 3 years of teaching.

“(E) SERVICE REQUIREMENT.—The Secretary shall establish such requirements as the Secretary finds necessary to ensure that recipients of scholarships under this paragraph who complete teacher education programs subsequently teach in a high need local educational agency, for a period of time equivalent to the period for which the recipients receive scholarship assistance, or repay the amount of the scholarship. The Secretary shall use any such repayments to carry out additional activities under this section.

“(e) ALLOWABLE USES OF FUNDS.—A State that receives a grant under this section may use such funds to carry out any of the following activities:

“(1) REFORMS.—Implementing reforms that hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly competent in the academic content areas in which the teachers plan to teach, and possess strong teaching skills, which may include the use of rigorous subject matter competency tests and the requirement that a teacher have an academic major in the subject area, or related discipline, in which the teacher plans to teach, and instruction for such teachers on how to involve parents in their children’s education.

“(2) CERTIFICATION OR LICENSURE REQUIREMENTS.—Reforming teacher certification or licensure requirements to ensure that teachers have the necessary teaching skills and academic content knowledge in the subject areas in which teachers are assigned to teach. States are encouraged to use funds to develop or enhance existing licensure and certification requirements for subject areas of high need (including bilingual education,

special education, mathematics, science, and early childhood education), including development of a State test.

“(3) ALTERNATIVE ROUTES TO CERTIFICATION FOR TEACHING.—Providing prospective teachers with alternative routes to traditional preparation for teaching through programs at colleges of arts and sciences or at non-profit educational organizations that have a proven record of effectiveness and include instruction in teaching skills. Strengthening or developing alternative routes to State certification of teachers programs that includes, at a minimum—

“(A) a selective means for admitting individuals into such programs that includes passage of State teacher exams in appropriate subject areas;

“(B) pedagogical course work, including formal instruction that addresses the theories and practices of teaching and monitoring student performance; and

“(C) support services, including mentoring for the individuals participating in the alternative State certification of teachers programs that focuses on—

“(i) helping the individuals develop effective teaching skills and strategies;

“(ii) professional development; and

“(iii) the disciplines of teaching and learning to ensure that prospective teachers have an understanding of research-based learning practices and possess skills related to the learning process.

“(4) TEACHER SUPPORT.—Carrying out programs that include support during the initial teaching experience.

“(5) RECRUITING AND HIRING TEACHERS.—

“(A) EFFECTIVE MECHANISMS.—Developing and implementing effective mechanisms to ensure that local educational agencies and schools are able to effectively recruit highly qualified teachers.

“(B) PROGRAMS.—Establishing programs that—

“(i) train and hire regular, special education, and bilingual education teachers (which may include hiring special education teachers to team-teach in classrooms that contain both children with disabilities and nondisabled children);

“(ii) train and hire highly qualified teachers of special needs children and limited English proficient students, as well as teaching specialists in core academic subjects who will provide individualized instruction to students;

“(iii) recruit qualified professionals from other fields, including highly qualified paraprofessionals (as defined in section 2102 of the Elementary and Secondary Education Act of 1965), and provide such professionals with alternative routes to teacher certification, including developing and implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool, such as through identifying teachers certified through alternative routes, and using a system of intensive screening designed to hire the most qualified applicants; and

“(iv) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession.

“(C) REDUCTION IN CLASS SIZE.—Recruiting and hiring highly qualified teachers to reduce class size, particularly in the early grades.

“(6) SOCIAL PROMOTION.—Development and implementation of efforts to address the problem of social promotion and to prepare teachers to effectively address the issues raised by ending the practice of social promotion.

“(7) SPECIAL CERTIFICATION FOR PROSPECTIVE AP TEACHERS.—Developing and implementing teacher preparation programs that

provide special certification in advanced placement (AP)-level or international baccalaureate (IB)-level content and pedagogy, including undergraduate specializations in in-depth study of subject-specific content and practical pedagogical experience through student teaching, and master degree level programs that lead to a master's degree in AP-level or IB-level content.

“(8) FINANCIAL INCENTIVES.—Providing financial incentives for teachers to teach in high need schools in which there exists a shortage of highly qualified teachers.

“SEC. 204. PARTNERSHIP GRANTS.

“(a) GRANTS.—The Secretary or State, as appropriate, shall use funds made available under section 202 to award grants under this section, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (d) and (e).

“(b) DEFINITIONS.—

“(1) ELIGIBLE PARTNERSHIPS.—In this part, the term ‘eligible partnerships’ means an entity that—

“(A) shall include—

“(i) a partner institution;

“(ii) a school of arts and sciences; and

“(iii) a high need local educational agency; and

“(B) may include a Governor, State educational agency, the State board of education, the State agency for higher education, an institution of higher education not described in subparagraph (A), a community college, a public charter school, a public or private elementary school or secondary school, a public or private nonprofit educational organization, a business, a teacher organization, or a prekindergarten program.

“(2) PARTNER INSTITUTION.—In this section, the term ‘partner institution’ means a private independent or State-supported public institution of higher education, the teacher training program of which demonstrates that—

“(A) graduates from the teacher training program exhibit strong performance on State-determined qualifying assessments for new teachers through—

“(i) demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area or areas in which the teacher intends to teach; or

“(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

“(I) using criteria consistent with the requirements for the State report card under section 207(b); and

“(II) using the State report card on teacher preparation required under section 207(b), after the first publication of such report card and for every year thereafter; or

“(B) the teacher training program requires all the students of the program to participate in intensive clinical experience, to meet high academic standards, and—

“(i) in the case of secondary school candidates, to successfully complete an academic major in the subject area in which the candidate intends to teach or to demonstrate competence through a high level of performance in relevant content areas; and

“(ii) in the case of elementary school candidates, to successfully complete an academic major in the arts and sciences or to demonstrate competence through a high level of performance in core academic subject areas.

“(c) APPLICATION.—Each eligible partnership desiring a grant under this section shall

submit an application to the Secretary or State, as appropriate, at such time, in such manner, and accompanied by such information as the Secretary or State, as appropriate, may require. Each such application shall—

“(1) contain a needs assessment of all the partners with respect to teaching and learning and a description of how the partnership will coordinate with other teacher training or professional development programs, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement and parent involvement;

“(2) contain a resource assessment that describes the resources available to the partnership, the intended use of the grant funds, including a description of how the grant funds will be fairly distributed in accordance with subsection (f), and the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant ends; and

“(3) contain a description of—

“(A) how the partnership will meet the purposes of this part;

“(B) how the partnership will carry out the activities required under subsection (d) and any permissible activities under subsection (e); and

“(C) the partnership's evaluation plan pursuant to section 206(b).

“(d) REQUIRED USES OF FUNDS.—An eligible partnership that receives a grant under this section shall use the grant funds to carry out the following activities:

“(1) REFORMS.—Implementing reforms within teacher preparation programs to hold the programs accountable for preparing teachers who are highly competent in the academic content areas in which the teachers plan to teach, and for promoting strong teaching skills, including working with a school of arts and sciences and integrating reliable research-based teaching methods into the curriculum, which curriculum shall include programs designed to successfully integrate technology into teaching and learning.

“(2) CLINICAL EXPERIENCE AND INTERACTION.—Providing sustained and high-quality preservice clinical experience including the mentoring of prospective teachers by veteran teachers, and substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

“(3) PROFESSIONAL DEVELOPMENT.—Creating opportunities for enhanced and ongoing professional development that improves the academic content knowledge of teachers in the subject areas in which the teachers are certified to teach or in which the teachers are working toward certification to teach, and that promotes strong teaching skills.

“(4) ENSURING ADEQUATE PREPARATION TO MEET HIGH STANDARDS.—Developing and implementing accountability measures for preservice—

“(A) training in reading;

“(B) training in addressing the needs of children with disabilities and limited English proficient individuals;

“(C) training in data analysis and how to use student achievement data to improve instruction; and

“(D) optional training in teaching advanced placement or international baccalaureate courses.

“(5) TEACHER PREPARATION AND PARENTAL INVOLVEMENT.—Preparing teachers with the knowledge and skills to enable such teachers to—

“(A) provide instruction to diverse student populations, including individuals with disabilities and limited English proficient individuals; and

“(B) work with and involve parents in their children's education and in the teacher preparation program reform process.

“(6) TEACHER PREPARATION ENHANCEMENT INTERNSHIP.—Developing a 1-year paid internship program for students who have completed a 4-year teacher education program to enable such students to develop the skills and experience necessary for success in teaching, including providing intensive clinical training and combining in-service instruction in teacher methods and assessments with classroom observations, experiences, and practices. Such interns would have a reduced teaching load and a mentor for assistance in the classroom.

“(e) ALLOWABLE USES OF FUNDS.—An eligible partnership that receives a grant under this section may use such funds to carry out any of the following activities:

“(1) DISSEMINATION AND COORDINATION.—Broadly disseminating information on effective practices used by the partnership, and coordinating with the activities of the Governor, State board of education, State higher education agency, and State educational agency, as appropriate.

“(2) MANAGERIAL AND LEADERSHIP SKILLS.—Developing and implementing proven mechanisms to provide principals and superintendents with effective managerial and leadership skills that result in increased student achievement.

“(3) SCHOLARSHIPS.—

“(A) IN GENERAL.—Awarding scholarships to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

“(B) SUPPORT SERVICES.—Providing support services, if needed, to enable scholarship recipients to complete postsecondary education programs.

“(C) ASSISTANCE TO BECOME HIGHLY QUALIFIED TEACHERS.—Providing teachers who are not highly qualified with the opportunity to take coursework or credentialing courses in order to become highly qualified teachers.

“(D) FOLLOWUP SERVICES.—Providing followup services to former scholarship recipients during the recipients' first 3 years of teaching.

“(E) SERVICE REQUIREMENT.—The Secretary or State, as appropriate, shall establish such requirements as the Secretary or State, as appropriate, finds necessary to ensure that recipients of scholarships under this paragraph who complete teacher education programs subsequently teach in a high need local educational agency, for a period of time equivalent to the period for which the recipients receive scholarship assistance, or repay the amount of the scholarship. The Secretary or State, as appropriate, shall use any such repayments to carry out additional activities under this section.

“(4) FINANCIAL INCENTIVES.—Providing financial incentives for teachers to teach in high need schools in which there exists a shortage of highly qualified teachers.

“(5) RECRUITING AND HIRING TEACHERS.—

“(A) IN GENERAL.—Establishing programs that—

“(i) train and hire regular and special education teachers (which may include hiring special education teachers to team-teach in classrooms that contain both children with disabilities and nondisabled children);

“(ii) train and hire highly qualified teachers of special needs children, as well as

teaching specialists in core academic subjects who will provide increased individualized instruction to students;

“(iii) recruit qualified professionals from other fields, including highly qualified para-professionals (as defined in section 2102 of the Elementary and Secondary Education Act of 1965), and provide such professionals with alternative routes to teacher certification, including developing and implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool, such as through identifying teachers certified through alternative routes, and using a system of intensive screening designed to hire the most qualified applicants; and

“(iv) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession.

“(B) REDUCTION IN CLASS SIZE.—Recruiting and hiring highly qualified teachers to reduce class size, particularly in the early grades.

“(6) FACULTY OPPORTUNITY PROGRAMS.—Awarding competitive grants to institutions of higher education to enable such institutions to fill education faculty vacancies in special education, early childhood education, and bilingual education, to create new faculty positions that are targeted toward training highly qualified special education, early childhood education, and bilingual education teachers, and to develop doctoral programs in special education, early childhood education, and bilingual education that will produce new faculty at institutions of higher education in such subject areas. Funds from such grants may be used to develop and carry out recruitment strategies, subsidize moving expenses, provide bonuses, provide fully subsidized salaries for not more than 2 years per new faculty member, and provide partially subsidized salaries for not more than an additional 3 years per new faculty member. If an institution of higher education receives a grant under this paragraph and uses the grant funds to provide faculty salaries, such institution shall continue to fully fund such faculty positions for not less than 5 years after the end of Federal funding under the grant.

“(f) SPECIAL RULE.—No individual member of an eligible partnership shall retain more than 50 percent of the funds made available to the partnership under this section.

“(g) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of more than 1 Governor, State board of education, State educational agency, local educational agency, or State agency for higher education.

“SEC. 205. ADMINISTRATIVE PROVISIONS.

“(a) DURATION; INCREASED ACCOUNTABILITY; PAYMENTS.—

“(1) DURATION.—

“(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—Grants awarded to eligible States and eligible applicants under this part shall be awarded for a period not to exceed 3 years.

“(B) ELIGIBLE PARTNERSHIPS.—Grants awarded to eligible partnerships under this part shall be awarded for a period of 5 years.

“(2) INCREASED ACCOUNTABILITY.—An eligible State, eligible applicant, or eligible partnership that receives more than 1 grant under this part has an increased accountability to disseminate information gained from such grants to States and local educational agencies.

“(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

“(b) PEER REVIEW.—

“(1) PANEL.—The Secretary shall provide the applications submitted under this part to

a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

“(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall—

“(A) with respect to grants under section 203, give priority to eligible States serving States that—

“(i) have initiatives to reform State teacher certification requirements that are designed to ensure that current and future teachers possess the necessary teaching skills and academic content knowledge in the subject areas in which the teachers are certified or licensed to teach;

“(ii) include innovative reforms to hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly competent in the academic content area in which the teachers plan to teach and have strong teaching skills; or

“(iii) involve the development of innovative efforts aimed at reducing the shortage of highly qualified teachers in high poverty urban and rural areas, and in subject areas of high need (including bilingual education, special education, mathematics, science, early childhood education, and vocational education); and

“(B) with respect to grants under section 204—

“(i) give priority to applications from eligible partnerships that involve businesses; and

“(ii) take into consideration—

“(1) providing an equitable geographic distribution of the grants throughout the United States; and

“(II) the potential of the proposed activities for creating improvement and positive change.

“(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which application shall receive funding and the amounts of the grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out.

“(c) MATCHING REQUIREMENTS.—

“(1) STATE GRANTS.—Each eligible State receiving a grant under section 203 shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (in cash or in kind) to carry out the activities supported by the grant.

“(2) PARTNERSHIP GRANTS.—Each eligible partnership receiving a grant under section 204 shall provide, from non-Federal sources (in cash or in kind), an amount equal to 25 percent of the grant for the first year of the grant, 35 percent of the grant for the second year of the grant, and 50 percent of the grant for each succeeding year of the grant.

“(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible State or eligible partnership that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

“SEC. 206. ACCOUNTABILITY AND EVALUATION.

“(a) STATE GRANT ACCOUNTABILITY REPORT.—An eligible State that receives a grant under section 203 shall submit an annual accountability report to the Secretary. Such report shall include a description of the degree to which the eligible State, in using funds provided under such section, has made substantial progress in meeting the following goals:

“(1) STUDENT ACHIEVEMENT.—Increasing student achievement for all students as defined by the eligible State.

“(2) RAISING STANDARDS.—Raising the State academic standards required to enter the teaching profession, including, where appropriate, through the use of incentives to incorporate the requirement of an academic major in the subject, or related discipline, in which the teacher plans to teach.

“(3) INITIAL CERTIFICATION OR LICENSURE.—Increasing success in the pass rate for initial State teacher certification or licensure, and increasing the numbers of highly qualified individuals being certified or licensed as teachers, including through alternative routes.

“(4) HIGHLY QUALIFIED TEACHERS.—Ensuring that all teachers teaching in core academic subjects within the State are highly qualified not later than the end of the 2005–2006 school year pursuant to section 1119(a)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)(2)).

“(5) DECREASING TEACHER SHORTAGES.—Decreasing shortages of qualified teachers in poor urban and rural areas.

“(6) INCREASING OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that improves the academic content knowledge of teachers in the subject areas in which the teachers are certified or licensed to teach or in which the teachers are working toward certification or licensure to teach, and that promotes strong teaching skills.

“(7) TECHNOLOGY INTEGRATION.—Increasing the number of teachers prepared to integrate technology in the classroom.

“(b) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership receiving a grant under section 204 shall establish and include in the application submitted under section 204(c), an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for—

“(1) increased student achievement for all students as measured by the partnership;

“(2) increased teacher retention in the first 3 years of a teacher's career;

“(3) increased success in the pass rate for initial State certification or licensure of teachers;

“(4) increased percentage of secondary school classes in core academic subject areas taught by highly qualified teachers;

“(5) increasing the number of teachers trained in technology; and

“(6) increasing the number of teachers prepared to work effectively with parents.

“(c) REVOCATION OF GRANT.—

“(1) REPORT.—Each eligible State or eligible partnership receiving a grant under this part shall report annually on the progress of the eligible State or eligible partnership toward meeting the purposes of this part and the goals, objectives, and measures described in subsections (a) and (b).

“(2) REVOCATION.—

“(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—If the Secretary determines that an eligible State or eligible applicant is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the second year of a grant under this part, then the grant payment shall not be made for the third year of the grant.

“(B) ELIGIBLE PARTNERSHIPS.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the third year of a grant under this part, then the grant payments shall not be made for any succeeding year of the grant.

“(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report the Secretary's

findings regarding the activities to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by eligible States and eligible partnerships under this part, and shall broadly disseminate information regarding such practices that were found to be ineffective.

“SEC. 207. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

“(a) DEVELOPMENT OF DEFINITIONS AND REPORTING METHODS; HIGH-QUALITY TEACHER PREPARATION PROGRAM.—

“(1) IN GENERAL.—Within 9 months of the date of enactment of the Higher Education Amendments of 1998, the Commissioner of the National Center for Education Statistics, in consultation with States and institutions of higher education, shall develop key definitions for terms, and uniform reporting methods (including the key definitions for the consistent reporting of pass rates and program completers), related to the performance of elementary school and secondary school teacher preparation programs.

“(2) HIGH-QUALITY TEACHER PREPARATION PROGRAM.—Each applicant for a grant under this part shall provide assurances in such applicant's application that the applicant will meet the following criteria:

“(A) Provide each teacher with each of the following skills and supports:

“(i) A deep knowledge of the subjects such teacher teaches.

“(ii) A firm understanding of how students learn.

“(iii) Teaching skills necessary to help all students achieve high standards, including children with disabilities and limited English proficient students.

“(iv) How to create a positive learning environment.

“(v) The ability to integrate challenging State academic content standards and challenging student academic achievement standards, and accountability into classroom teaching.

“(vi) The ability to use a variety of assessment strategies to diagnose and respond to individual learning needs.

“(vii) The ability to integrate modern technology into curricula to support student learning.

“(viii) Classroom management skills.

“(ix) Opportunities to collaborate with the teacher's colleagues, with parents, community members, and other educators.

“(x) The ability to work in partnership with parents and involve parents in their children's education.

“(xi) How to reflect on practices in order to improve teaching and student learning.

“(B) Ensure that each preservice teacher has the necessary skills to succeed in the classroom, including providing—

“(i) some training in reading, addressing the needs of children with disabilities and limited English proficient students, data analysis, and how to use student achievement data to improve instruction; and

“(ii) optional training in teaching advanced placement courses.

“(b) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—Each State that receives funds under this Act shall provide to the Secretary, within 2 years of the date of enactment of the Higher Education Amendments of 1998, and annually thereafter, in a uniform and comprehensible manner that conforms with the definitions and methods established in subsection (a), a State report card on the quality of teacher preparation in the State, which shall include at least the following:

“(1) A description of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

“(2) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular subjects or in particular grades within the State.

“(3) A description of the extent to which the assessments and requirements described in paragraph (1) are aligned with the State's standards and assessments for students.

“(4) The percentage of teaching candidates who passed each of the assessments used by the State for teacher certification and licensure, and the passing score on each assessment that determines whether a candidate has passed that assessment.

“(5) The percentage of teaching candidates who passed each of the assessments used by the State for teacher certification and licensure, disaggregated and ranked, by the teacher preparation program in that State from which the teacher candidate received the candidate's most recent degree, which shall be made available widely and publicly.

“(6) Information on the extent to which teachers in the State are given waivers of State certification or licensure requirements, including the proportion of such teachers distributed across high- and low-poverty school districts and across subject areas.

“(7) A description of each State's alternative routes to teacher certification, if any, and the percentage of teachers certified through alternative certification routes who pass State teacher certification or licensure assessments.

“(8) For each State, a description of proposed criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State, including indicators of teacher candidate knowledge and skills.

“(9) Information on the extent to which teachers or prospective teachers in each State are required to take examinations or other assessments of their subject matter knowledge in the area or areas in which the teachers provide instruction, the standards established for passing any such assessments, and the extent to which teachers or prospective teachers are required to receive a passing score on such assessments in order to teach in specific subject areas or grade levels.

“(c) INITIAL REPORT.—

“(1) IN GENERAL.—Each State that receives funds under this Act, not later than 6 months after the date of enactment of the College Quality, Affordability, and Diversity Improvement Act of 2003 and in a uniform and comprehensible manner, shall submit to the Secretary the information described in paragraphs (1), (5), and (6) of subsection (b). Such information shall be compiled by the Secretary and submitted to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives not later than 9 months after the date of enactment of the College Quality, Affordability, and Diversity Improvement Act of 2003.

“(2) CONSTRUCTION.—Nothing in this subsection shall be construed to require a State to gather information that is not in the possession of the State or the teacher preparation programs in the State, or readily available to the State or teacher preparation programs.

“(d) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

“(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make

widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in paragraphs (1) through (9) of subsection (b). Such report shall identify States for which eligible States and eligible partnerships received a grant under this part. Such report shall be so provided, published and made available not later than 2 years 6 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter.

“(2) REPORT TO CONGRESS.—The Secretary shall report to Congress—

“(A) a comparison of States' efforts to improve teaching quality; and

“(B) regarding the national mean and median scores on any standardized test that is used in more than 1 State for teacher certification or licensure.

“(3) SPECIAL RULE.—In the case of teacher preparation programs with fewer than 10 graduates taking any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

“(4) DATABASE.—The Secretary shall collect data and develop a national and public database that provides reports on States' passage rates on certification and licensure assessments, the placement rates for teacher preparation programs, the percentage of full-time faculty in institutions of higher education in each State who teach classes offered by a school of education, the tracking of graduates 3 years after graduating from a teacher preparation program, and other relevant information, as appropriate.

“(e) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

“(f) INSTITUTIONAL REPORT CARDS ON THE QUALITY OF TEACHER PREPARATION.—

“(1) REPORT CARD.—Each institution of higher education that conducts a teacher preparation program that enrolls students receiving Federal assistance under this Act, not later than 18 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter, shall report to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established under subsection (a), the following information:

“(A) PASS RATE.—(i) For the most recent year for which the information is available, the pass rate of the institution's graduates on the teacher certification or licensure assessments of the State in which the institution is located, but only for those students who took those assessments within 3 years of completing the program.

“(ii) A comparison of the program's pass rate with the average pass rate for programs in the State.

“(iii) In the case of teacher preparation programs with fewer than 10 graduates taking any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

“(B) PROGRAM INFORMATION.—The number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the faculty-student ratio in supervised practice teaching.

“(C) STATEMENT.—In States that approve or accredit teacher education programs, a statement of whether the institution's program is so approved or accredited.

“(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 208(a).

“(E) PERCENTAGE OF FACULTY IN SCHOOL OF EDUCATION.—The percentage of full-time faculty at the institution of higher education who teach classes offered by the school of education.

“(2) REQUIREMENT.—The information described in paragraph (1) shall be reported through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates.

“(3) FINES.—In addition to the actions authorized in section 487(c), the Secretary may impose a fine not to exceed \$25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

“(g) NATIONAL ACADEMY OF SCIENCES CORE CURRICULUM STUDY.—

“(1) IN GENERAL.—The Secretary shall enter into a contract with the National Academy of Sciences to conduct a 2-year study to develop a suggested core curriculum in pedagogy for schools of education for such schools' teacher education program that assists those within the education profession and prospective teachers to understand what prospective teachers need to know to become effective teachers.

“(2) DOMAINS OF FOUNDATIONAL AND PEDAGOGICAL KNOWLEDGE.—The study under paragraph (1) shall include each of the following domains of foundational and pedagogical knowledge:

“(A) Learning, which would include building on existing knowledge and experience shaped by social and cultural context in the community and in the classroom.

“(B) Human development, which would include how children and adolescents think and behave, taking in account different ages, contexts, and learning styles.

“(C) Assessment, which would include the introduction of standards-based reform.

“(D) Teaching strategies, which would include providing all teachers with the tools needed to be successful in the classroom, especially with students who have specific learning disabilities or needs such as language acquisition.

“(E) Reading instruction, which would include taking in account different ages, contexts, and learning styles.

“(3) BEST RESEARCH; SUGGESTED TRAINING.—The suggested core curriculum developed under paragraph (1) shall reflect the best research into how students learn and on the content-specific methods shown to be effective with students, including examining how children learn. The suggested core curriculum shall include suggested training in working with diverse populations, assessments in the classroom, and classroom management.

“(4) COLLABORATION.—

“(A) IN GENERAL.—In conducting the study under paragraph (1), the National Academy of Sciences shall collaborate with interested parties in developing the suggested core curriculum.

“(B) INTERESTED PARTIES.—In this paragraph, the term ‘interested parties’ means—

- “(i) college presidents;
- “(ii) deans of teacher education programs;
- “(iii) teacher preparation faculty;
- “(iv) chief State school officers;
- “(v) school superintendents;
- “(vi) teacher organizations;
- “(vii) outstanding teachers; and

“(viii) teacher preparation accrediting organizations.

“SEC. 208. STATE FUNCTIONS.

“(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State, not later than 2 years after the date of enactment of the Higher Education Amendments of 1998, shall have in place a procedure to identify, and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing institutions that includes an identification of those institutions at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 207(b).

“(b) TERMINATION OF ELIGIBILITY.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn the State's approval or terminated the State's financial support due to the low performance of the institution's teacher preparation program based upon the State assessment described in subsection (a)—

“(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education;

“(2) shall not be permitted to accept or enroll any student that receives aid under title IV of this Act in the institution's teacher preparation program; and

“(3) shall provide transitional support, including remedial services if necessary, for students enrolled at the institution at the time of termination of financial support or withdrawal of approval.

“(c) NEGOTIATED RULEMAKING.—If the Secretary develops any regulations implementing subsection (b)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process, which shall include representatives of States, institutions of higher education, and educational and student organizations.

“SEC. 209. GENERAL PROVISIONS.

“(a) METHODS.—In complying with sections 207 and 208, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods protect the privacy of individuals.

“(b) SPECIAL RULE.—For each State in which there are no State certification or licensure assessments, or for States that do not set minimum performance levels on those assessments—

“(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

“(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out the requirements of this part related to assessments or pass rates.

“(c) LIMITATIONS.—

“(1) FEDERAL CONTROL PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this part.

“(2) NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.—Nothing in this part shall be construed to encourage or require

any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

“(3) NATIONAL SYSTEM OF TEACHER CERTIFICATION PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification.

“SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part \$300,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

“PART B—INNOVATIVE STRATEGIES TO RECRUIT, TRAIN, AND RETAIN HIGH QUALITY TEACHERS AND PRINCIPALS

“SEC. 215. INCENTIVES TO RECRUIT AND RETAIN HIGH QUALITY TEACHERS AND ADMINISTRATORS.

“(a) MENTORING PROGRAM.—

“(1) AUTHORIZATION.—

“(A) IN GENERAL.—The Secretary shall award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to develop mentoring programs that help train and retain new teachers and provide professional routes for experienced teachers.

“(B) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to eligible partnerships that consist of a high need local educational agency with—

“(i) high rates of teacher turnover; and

“(ii) shortages of teachers in subject areas of high need (including bilingual education, special education, mathematics, science, vocational education, and early childhood education) and teachers in rural areas.

“(2) ELIGIBLE PARTNERSHIP.—In this subsection, the term ‘eligible partnership’ means a partnership among an institution of higher education, a high need local educational agency, and a nonprofit entity (including teacher organizations) that has an established record of providing effective teacher training.

“(3) APPLICATION.—An eligible partnership that desires a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(4) USE OF FUNDS.—

“(A) MANDATORY USES.—An eligible partnership that receives a grant under this subsection shall develop a mentoring program that is not less than 1 year in duration and does each of the following:

“(i) Provides—

“(I) training for experienced teachers to become mentors;

“(II) training from trained mentors to teach teachers in schools served by high need local educational agencies;

“(III) stipends to mentors; and

“(IV) release time or a reduced class load for mentors and the teachers being mentored, or both.

“(ii) Outlines specific criteria for who can serve as mentors, coaches, and team leaders.

“(iii) Requires mentors to—

“(I) be fully licensed;

“(II) be permanent (nonprobationary) classroom teachers;

“(III) have completed not less than 3 years of teaching;

“(IV) demonstrate mastery of pedagogy and the subject matter such mentor teaches;

“(V) have superior teaching and interpersonal skills;

“(VI) have the ability to integrate challenging State academic content standards and challenging student academic achievement standards and accountability into classroom teaching;

“(VII) use a variety of assessment strategies to respond to individual learning needs; and

“(VIII) reflect on their teaching practices in order to improve teaching and student learning.

“(iv) Endeavors to match mentors and the teachers being mentored by geographic proximity or by the same grade level and subject matter area of teaching, or both.

“(v) Ensures that teachers who have been mentored will work in schools served by high need local educational agencies for a specified period of time.

“(vi) Provides a plan to evaluate the mentoring program.

“(B) PERMISSIBLE USES.—An eligible partnership that receives a grant under this subsection may use the grant funds to provide academic credit toward an advanced degree for mentors and the teachers being mentored.

“(5) DURATION OF GRANTS.—Grants awarded under this subsection shall be for 3 years in duration.

“(6) EVALUATION.—

“(A) IN GENERAL.—Not later than the last day of the grant award, an eligible partnership that receives a grant under this subsection shall submit an accountability report to the Secretary.

“(B) CONTENT.—The accountability report under subparagraph (A) shall include, at a minimum—

“(i) teacher retention rates for teachers participating in the mentoring program as compared with teachers in the high need local educational agency not participating in the mentoring program;

“(ii) results of evaluations on mentor and teachers being mentored satisfaction with the mentoring program; and

“(iii) results of the plan developed by the eligible partnership to evaluate the mentoring program.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$50,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

“(b) HOUSING INCENTIVES PROGRAM.—

“(1) GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to develop a housing incentive program that assists teachers who teach in schools served by high need local educational agencies to afford housing.

“(2) ELIGIBLE PARTNERSHIP.—In this subsection:

“(A) IN GENERAL.—The term ‘eligible partnership’ means a partnership between—

“(i)(I) a high need local educational agency; or

“(II) a State educational agency; and

“(ii) an institution of higher education.

“(B) OTHER ENTITIES.—The term ‘eligible partnership’ may include other public entities or private entities.

“(3) APPLICATION.—An eligible partnership that desires a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(4) USE OF FUNDS.—An eligible partnership that receives a grant under this subsection shall use the grant funds to develop a housing incentive program that—

“(A) provides financial incentives to teachers who teach in schools served by high need local educational agencies by providing for such teachers funds for—

“(i) a downpayment on a home;

“(ii) closing costs associated with purchasing a home; or

“(iii) moving expenses; or

“(B) develops a partnership with a lender to create a home loan program for teachers who teach in schools served by high need local educational agencies that provides home loans to such teachers that—

“(i) are insured by the eligible partnership; or

“(ii) require minimal or no downpayment.

“(5) SERVICE REQUIREMENT.—A teacher that receives assistance under this subsection shall—

“(A) teach in a school served by a high need local educational agency for not less than 5 subsequent school years; or

“(B) repay the amount of assistance.

“(6) EVALUATION.—

“(A) IN GENERAL.—An eligible partnership that receives a grant under this subsection shall develop an evaluation of the partnership’s housing incentive program that includes, at a minimum—

“(i) how many teachers received assistance under the program and retention rates in schools served by high need local educational agencies for such teachers;

“(ii) whether the program helped improve teacher shortages;

“(iii) a description of the specific inactive model that was used to develop the housing incentive program;

“(iv) if applicable, how partnerships with lenders worked; and

“(v) successful practices.

“(B) SUBMISSION OF EVALUATION.—Not later than the last day of the grant award, the eligible partnership shall submit to the Secretary the evaluation developed under subparagraph (A).

“(7) TAX EXEMPTION.—The amount of any financial assistance received by a teacher under a housing incentive program developed pursuant to this subsection shall not be considered income for purposes of the Internal Revenue Code of 1986.

“(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$50,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

“(c) COMMUNITY COLLEGE AS A PARTNER.—

“(1) GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to strengthen teacher preparation programs.

“(2) ELIGIBLE PARTNERSHIP.—In this subsection, the term ‘eligible partnership’ means a partnership between—

“(A) a community college; and

“(B) a 4-year institution of higher education that has a teacher preparation program.

“(3) APPLICATION.—An eligible partnership that desires a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(4) USE OF FUNDS.—

“(A) MANDATORY USES.—An eligible partnership that receives a grant under this subsection shall do both of the following:

“(i) COMMUNITY COLLEGE ACTIVITIES.—The community college of the eligible partnership shall develop and strengthen the core curriculum centered on a liberal arts education at such college that adequately prepares students to enter the teacher preparation program at the 4-year institution of higher education of the eligible partnership.

“(ii) 4-YEAR INSTITUTION OF HIGHER EDUCATION ACTIVITIES.—

“(I) IN GENERAL.—The 4-year institution of higher education of the eligible partnership shall provide intensive support services for students that enter the teacher preparation program from the community college of the eligible partnership.

“(II) SUPPORT SERVICES.—The support services shall be offered prior to and during such student’s tenure at the 4-year institution of higher education and shall include mentoring, and academic and career support.

“(III) POINT PERSON.—The 4-year institution of higher education shall provide a point person within the teacher preparation program whose sole job is to provide support services to the students described in subclause (I).

“(B) PERMISSIVE USES.—An eligible partnership that receives a grant under this subsection may use the grant funds to provide compensation to staff in the teacher preparation programs at the community college and 4-year institution of higher education.

“(5) DURATION OF GRANTS.—Grants awarded under this subsection shall be for 5 years in duration.

“(6) EVALUATION.—

“(A) IN GENERAL.—An eligible partnership that receives a grant under this subsection shall develop an evaluation of the partnership’s activities under this subsection that—

“(i) includes the number of student teachers served and the retention rate in the 4-year institution of higher education of such student teachers;

“(ii) addresses the qualification of such student teachers when graduating from the 4-year institution of higher education, including whether such student teachers found teaching positions and whether they passed State certification examinations; and

“(iii) includes successful practices.

“(B) SUBMISSION OF EVALUATION.—Not later than the last day of the grant award, the eligible partnership shall submit to the Secretary the evaluation developed under subparagraph (A).

“(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$25,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

“(d) PARAPROFESSIONALS TO TEACHERS.—

“(1) GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to develop a Paraprofessionals to Teachers Program (in this subsection referred to as the ‘Program’) to assist paraprofessionals employed by high need local educational agencies to become teachers.

“(2) ELIGIBLE PARTNERSHIP.—In this subsection, the term ‘eligible partnership’ means a partnership among an institution of higher education, a high need local educational agency, and other entities that may include businesses, community colleges, and teacher organizations.

“(3) APPLICATION.—An eligible partnership that desires a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(4) USE OF FUNDS.—

“(A) IN GENERAL.—An eligible partnership that receives a grant under this subsection shall develop a Program to assist paraprofessionals employed by the high need local educational agency of the eligible partnership to become teachers by—

“(i) developing a teacher preparation program at the institution of higher education of the eligible partnership for paraprofessionals that allows for part-time study and flexible student teaching and coursework schedules;

“(ii) ensuring that paraprofessionals enrolled in the teacher preparation program under clause (i) retain such paraprofessionals’ benefit packages with the high need

local educational agency while enrolled in the teacher preparation program;

“(iii) providing support services for such paraprofessionals that include tutoring to meet teacher preparation program requirements, child care, career counseling, and financial aid guidance; and

“(iv) providing mentoring for such paraprofessionals during their first 3 years of teaching.

“(B) PERMISSIBLE USE OF FUNDS.—An eligible partnership that receives a grant under this subsection may use the grant funds for—

“(i) tuition expenses of paraprofessionals in the teacher preparation program;

“(ii) child care expenses of paraprofessionals;

“(iii) release time for paraprofessionals;

“(iv) compensation for mentors;

“(v) support services for paraprofessionals;

“(vi) salaries of staff at the institution of higher education and the high need local educational agency of the eligible partnership; and

“(vii) stipends for paraprofessionals.

“(5) ACTIVITIES OF THE HIGH NEED LOCAL EDUCATIONAL AGENCY.—The high need local educational agency of the eligible partnership shall—

“(A) make efforts to recruit paraprofessionals employed by such agency to participate in the Program;

“(B) arrange for administrative leave for paraprofessionals employed by such agency who participate in the Program; and

“(C) guarantee a provisional teaching position to paraprofessionals employed by such agency who participate in the Program upon completion of the Program.

“(6) DURATION OF GRANTS.—Grants awarded under this subsection shall be for 3 years in duration.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$50,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

“(e) SCHOOL LEADERSHIP DEVELOPMENT PROGRAM FOR PRINCIPALS, ASSISTANT PRINCIPALS, AND SUPERINTENDENTS.—

“(1) GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to provide practical training to principals, assistant principals, and school superintendents that focuses on developing and enhancing the skills necessary to serve as instructional leaders of schools and school systems.

“(2) ELIGIBLE PARTNERSHIP.—In this subsection, the term ‘eligible partnership’—

“(A) means a partnership between—

“(i) an institution of higher education; and

“(ii) 1 or more high need local educational agencies; and

“(B) may include a school principal professional organization.

“(3) APPLICATION.—An eligible partnership that desires a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(4) USE OF FUNDS.—

“(A) IN GENERAL.—An eligible partnership that receives a grant under this subsection shall establish a certificate program for principals, assistant principals, and school superintendents that is developed by education experts and practitioners and that provides training in—

“(i) diagnostic leadership skills assessment;

“(ii) the development of knowledge and skills that contribute to the effective practice of instructional leadership behaviors;

“(iii) research methodology for educational leaders that includes understanding

of systematic and empirical research methods, application of rigorous data analyses, collections of reliable and valid data, knowledge of appropriate research designs, and the importance of peer review and other external scrutiny, and its application to the practice of school leadership; and

“(iv) the development of knowledge and skills to develop and align curriculum, assessments, and instruction with standards, legislation, and regulations.

“(B) PERMISSIBLE USE OF FUNDS.—An eligible partnership that receives a grant under this subsection may use the grant funds—

“(i) to provide training in developing and enhancing the skills necessary to effectively run schools for individuals who are about to become principals, assistant principals, or school superintendents;

“(ii) for a pre-induction year internship or apprenticeship with a successful practitioner to help train individuals who are about to become principals, assistant principals, or school superintendents, and, during an induction year, to support and develop the capacity of new principals, assistant principals, and school superintendents as instructional leaders; and

“(iii) to provide mentoring and peer coaching services for principals, assistant principals, and school superintendents to enable exemplary principals, assistant principals, and school superintendents to serve as mentors and role models.

“(5) TECHNOLOGY.—In carrying out activities under this subsection, an eligible partnership shall use, to the extent practicable, technology as an outreach mechanism to expand opportunities for professional development and ongoing support services for principals, assistant principals, and school superintendents.

“(6) REPORT.—An eligible partnership that receives a grant under this subsection shall submit to the Secretary an evaluation detailing the use of grant funds under this subsection and the progress in meeting the goals of the eligible partnership.

“(7) DURATION OF GRANTS.—Grants awarded under this subsection shall be for 3 years in duration.

“(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$25,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

“PART C—PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY

“SEC. 221. PURPOSE AND PROGRAM AUTHORITY.

“(a) PURPOSE.—It is the purpose of this part to assist consortia of public and private entities—

“(1) to carry out programs that prepare prospective teachers to use advanced technology to prepare all students to meet challenging State and local academic content and student academic achievement standards; and

“(2) to improve the ability of institutions of higher education to carry out such programs.

“(b) PROGRAM AUTHORITY.—

“(1) IN GENERAL.—The Secretary is authorized to award grants to eligible applicants, or enter into contracts or cooperative agreements with eligible applicants, on a competitive basis in order to pay for the Federal share of the cost of projects to develop or redesign teacher preparation programs to enable prospective teachers to use advanced technology effectively in their classrooms.

“(2) PERIOD OF AWARDS.—The Secretary may award grants, or enter into contracts or cooperative agreements, under this part for periods that are not more than 5 years in duration.

“SEC. 222. ELIGIBILITY.

“(a) ELIGIBLE APPLICANTS.—In order to receive a grant or enter into a contract or cooperative agreement under this part, an applicant shall be a consortium that includes the following:

“(1) At least one institution of higher education that awards baccalaureate degrees and prepares teachers for their initial entry into teaching.

“(2) At least one State educational agency or local educational agency.

“(3) One or more of the following entities:

“(A) An institution of higher education (other than the institution described in paragraph (1)).

“(B) A school or department of education at an institution of higher education.

“(C) A school or college of arts and sciences (as defined in section 201(b)) at an institution of higher education.

“(D) A professional association, foundation, museum, library, for-profit business, public or private nonprofit organization, community-based organization, or other entity, with the capacity to contribute to the technology-related reform of teacher preparation programs.

“(b) APPLICATION REQUIREMENTS.—In order to receive a grant or enter into a contract or cooperative agreement under this part, an eligible applicant shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include the following:

“(1) A description of the proposed project, including how the project would—

“(A) ensure that individuals participating in the project would be prepared to use advanced technology to prepare all students, including groups of students who are underrepresented in technology-related fields and groups of students who are economically disadvantaged, to meet challenging State and local academic content and student academic achievement standards; and

“(B) improve the ability of at least one participating institution of higher education described in section 222(a)(1) to ensure such preparation.

“(2) A demonstration of—

“(A) the commitment, including the financial commitment, of each of the members of the consortium for the proposed project; and

“(B) the active support of the leadership of each organization that is a member of the consortium for the proposed project.

“(3) A description of how each member of the consortium will participate in project activities.

“(4) A description of how the proposed project will be continued after Federal funds are no longer awarded under this part for the project.

“(5) A plan for the evaluation of the project, which shall include benchmarks to monitor progress toward specific project objectives.

“(c) MATCHING REQUIREMENTS.—

“(1) IN GENERAL.—The Federal share of the cost of any project funded under this part shall not exceed 50 percent. Except as provided in paragraph (2), the non-Federal share of the cost of such project may be provided in cash or in kind, fairly evaluated, including services.

“(2) ACQUISITION OF EQUIPMENT.—Not more than 10 percent of the funds awarded for a project under this part may be used to acquire equipment, networking capabilities, or infrastructure, and the non-Federal share of the cost of any such acquisition shall be provided in cash.

“SEC. 223. USE OF FUNDS.

“(a) REQUIRED USES.—A consortium that receives a grant or enters into a contract or

cooperative agreement under this part shall use funds made available under this part for—

“(1) a project creating one or more programs that prepare prospective teachers to use advanced technology to prepare all students, including groups of students who are underrepresented in technology-related fields and groups of students who are economically disadvantaged, to meet challenging State and local academic content and student academic achievement standards; and

“(2) evaluating the effectiveness of the project.

“(b) PERMISSIBLE USES.—The consortium may use funds made available under this part for a project, described in the application submitted by the consortium under this part, that carries out the purpose of this part, such as the following:

“(1) Developing and implementing high-quality teacher preparation programs that enable educators—

“(A) to learn the full range of resources that can be accessed through the use of technology;

“(B) to integrate a variety of technologies into curricula and instruction in order to expand students’ knowledge;

“(C) to evaluate educational technologies and their potential for use in instruction;

“(D) to help students develop their technical skills; and

“(E) to use technology to collect, manage, and analyze data to improve teaching and decisionmaking.

“(2) Developing alternative teacher development paths that provide elementary schools and secondary schools with well-prepared, technology-proficient educators.

“(3) Developing achievement-based standards and assessments aligned with the standards to measure the capacity of prospective teachers to use technology effectively in their classrooms.

“(4) Providing technical assistance to entities carrying out other teacher preparation programs.

“(5) Developing and disseminating resources and information in order to assist institutions of higher education to prepare teachers to use technology effectively in their classrooms.

“(6) Subject to section 222(c)(2), acquiring technology equipment, networking capabilities, infrastructure, software, and digital curricula to carry out the project.

“SEC. 224. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part—

“(1) \$150,000,000 for fiscal year 2004; and

“(2) such sums as may be necessary for each of the 5 succeeding fiscal years.”.

TITLE III—DIVERSITY, RETENTION, AND ENRICHED ACADEMICS FOR MATRICULATING STUDENTS

SEC. 301. TEST PREPARATION FOR LOW-INCOME STUDENTS.

Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended by adding at the end the following:

“PART J—TEST PREPARATION FOR LOW-INCOME STUDENTS

“SEC. 1910. DEFINITIONS.

“In this part:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a public, private, or nonprofit entity (including a secondary school or a local educational agency) that—

“(A) offers a program to prepare students for college admissions tests; and

“(B) has a verified track record of not less than 3 years of increasing the average college admissions test score of students who participate in such program.

“(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ‘eligible local educational agency’ means a local educational agency for which the number of children determined under section 1124(c) for that local educational agency constitute more than—

“(A) the percentage described in section 1125(c)(2)(B)(v) of the agency’s total population aged 5 to 17; or

“(B) the number described in section 1125(c)(2)(C)(v) of the agency’s total population aged 5 to 17.

“(3) ELIGIBLE SECONDARY SCHOOL.—The term ‘eligible secondary school’—

“(A) means a secondary school that receives Federal assistance under part A and is served by an eligible local educational agency; and

“(B) includes a secondary school that does not receive Federal assistance under part A for a fiscal year if such secondary school is served by an eligible local educational agency that serves secondary schools, none of which received Federal assistance under part A for such fiscal year.

“SEC. 1911. ESTABLISHMENT.

“From amounts appropriated under section 1917 for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible local educational agencies to enable such agencies to fund college admissions test preparation programs for juniors and seniors at eligible secondary schools served by such agencies.

“SEC. 1912. APPLICATION.

“An eligible local educational agency that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“SEC. 1913. DURATION.

“Grants awarded under this subpart shall be for a period of not less than 3 years.

“SEC. 1914. USE OF FUNDS.

“(a) IN GENERAL.—An eligible local educational agency that receives a grant under this part shall use the grant funds to provide, through an eligible entity, a college admissions test preparation program for juniors and seniors at eligible secondary schools served by such agency that uses methods that have proven effective in preparing students for college admissions tests.

“(b) METHODS.—

“(1) IN GENERAL.—A college admissions test preparation program funded under this part shall—

“(A) use methods that have proven effective in preparing students for college admissions tests;

“(B) to the extent practicable, be administered through instructor led, classroom-based courses; and

“(C) consist of a minimum of 25 hours of instructional (nontesting) time.

“(2) ONLINE COURSES.—

“(A) IN GENERAL.—An eligible local educational agency may enter into a contract with an eligible entity to provide a college admissions test preparation program that will be offered online if—

“(i) a classroom-based college admissions test preparation program provided by an eligible entity is not available; and

“(ii) the eligible entity providing such online program has a verified track record of not less than 3 years of increasing the average college admissions test score of students served through such online program.

“(B) SUPERVISION; ADMINISTRATION.—An online college admissions test preparation program shall be supervised or administered by a teacher, administrator, or coach who has received appropriate professional development to support student success in such online program.

“(C) COMPARABLE SERVICE.—An eligible entity that is not a school or local educational

agency and that receives a contract under this section shall—

“(1) provide comparable services in programs offered under this part as in programs such entity offers to such entity’s other customers; and

“(2) provide services in programs offered under this part for not more than 75 percent of such entity’s national average rate per student for comparable programs.

“(d) PRACTICE EXAMINATIONS.—

“(1) PRIOR TO PREPARATION.—

“(A) IN GENERAL.—Programs provided under this section shall require each participating student to complete a practice examination of the college admissions test the student will be preparing for, prior to preparing such student for such college admissions test.

“(B) PREVIOUSLY ADMINISTERED; SAME TIMEFRAME AND SETTING.—The practice examination described under subparagraph (A) shall be—

“(i) an examination previously administered by the College Board, ACT Inc., or other college admissions tests’ respective administrator; and

“(ii) administered in a timeframe and setting similar to that of the examination when administered by the College Board, ACT Inc., or other college admissions tests’ respective administrator.

“(2) AFTER PREPARATION.—

“(A) IN GENERAL.—Programs provided under subsection (a) shall require each participating student to complete a practice examination of the college admissions test the student prepared for at the completion of the program.

“(B) PREVIOUSLY ADMINISTERED; SAME TIMEFRAME AND SETTING.—The practice examination described under subparagraph (A)—

“(i) shall be an examination previously administered by the College Board, ACT Inc., or other college admissions tests’ respective administrator;

“(ii) shall not be the same practice examination given at the start of the program, given at any time during the program, or used as a study aid during the program; and

“(iii) shall be administered in a timeframe and setting similar to that of the examination when administered by the College Board, ACT Inc., or other college admissions tests’ respective administrator.

“(e) SUPPLEMENTAL PREPARATION AND GUIDANCE.—An eligible entity that receives a contract under this section or an eligible local educational agency that develops and implements a school-based college admissions test preparation program under this section shall—

“(1) provide supplemental preparation for those students that need such supplemental preparation to prepare for college admissions tests in the form of prepreparation review of skills and knowledge, including in mathematics, grammar, and vocabulary;

“(2) ensure that students participating in programs funded under this part receive counseling on college admissions, including information on selecting an institution of higher education, the application process and related requirements, the availability of supports and services to facilitate transition to and success in postsecondary education, and the availability of financial aid; and

“(3) offer not less than 1 seminar or class on the counseling described under paragraph (2) that shall be held during evening or weekend hours and parents shall be invited to attend such seminar or class.

“(f) LOCAL EDUCATIONAL AGENCY SEPARATE PROGRAMS.—An eligible local educational agency that enters into a contract with an eligible entity pursuant to this section—

“(1) may conduct activities described under subsection (e) separate from such contract; and

“(2) may not use more than 5 percent of the grant funds to conduct activities described under subsection (e) separate from such contract.

“SEC. 1915. REPORTING REQUIREMENT.

“(a) **LOCAL EDUCATIONAL AGENCY.**—An eligible local educational agency that develops and implements a school-based college admissions test preparation program under section 1914(a)(1) shall submit to the Secretary a report that includes—

“(1) the number of students who started the program, disaggregated by race and gender where appropriate;

“(2) the number of students who completed the program, disaggregated by race and gender where appropriate;

“(3) the number of students participating in the program who subsequently take the officially administered college admissions test for which such students were preparing, disaggregated by race and gender where appropriate; and

“(4) average scores for participating students on the preprogram test pursuant to section 1914(d)(1), and the end of program test pursuant to section 1914(d)(2).

“(b) **ELIGIBLE ENTITY.**—An eligible entity that receives a contract under section 1914 shall submit to the eligible local educational agency that has contracted for such eligible entity's services a report that includes the information described in subsection (a) and any other information the eligible local educational agency shall reasonably require.

“(c) **FAILURE TO SUBMIT SCORES.**—An eligible local educational agency or eligible entity that fails to submit the average scores for participating students on the preprogram test pursuant to section 1914(d)(1), and the end of program test pursuant to section 1914(d)(2) shall have such agency or entity's grant terminated at the discretion of the Secretary.

“SEC. 1916. SCORE IMPROVEMENT.

“(a) **REPORT.**—Not less than once every 3 years, the Secretary shall review and report to Congress on all programs funded under this part to ensure that such programs are improving the scores of students participating in the program.

“(b) **NON-ELIGIBILITY.**—Programs funded under this part that are determined by the Secretary to have not significantly improved the average score of participating students shall no longer be eligible for grants under this part.

“SEC. 1917. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part \$50,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.”.

SEC. 302. ADMISSIONS AND RETENTION.

(a) **PROSPECTIVE STUDENT INFORMATION.**—Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), as amended by section 105, is further amended by adding at the end the following:

“Subpart 11—Prospective Student Information

“SEC. 420M. REPORTING.

“(a) **IN GENERAL.**—An institution of higher education that offers a baccalaureate degree and is eligible to receive assistance under this part shall include in such institution's application for assistance under this part the following information:

“(1) The percentage of freshman students enrolled at the institution in the previous academic year who were self-identified members of the following disaggregated categories:

“(A) Individual major racial and ethnic groups.

“(B) Male.

“(C) Female.

“(D) The relative of an alumnus, disaggregated by race and eligibility for Federal Pell Grants.

“(E) Economically disadvantaged, as measured by eligibility for Federal Pell Grants.

“(2) The percentage of freshman students enrolled at the institution in the previous academic year who were admitted to the institution through binding early decision, disaggregated by race and eligibility for Federal Pell Grants.

“(3) The percentage of freshman students enrolled at the institution in the previous academic year who were admitted to the institution through regular decision, disaggregated by race and eligibility for Federal Pell Grants.

“(b) **DISAGGREGATION.**—An institution of higher education shall provide specific disaggregated subgroup information under subsection (a) only if the number of students in such subgroup is sufficient to yield statistically reliable information and reporting would not reveal personally identifiable information about an individual. If such number is not sufficient, the institution of higher education shall note that the institution enrolled too few of such students to report with confidence.”.

(b) **ANTITRUST EXEMPTION.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **ANTITRUST LAWS.**—The term “antitrust laws” has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition.

(B) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education”—

(i) means an institution of higher education as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

(ii) includes any individual acting on behalf of such an institution.

(2) **EXEMPTION.**—The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among institutions of higher education, or their representatives, for the purpose of, and limited to, developing and disseminating guidelines designed to end binding early decision admissions policies.

(c) **RETENTION.**—

(1) **GRANT PROGRAM.**—Part A of title III of the Higher Education Act of 1965 (20 U.S.C. 1057 et seq.) is amended by adding at the end the following:

“SEC. 318. GRANT PROGRAM TO INCREASE STUDENT RETENTION AND PROMOTE ARTICULATION AGREEMENTS.

“(a) **AUTHORIZATION OF PROGRAM.**—The Secretary shall award grants, on a competitive basis, to eligible institutions to enable the institutions to—

“(1) focus on increasing traditional and nontraditional student retention at such institutions; and

“(2) promote articulation agreements among different institutions that will increase the likelihood of progression of students at such institutions to baccalaureate degrees.

“(b) **DEFINITION OF ELIGIBLE INSTITUTION.**—In this section, the term ‘eligible institution’ means an institution of higher education (as defined in section 101(a)) where not less than 40 percent of such institution's student body receives financial aid under subpart 1 of part A of title IV.

“(c) **APPLICATION.**—An eligible institution that desires a grant under this section shall submit an application to the Secretary at

such time, in such manner, and containing such information as the Secretary may require.

“(d) **MANDATORY ACTIVITIES.**—An eligible institution that receives a grant under this section shall use the grant funds to carry out each of the following:

“(1) Offering counseling services to help students cope with the challenges they are facing and identify the services that are available to help them persist in their education.

“(2) Making mentors available to all students that are at risk for not completing a degree.

“(3) Providing detailed assistance to all students who request help in understanding—

“(A) the options for financing their education, including information on grants, loans, and loan repayment programs;

“(B) the process of applying for financial assistance;

“(C) the outcome of their financial assistance application; and

“(D) any unanticipated problems related to financing their education that arise.

“(4) Offering tutoring to all students who request assistance with any course or subject.

“(5) Conducting outreach activities so that all students know that these services are available and are aware of how to access the services.

“(6) Making services listed in paragraphs (1) through (4) available in students' native languages, if it is not English, if the percentage of students needing translation services in a specific language exceeds 5 percent.

“(e) **PERMISSIBLE ACTIVITIES.**—An eligible institution that receives a grant under this section may use grant funds to carry out any of the following activities:

“(1) Providing intensive remedial academic instruction.

“(2) Designing innovative course schedules to meet the needs of working adults, such as classes that are concentrated on weekends or over short periods of time.

“(3) Designing and implementing online courses or components of courses to allow nontraditional students to obtain an education when their family or professional responsibilities, or both, make it difficult for them to attend class on campus at prespecified, regular times.

“(4) Offering childcare during the hours when students have class or are studying.

“(5) Providing transportation assistance to students that helps such students manage their schedules.

“(6) Partnering with local businesses to create flexible work-hour programs so that students can balance work and school.

“(7) Offering time management seminars or personal coaches to help students improve their time management skills.

“(8) Any other activities the Secretary believes will promote retention of students attending eligible institutions.

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$100,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.”.

(2) **INSTITUTIONAL SUPPORT SERVICES.**—Part B of title I of the Higher Education Act of 1965 (20 U.S.C. 1011 et seq.) is amended by adding at the end the following:

“SEC. 123. INSTITUTIONAL SUPPORT SERVICES TO INCREASE STUDENT RETENTION.

“(a) **DETERMINATION OF RATES.**—

“(1) **IN GENERAL.**—Beginning on the date that is 2 years after the date of enactment of this section, and annually thereafter, an institution of higher education shall determine for the preceding academic year the rates of baccalaureate degree completion not later

than 6 years after enrollment for students enrolled at such institution, disaggregated by race, gender, and eligibility for Federal Pell Grants, if the institution of higher education—

“(A) receives Federal funds;

“(B) is eligible for assistance under title IV;

“(C) is not eligible for assistance under section 318; and

“(D) awards a baccalaureate degree.

“(2) **DISAGGREGATION.**—An institution of higher education shall provide specific disaggregated subgroup information under paragraph (1) only if the number of students in such subgroup is sufficient to yield statistically reliable information and reporting would not reveal personally identifiable information about an individual. If such number is not sufficient, the institution of higher education shall note that the institution enrolled too few of such students to report with confidence.

“(b) **SUPPORT SERVICES FOR AT RISK STUDENTS.**—

“(1) **IN GENERAL.**—Beginning on the date that is 2 years after the date of enactment of this section, and annually thereafter, each institution of higher education that has a disparity of 20 or more percentage points in the rates determined under subsection (a) between any 2 or more subgroups in all the disaggregated categories for an academic year shall increase, from the level provided in such academic year and in accordance with paragraph (2), support services for the students in the subgroups in which the baccalaureate degree completion rate is 20 or more percentage points below the completion rate for the subgroup with the highest completion rate.

“(2) **AMOUNT OF INCREASE AND ACTIVITIES.**—

“(A) **INCREASE.**—The amount of the increase required under paragraph (1) for an academic year shall be equal to 5 percent of the amount of assistance received by the institution of higher education under part C of title IV and subpart 3 of part A of title IV for such academic year.

“(B) **ACTIVITIES.**—

“(i) **MANDATORY ACTIVITIES.**—The amount of the increase required under paragraph (1) shall be used to carry out the following activities:

“(I) Offering counseling services to help students cope with the challenges they are facing and identify the services that are available to help them persist in their education.

“(II) Making mentors available to all students that are at risk for not completing a degree.

“(III) Providing detailed assistance to all students who request help in understanding—

“(aa) the options for financing their education, including information on grants, loans, and loan repayment programs;

“(bb) the process of applying for financial assistance;

“(cc) the outcome of their financial assistance application; and

“(dd) any unanticipated problems related to financing their education that arise.

“(IV) Offering tutoring to all students who request assistance with any course or subject.

“(V) Conducting outreach activities so that all students know that these services are available and are aware of how to access the services.

“(VI) Making services listed in subclauses (I) through (IV) available in students' native languages, if it is not English, if the percentage of students needing translation services in a specific language exceeds 5 percent.

“(ii) **PERMISSIBLE ACTIVITIES.**—The amount of the increase required under paragraph (1)

may be used to carry out any of the following activities:

“(I) Providing intensive remedial academic instruction.

“(II) Designing innovative course schedules to meet the needs of working adults, such as classes that are concentrated on weekends or over short periods of time.

“(III) Designing and implementing online courses or components of courses to allow nontraditional students to obtain an education when their family or professional responsibilities, or both, make it difficult for them to attend class on campus at prespecified, regular times.

“(IV) Offering childcare during the hours when students have class or are studying.

“(V) Providing transportation assistance to students that helps such students manage their schedules.

“(VI) Partnering with local businesses to create flexible work-hour programs so that students can balance work and school.

“(VII) Offering time management seminars or personal coaches to help students improve their time management skills.

“(VIII) Any other activities the Secretary believes will promote retention of students attending eligible institutions.”.

SEC. 303. **FEDERAL TRIO PROGRAM.**

Section 402A of the Higher Education Act of 1965 (20 U.S.C. 1070a–11) is amended—

(1) in subsection (b)(3)—

(A) in subparagraph (A), by striking “\$170,000” and inserting “\$190,000”;

(B) in subparagraph (B), by striking “\$180,000” and inserting “\$200,000”; and

(C) in subparagraph (C), by striking “\$190,000” and inserting “\$220,000”; and

(2) in subsection (f), by striking the first sentence and inserting the following: “For the purpose of making grants and contracts under this chapter, there are authorized to be appropriated \$1,250,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years”.

SEC. 304. **GEAR UP.**

(a) **EARLY INTERVENTION AND COLLEGE AWARENESS PROGRAM AUTHORIZED.**—Section 404A(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a–21(b)) is amended—

(1) in paragraph (1), by inserting “6 year” after “shall make”; and

(2) by adding at the end the following:

“(3) **CURRENT GRANTEES.**—An eligible entity that has received an award under this section, has performed successfully, and still has need for an award may apply for an additional award under this section.”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 404H of the Higher Education Act of 1965 (20 U.S.C. 1070a–28) is amended by striking “\$200,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “\$500,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years”.

SEC. 305. **LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 415A(b) of the Higher Education Act of 1965 (20 U.S.C. 1070c(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) **IN GENERAL.**—There are authorized to be appropriated \$200,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 5 succeeding fiscal years.

“(2) **RESERVATION.**—For any fiscal year for which the amount appropriated under paragraph (1)—

“(A) exceeds \$30,000,000, the excess amount up to and including \$67,000,000 shall be available to carry out section 415E; and

“(B) exceeds \$67,000,000, the excess amount shall be available to carry out section 415F.”.

(b) **INCREASE IN MAXIMUM STUDENT GRANTS.**—Section 415C(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070c–2(b)(2)) is amended by striking “\$5,000” and inserting “\$12,500”.

(c) **SPECIAL LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.**—Section 415E(a) of the Higher Education Act of 1965 (20 U.S.C. 1070c–3a(a)) is amended by striking “section 415A(b)(2)” and inserting “section 415A(b)(2)(A)”.

(d) **GRANTS FOR ACCESS AND PERSISTENCE.**—Subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.) is amended—

(1) by redesignating section 415F as section 415G; and

(2) by inserting after section 415E the following:

“SEC. 415F. **GRANTS FOR ACCESS AND PERSISTENCE.**

“(a) **AUTHORIZATION.**—From amounts reserved under section 415A(b)(2)(B) for each fiscal year, the Secretary shall make supplemental allotments among States in the same manner as the Secretary makes allotments among States under section 415B to pay the Federal share of the cost of the authorized activities under subsection (c).

“(b) **APPLICATION.**—

“(1) **IN GENERAL.**—

“(A) **SUBMISSION.**—A State that desires to receive a supplemental allotment under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(B) **CONTENT.**—An application submitted under subparagraph (A) shall include both of the following:

“(i) A description of the State's plan for using the supplemental allotment funds.

“(ii) Assurances that the State will provide matching funds, from State, institutional, philanthropic, or private funds, of not less than 33.33 percent of the cost of carrying out the activities under subsection (c). The State shall specify the methods by which matching funds will be paid and include provisions designed to ensure that funds provided under this section will be used to supplement, and not supplant, non-Federal funds available for carrying out the activities under subsection (c).

“(C) **APPROVAL.**—The Secretary shall approve and fund applications that meet the requirements of this section.

“(2) **STATE AGENCY.**—The State agency that submits an application for a State under section 415C(a) shall be the same State agency that submits an application under paragraph (1) for such State.

“(3) **PARTNERSHIP.**—

“(A) **MANDATORY PARTNERS.**—In applying for a supplemental allotment under this section, the State agency shall apply for a supplemental allotment in partnership with not less than 1 public and 1 private degree granting institution of higher education that are located in the State.

“(B) **PERMISSIVE PARTNERS.**—In addition to applying for a supplemental allotment under this section in partnership with degree granting institutions of higher education, a State agency may also apply in partnership with philanthropic organizations that are located in the State and private corporations that do business in the State.

“(c) **AUTHORIZED ACTIVITIES.**—

“(1) **IN GENERAL.**—

“(A) **ESTABLISHMENT OF PROGRAM.**—Each State receiving a supplemental allotment under this section shall use the funds to establish a program to award access and persistence grants to eligible low-income students in order to increase the amount of financial assistance such students receive

under this subpart for undergraduate education expenses.

“(B) AMOUNT.—

“(i) PARTNERSHIPS WITH LESS THAN A MAJORITY OF INSTITUTIONS IN THE STATE.—

“(1) IN GENERAL.—In the case where a State receiving a supplemental allotment under this section is in a partnership described in subparagraph (A) or (B) of subsection (d)(2), the amount of an access and persistence grant awarded by such State shall be not less than the amount that is equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State where the student resides (less any other government sponsored grant amount or scholarship amount, or both, received by the student) and such amount shall be used toward the cost of attendance at an institution of higher education, located in the State, that is a partner in the program.

“(II) COST OF ATTENDANCE.—A State that has a program, apart from the program under this section, of providing eligible low-income students with grants that are equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State, may increase the amount of access and persistence grants awarded by such State to an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State.

“(ii) PARTNERSHIP WITH A MAJORITY OF INSTITUTIONS IN THE STATE.—In the case where a State receiving a supplemental allotment under this section is in a partnership described in subsection (d)(2)(C), the amount of an access and persistence grant awarded by such State shall be equal to the average cost of attendance at 4-year public institutions of higher education in the State where the student resides (less any other government sponsored grant amount or scholarship amount, or both, received by the student) and such amount shall be used by the student to attend an institution of higher education, located in the State, that is a partner in the program.

“(2) ELIGIBLE LOW-INCOME STUDENTS.—

“(A) IN GENERAL.—Each State receiving a supplemental allotment under this section shall—

“(i) annually make a determination of which students in grade 7 through grade 12 in the State are eligible to receive an access and persistence grant if such students graduate from secondary school and enroll at an institution of higher education that is a partner in the program; and

“(ii) notify such students of their eligibility to receive an access and persistence grant.

“(B) PRIORITY.—In determining which students are eligible to receive access and persistence grants, the State shall give priority to students—

“(i) with an expected family contribution equal to zero (as described in section 479(c));

“(ii) who are participating in, or have participated in, a Federal, State, institutional, or community early intervention program, as recognized by the State agency administering the program; and

“(iii) who qualify for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(C) CONTENT OF NOTICE.—The notification under subparagraph (A)(ii) shall include—

“(i) information that a student's candidacy for an access and persistence grant is enhanced through participation in an early intervention program;

“(ii) information that the grant award shall be used toward the cost of attendance at an institution of higher education that is a partner in the program and therefore such

award is contingent upon the student's enrollment at such an institution;

“(iii) an estimation of the amount of financial aid a student awarded an access and persistence grant could expect to receive, including an estimation of the amount of the access and persistence grant and an estimation of the amount of aid from the major Federal and State financial aid programs; and

“(iv) instructions on how to apply for an access and persistence grant.

“(3) GRANT AWARD.—If an eligible student, as determined under paragraph (2), has been accepted to an institution of higher education that is a partner in the program, the State shall—

“(A) notify the student of the amount of the access and persistence grant such student will receive if such student enrolls at such institution; and

“(B) inform the student that the access and persistence grant will be awarded and grant funds will be distributed when such student enrolls at such institution.

“(4) DURATION OF AWARD.—An eligible student that receives an access and persistence grant under this section shall receive such grant award for each year of such student's undergraduate education.

“(d) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of the cost of the authorized activities described in subsection (c) for any fiscal year shall be not more than 66.66 percent.

“(2) FORMULA FOR FEDERAL SHARE.—In awarding supplemental allotments under this section, the Secretary shall provide a match of the non-Federal funds provided by the State in accordance with the following:

“(A) If a State applies for a supplemental allotment under this section in partnership with only less than a majority of the degree granting institutions of higher education located in the State, then the Federal share shall be equal to 50 percent of the cost of carrying out the activities under subsection (c).

“(B) If a State applies for a supplemental allotment under this section in partnership with less than a majority of the degree granting institutions of higher education located in the State, philanthropic organizations located in the State, and private corporations doing business in the State, then the Federal share shall be equal to 57 percent of the cost of carrying out the activities under subsection (c).

“(C) If a State applies for a supplemental allotment under this section in partnership with a majority of the degree granting institutions of higher education located in the State, philanthropic organizations located in the State, and private corporations doing business in the State, then the Federal share shall be equal to 66.66 percent of the cost of carrying out the activities under subsection (c).

“(e) APPLICABILITY RULE.—The provisions of this subpart which are not inconsistent with this section shall apply to the program authorized by this section.

“(f) MAINTENANCE OF EFFORT REQUIREMENT.—Each State receiving a supplemental allotment under this section for a fiscal year shall provide the Secretary an assurance that the aggregate amount expended per student or the aggregate expenditures by the State, from funds derived from non-Federal sources, for the authorized activities described in subsection (c) for the preceding fiscal year were not less than the amount expended per student or the aggregate expenditure by the State for the activities for the second preceding fiscal year.”.

TITLE IV—OPPORTUNITIES AT HISPANIC-SERVING INSTITUTIONS

SEC. 401. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.

(a) ESTABLISHMENT OF PROGRAM.—Title V of the Higher Education Act of 1965 (20 U.S.C. 1101 et seq.) is amended—

(1) by redesignating part B as part C;

(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and

(3) by inserting after section 505 the following:

“PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

“SEC. 511. FINDINGS AND PURPOSES.

“(a) FINDINGS.—Congress finds the following:

“(1) According to the United States Census, by the year 2050, 1 in 4 Americans will be of Hispanic origin.

“(2) Despite the dramatic increase in the Hispanic population in the United States, the National Center for Education Statistics reported that in 1999, Hispanics accounted for only 4 percent of the master's degrees, 3 percent of the doctor's degrees, and 5 percent of first-professional degrees awarded in the United States.

“(3) Although Hispanics constitute 10 percent of the college enrollment in the United States, they comprise only 3 percent of instructional faculty in college and universities.

“(4) The future capacity for research and advanced study in the United States will require increasing the number of Hispanics pursuing postbaccalaureate studies.

“(5) Hispanic-serving institutions are leading the Nation in increasing the number of Hispanics attaining graduate and professional degrees.

“(6) Among Hispanics who received master's degrees in 1999–2000, 25 percent earned them at Hispanic-serving institutions.

“(7) Between 1991 and 2000, the number of Hispanic students earning master's degrees at Hispanic-serving institutions grew 136 percent, the number receiving doctor's degrees grew by 85 percent, and the number earning first-professional degrees grew by 47 percent.

“(8) It is in the National interest to expand the capacity of Hispanic-serving institutions to offer graduate and professional degree programs.

“(9) Research is a key element in graduate education and undergraduate preparation, particularly in science and technology, and Congress desires to strengthen the role of research at Hispanic serving-institutions. University research, whether performed directly or through a university's nonprofit research institute or foundation, is considered an integral part of the institution and mission of the university.

“(b) PURPOSES.—The purposes of this part are—

“(1) to expand postbaccalaureate educational opportunities for, and improve the academic attainment of, Hispanic students; and

“(2) to expand and enhance the postbaccalaureate academic offerings of high quality that are educating the majority of Hispanic college students and helping large numbers of Hispanic students and low-income individuals complete postsecondary degrees.

“SEC. 512. PROGRAM AUTHORITY AND ELIGIBILITY.

“(a) PROGRAM AUTHORIZED.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award competitive grants to eligible institutions.

“(b) ELIGIBILITY.—For the purposes of this part, an ‘eligible institution’ means an institution of higher education that—

“(1) is a Hispanic-serving institution (as defined under section 502); and

“(2) offers a postbaccalaureate certificate or degree granting program.

“SEC. 513. AUTHORIZED ACTIVITIES.

“Grants awarded under this part shall be used for 1 or more of the following activities:

“(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

“(2) Construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

“(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

“(4) Support for needy postbaccalaureate students including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance to permit the enrollment of such students in postbaccalaureate certificate and degree granting programs.

“(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

“(6) Creating or improving facilities for Internet or other distance learning academic instruction capabilities, including purchase or rental of telecommunications technology equipment or services.

“(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and degree offerings.

“(8) Other activities proposed in the application submitted pursuant to section 514 that—

“(A) contribute to carrying out the purposes of this part; and

“(B) are approved by the Secretary as part of the review and acceptance of such application.

“SEC. 514. APPLICATION AND DURATION.

“(a) APPLICATION.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as determined by the Secretary. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities for Hispanic and low-income students and will lead to such students' greater financial independence.

“(b) DURATION.—Grants under this part shall be awarded for a period not to exceed 5 years.

“(c) LIMITATION.—The Secretary shall not award more than 1 grant under this part in any fiscal year to any Hispanic-serving institution.”

(b) COOPERATIVE ARRANGEMENTS.—Section 524 of the Higher Education Act of 1965 (as redesignated by subsection (a)(2)) is amended by inserting “and section 513” after “section 503”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 528(a) of the Higher Education Act of 1965 (as redesignated by subsection (a)(2)) is amended to read as follows:

“(a) AUTHORIZATIONS.—

“(1) PART A.—There are authorized to be appropriated to carry out part A of this title \$175,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

“(2) PART B.—There are authorized to be appropriated to carry out part B of this title \$125,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.”

(d) CONFORMING AMENDMENTS.—Title V of the Higher Education Act of 1965 (20 U.S.C. 1101 et seq.) is amended—

(1) in section 502—

(A) in subsection (a)(2)(A)(ii), by striking “section 512(b)” and inserting “section 522(b)”;

(B) in subsection (b)(2), by striking “section 512(a)” and inserting “section 522(a)”;

(2) in section 521(c)(6) (as redesignated by subsection (a)(2)), by striking “section 516” and inserting “section 526”;

(3) in section 526 (as redesignated by subsection (a)(2)), by striking “section 518” and inserting “section 528”.

SEC. 402. DEFINITIONS.

Section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)) is amended—

(1) in paragraph (5)—

(A) in subparagraph (A), by inserting “and” after the semicolon;

(B) in subparagraph (B), by striking “; and” and inserting a period; and

(C) by striking subparagraph (C); and

(2) by striking paragraph (7).

SEC. 403. AUTHORIZED ACTIVITIES.

Section 503(b)(7) of the Higher Education Act of 1965 (20 U.S.C. 1101b(b)(7)) is amended to read as follows:

“(7) Articulation agreements and student support programs designed to facilitate the transfer from 2-year to 4-year institutions.”

SEC. 404. ELIMINATION OF WAIT-OUT PERIOD.

Section 504(a) of the Higher Education Act of 1965 (20 U.S.C. 1101c(a)) is amended to read as follows:

“(a) AWARD PERIOD.—The Secretary may award a grant to a Hispanic-serving institution under this title for 5 years.”

SEC. 405. APPLICATION PRIORITY.

Section 521(d) of the Higher Education Act of 1965 (as redesignated by section 401(a)(2)) is amended by striking “(from funds other than funds provided under this title)”.

TITLE V—HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

SEC. 501. PROFESSIONAL OR GRADUATE INSTITUTIONS.

Section 326 of the Higher Education Act of 1965 (20 U.S.C. 1063b) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “business administration, computer or information science, nursing and allied health,” after “engineering,”; and

(B) in paragraph (2), by striking “\$1,000,000” both places such term appears and inserting “\$1,500,000”;

(2) in subsection (d)(2), by striking “\$1,000,000” and inserting “\$1,500,000”;

(3) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (Q), by striking “and” after the semicolon;

(ii) in subparagraph (R), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(S) Alabama State University qualified graduate programs;

“(T) Albany State University qualified graduate programs;

“(U) Alcorn State University qualified graduate programs;

“(V) Bowie State University qualified graduate programs;

“(W) Coppin State University qualified graduate programs;

“(X) Delaware State University qualified graduate programs;

“(Y) Fayetteville State University qualified graduate programs;

“(Z) Fisk University qualified graduate programs;

“(AA) Grambling State University qualified graduate programs;

“(AB) Hampton University qualified graduate programs;

“(AC) Howard University qualified graduate programs;

“(AD) Jackson State University qualified graduate programs;

“(AE) Johnson State University qualified graduate programs;

“(AF) Lincoln University (MO) qualified graduate programs;

“(AG) Lincoln University (NE) qualified graduate programs;

“(AH) Lincoln University (PA) qualified graduate programs;

“(AI) Lincoln University (TN) qualified graduate programs;

“(AJ) Lincoln University (WV) qualified graduate programs;

“(AK) Lincoln University (WY) qualified graduate programs;

“(AL) Lincoln University (WY) qualified graduate programs;

“(BB) Kentucky State University qualified graduate programs;

“(CC) Langston University qualified graduate programs;

“(DD) Lincoln University (MO) qualified graduate programs;

“(EE) Prairie View A&M University qualified graduate programs;

“(FF) South Carolina State University qualified graduate programs;

“(GG) Southern University & A&M College qualified graduate programs;

“(HH) University of the District of Columbia qualified graduate programs; and

“(II) Virginia State University qualified graduate programs.”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting “business administration, computer or information science, nursing and allied health,” after “physical or natural sciences,”; and

(ii) in subparagraph (B), by striking “not more than 10 percent” and inserting “not more than 30 percent”;

(4) by striking subsection (f) and inserting the following:

“(f) FUNDING RULE.—Subject to subsection (g), of the amount appropriated to carry out this section for any fiscal year—

“(1) the first \$26,600,000 (or any lesser amount appropriated) shall be available only for the purposes of making grants to institutions or programs described in subparagraphs (A) through (P) of subsection (e)(1);

“(2) any amount in excess of \$26,600,000, but not in excess of \$28,600,000, shall be available for the purpose of making grants to institutions or programs described in subparagraphs (Q) and (R) of subsection (e)(1);

“(3) any amount in excess of \$28,600,000, but not in excess of \$45,600,000, shall be available for the purpose of making grants to institutions or programs described in subparagraphs (S) through (II) of subsection (e)(1);

“(4) any amount in excess of \$45,600,000, but not in excess of \$63,100,000, shall be available for the purpose of increasing the grant amounts to not more than \$1,500,000 to each institution or program described in subparagraphs (A) through (II) of subsection (e)(1); and

“(5) any amount in excess of \$63,100,000, shall be made available to each of the institutions or programs identified in subparagraphs (A) through (II) of subsection (e)(1) pursuant to a formula developed by the Secretary that uses the following elements:

“(A) The ability of the institution to match Federal funds with non-Federal funds.

“(B) The number of students enrolled in the programs for which the eligible institution received funding under this section in the previous year.

“(C) The average cost of education per student, for all full-time graduate or professional students (or the equivalent) enrolled in the eligible professional or graduate school, or for doctoral students enrolled in the qualified graduate programs.

“(D) The number of students in the previous year who received their first professional or doctoral degree from the programs for which the eligible institution received funding under this section in the previous year.

“(E) The contribution, on a percent basis, of the programs for which the institution is eligible to receive funds under this section to the total number of African-Americans receiving graduate or professional degrees in the professions or disciplines related to the programs for the previous year.”; and

(5) in subsection (g), by striking “paragraphs (2) and (3) of subsection (f)” and inserting “subsection (f)”.

SEC. 502. GRADUATE AND PROFESSIONAL DEGREE DEVELOPMENT PROGRAM.

Part B of title III of the Higher Education Act of 1965 (20 U.S.C. 1060 et seq.) is amended—

(1) by redesignating section 327 as section 328; and

(2) by inserting after section 326 the following:

“SEC. 327. GRADUATE AND PROFESSIONAL DEGREE DEVELOPMENT PROGRAM.

“(a) GRANT AUTHORITY.—The Secretary is authorized to award grants to eligible historically Black colleges and universities to enable such colleges and universities to—

“(1) develop masters, doctoral, or professional degree programs; and

“(2) provide assistance, through fellowship awards, to graduate students at such colleges and universities.

“(b) ELIGIBLE GRANT RECIPIENT.—Eligibility to receive grants under this section is limited to historically Black colleges and universities that are making a substantial contribution to the education of African-Americans.

“(c) APPLICATION.—An eligible historically Black college or university that desires to receive a grant under this section shall submit an application to the Secretary that—

“(1) demonstrates how the grant funds will be used to improve—

“(A) graduate educational opportunities for African-American and low-income students; and

“(B) the financial independence of such students;

“(2) provides, in the case of applications for grants in excess of \$500,000, the assurances required by subsection (g) and specifies the manner in which the college or university is going to pay the non-Federal share of the cost of the application; and

“(3) contains such information as the Secretary may require.

“(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority consideration to those eligible historically Black colleges and universities desiring to support programs and graduate students in areas of national need or academic disciplines in which African-Americans are underrepresented.

“(e) USE OF FUNDS.—An eligible historically Black college or university that receives a grant under this section may use the grant funds for—

“(1) purchase, rental, or lease of equipment for educational purposes, including instructional and research purposes;

“(2) construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services;

“(3) purchase of library books, periodicals, journals, microfilm, microfiche, and other educational materials, including telecommunications program materials;

“(4) scholarships, fellowships, and other financial assistance for needy graduate and professional students to permit the enrollment of the students in and completion of the graduate or professional degree; and

“(5) assistance in the establishment or maintenance of an institutional endowment to facilitate financial independence pursuant to section 331.

“(f) DURATION.—Grants shall be made for a period not to exceed 5 years.

“(g) FUNDING RULE.—No grant in excess of \$500,000 may be made under this section unless the college or university provides assurances that 50 percent of the cost of the purposes for which the grant is made will be paid from non-Federal sources, except that no college or university shall be required to

match any portion of the first \$500,000 of the college or university's award from the Secretary.

“(h) TWO GRANTS PER INSTITUTION.—The Secretary may award not more than 2 grants or an aggregate amount of \$1,000,000 under this section in any fiscal year to any institution of higher education or university system.

“(i) INSTITUTIONAL CHOICE.—The president or chancellor of the college or university may select the program for which to seek funding.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$30,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.”.

SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS TO INSTITUTIONS.—Section 323(a) of the Higher Education Act of 1965 (20 U.S.C. 1062(a)) is amended by striking “section 360(a)(2)” and inserting “section 399(a)(2)(C)”.

(b) AUTHORIZATION.—Section 399(a) of the Higher Education Act of 1965 (20 U.S.C. 1068h(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking “section 326” and inserting “sections 323 and 326”; and

(B) in subparagraph (B), by striking “\$35,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “\$75,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 5 succeeding fiscal years”; and

(C) by adding at the end the following:

“(C) There are authorized to be appropriated to carry out section 323, \$250,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 5 succeeding fiscal years”;

(2) in paragraph (3), by striking “\$10,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “\$25,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 5 succeeding fiscal years”; and

(3) in paragraph (5), by striking “\$10,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “\$20,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 5 succeeding fiscal years”.

SEC. 504. PATSY T. MINK FELLOWSHIP PROGRAM.

Part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1134 et seq.) is amended—

(1) by redesignating subpart 4 as subpart 5;

(2) by redesignating section 731 as section 741;

(3) in section 741 (as redesignated by paragraph (2))—

(A) in subsection (a), by striking “and 3” and inserting “3, and 4”; and

(B) in subsection (b), by striking “and 3” and inserting “3, and 4”; and

(C) in subsection (d), by striking “or 3” and inserting “3, or 4”; and

(4) by inserting after subpart 3 the following:

“Subpart 4—Patsy T. Mink Fellowship Program**“SEC. 731. PURPOSE AND DESIGNATION.**

“(a) PURPOSE.—It is the purpose of this subpart to provide, through eligible institutions, a program of fellowship awards to assist highly qualified minorities and women to acquire the doctoral degree, or highest possible degree available, in academic areas in which such individuals are underrepresented for the purpose of enabling such individuals to enter the higher education professoriate.

“(b) DESIGNATION.—Each recipient of a fellowship award from an eligible institution receiving a grant under this subpart shall be known as a ‘Patsy T. Mink Graduate Fellow’.

“SEC. 732. DEFINITION OF ELIGIBLE INSTITUTION.

“‘In this subpart, the term ‘eligible institution’ means an institution of higher education, or a consortium of such institutions, that offers a program of postbaccalaureate study leading to a graduate degree.

“SEC. 733. PROGRAM AUTHORIZED.

“(a) GRANTS BY SECRETARY.—

“(1) IN GENERAL.—The Secretary shall award grants to eligible institutions to enable such institutions to make fellowship awards to individuals in accordance with the provisions of this subpart.

“(2) PRIORITY CONSIDERATION.—In awarding grants under this subpart, the Secretary shall consider the eligible institution's prior experience in producing doctoral degree, or highest possible degree available, holders who are minorities and women, and shall give priority consideration in making grants under this subpart to those eligible institutions with a demonstrated record of producing minorities and women who have earned such degrees.

“(b) APPLICATIONS.—

“(1) IN GENERAL.—An eligible institution that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(2) APPLICATIONS MADE ON BEHALF.—

“(A) IN GENERAL.—The following entities may submit an application on behalf of an eligible institution:

“(i) A graduate school or department of such institution.

“(ii) A graduate school or department of such institution in collaboration with an undergraduate college or university of such institution.

“(iii) An organizational unit within such institution that offers a program of postbaccalaureate study leading to a graduate degree, including an interdisciplinary or an interdepartmental program.

“(iv) A nonprofit organization with a demonstrated record of helping minorities and women earn postbaccalaureate degrees.

“(B) NONPROFIT ORGANIZATIONS.—Nothing in this paragraph shall be construed to permit the Secretary to award a grant under this subpart to an entity other than an eligible institution.

“(c) SELECTION OF APPLICATIONS.—In awarding grants under subsection (a), the Secretary shall—

“(1) take into account the number and distribution of minority and female faculty nationally, as well as the current and projected need for highly trained individuals in all areas of the higher education professoriate;

“(2) take into account the number and distribution of minority and female faculty nationally, as well as the present and projected need for highly trained individuals in academic career fields in which minorities and women are underrepresented in the higher education professoriate; and

“(3) consider the need to prepare a large number of minorities and women generally in academic career fields of high national priority, especially in areas in which such individuals are traditionally underrepresented in college and university faculties.

“(d) DISTRIBUTION AND AMOUNTS OF GRANTS.—

“(1) EQUITABLE DISTRIBUTION.—In awarding grants under subsection (a), the Secretary shall, to the maximum extent feasible, ensure an equitable geographic distribution of awards and an equitable distribution among

public and independent eligible institutions that apply for grants under this subpart and that demonstrate an ability to achieve the purpose of this subpart.

“(2) **SPECIAL RULE.**—To the maximum extent practicable, the Secretary shall use not less than 50 percent of the amount appropriated pursuant to section 736 to award grants to the following eligible institutions:

“(A) Eligible institutions that are eligible for assistance under title III or title V.

“(B) Eligible institutions that are eligible institutions, as defined in section 312.

“(C) Eligible institutions that are Tribal Colleges or Universities, as defined in section 316.

“(D) Eligible institutions that are Alaska Native-serving institutions, as defined in section 317.

“(E) Eligible institutions that are Native-Hawaiian-serving institutions, as defined in section 317.

“(F) Eligible institutions that are part B institutions, as defined in section 322.

“(G) Eligible institutions that are eligible institutions, as defined in section 502.

“(H) Consortia of eligible institutions that are nonminority-serving institutions and eligible institutions that are minority-serving institutions.

“(3) **ALLOCATION.**—In awarding grants under this subpart, the Secretary shall allocate appropriate funds to those eligible institutions whose applications indicate an ability to significantly increase the numbers of minorities and women entering the higher education professoriate and that commit institutional resources to the attainment of the purpose of this subpart. An eligible institution that receives a grant under this subpart shall make not less than 15 fellowship awards.

“(4) **REALLOTMENT.**—If the Secretary determines that an eligible institution awarded a grant under this subpart is unable to use all of the grant funds awarded to the institution, the Secretary shall reallocate, on such date during each fiscal year as the Secretary may fix, the funds that are not usable to other eligible institutions that demonstrate that such institutions can use any reallocated grant funds to make fellowship awards to individuals under this subpart.

“(e) **INSTITUTIONAL ALLOWANCE.**—

“(1) **IN GENERAL.**—

“(A) **NUMBER OF ALLOWANCES.**—In awarding grants under this subpart, the Secretary shall pay to each eligible institution awarded a grant, for each individual awarded a fellowship by such institution under this subpart, an institutional allowance.

“(B) **AMOUNT.**—Except as provided in paragraph (3), an institutional allowance shall be in an amount equal to, for academic year 2005–2006 and succeeding academic years, the amount of institutional allowance made to an institution of higher education under section 715.

“(2) **USE OF FUNDS.**—Institutional allowances may be expended in the discretion of the eligible institution and may be used to provide, except as prohibited under paragraph (4), academic support and career transition services for individuals awarded fellowships by such institution.

“(3) **REDUCTION.**—The institutional allowance paid under paragraph (1) shall be reduced by the amount the institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.

“(4) **USE FOR OVERHEAD PROHIBITED.**—Funds made available pursuant to this subpart may not be used for general operational overhead of the academic department or institution receiving funds under this subpart.

“SEC. 734. FELLOWSHIP RECIPIENTS.

“(a) **AUTHORIZATION.**—An eligible institution that receives a grant under this subpart shall use the grant funds to make fellowship awards to minorities and women who are enrolled at such institution in a doctoral degree, or highest possible degree available, program and—

“(1) intend to pursue a career in instruction at—

“(A) an institution of higher education (as defined in section 101);

“(B) an institution of higher education (as defined in section 102(a)(1));

“(C) an institution of higher education outside the United States, as that term is described in section 102(a)(2); or

“(D) a proprietary institution of higher education (as defined in section 102(b)); and

“(2) sign an agreement with the Secretary agreeing to, within 5 years of receiving the doctoral degree, or highest possible degree available, begin employment at an institution described in paragraph (1) for 1 year for each year of fellowship assistance received under this subpart.

“(b) **FAILURE TO COMPLY.**—If an individual who receives a fellowship award under this subpart fails to comply with the agreement signed pursuant to subsection (a)(2), then the Secretary shall do 1 or both of the following:

“(1) Require the individual to repay all or the applicable portion of the total fellowship amount awarded to the individual by converting the balance due to a loan at the interest rate applicable to loans made under part B of title IV.

“(2) Impose a fine or penalty in an amount to be determined by the Secretary.

“(c) **WAIVER AND MODIFICATION.**—

“(1) **REGULATIONS.**—The Secretary shall promulgate regulations setting forth criteria to be considered in granting a waiver for the service requirement under subsection (a).

“(2) **CONTENT.**—The criteria under paragraph (1) shall include whether compliance with the service requirement by the fellowship recipient would be—

“(A) inequitable and represent a substantial hardship; or

“(B) deemed impossible because the individual is permanently and totally disabled at the time of the waiver request.

“(d) **AMOUNT OF FELLOWSHIP AWARDS.**—Fellowship awards under this subpart shall consist of a stipend in an amount equal to the level of support provided to the National Science Foundation graduate fellows, except that such stipend shall be adjusted as necessary so as not to exceed the fellow's tuition and fees or demonstrated need (as determined by the institution of higher education where the graduate student is enrolled), whichever is greater.

“(e) **ACADEMIC PROGRESS REQUIRED.**—An individual shall not be eligible to receive a fellowship award—

“(1) except during periods in which such student is enrolled, such student is maintaining satisfactory academic progress in, devoting essentially full time to, study or research in the pursuit of the degree for which the fellowship support was awarded; and

“(2) if the student is engaged in gainful employment other than part-time employment involved in teaching, research, or similar activity determined by the institution to be consistent with and supportive of the student's progress toward the appropriate degree.

“SEC. 735. RULE OF CONSTRUCTION.

“Nothing in this subpart shall be construed to require an eligible institution that receives a grant under this subpart to—

“(1) grant a preference or to differentially treat any applicant for a faculty position as a result of the institution's participation in the program under this subpart; and

“(2) hire a Patsy T. Mink Fellow who completes this program and seeks employment at such institution.

“SEC. 736. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this subpart \$25,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.”

TITLE VI—RECRUITMENT OF TEACHERS TO TEACH AT TRIBAL COLLEGES OR UNIVERSITIES

SEC. 601. LOAN REPAYMENT OR CANCELLATION FOR INDIVIDUALS WHO TEACH IN TRIBAL COLLEGES OR UNIVERSITIES.

(a) **SHORT TITLE.**—This title may be cited as the “Tribal Colleges and Universities Teacher Loan Forgiveness Act”.

(b) **PERKINS LOANS.**—

(1) **AMENDMENT.**—Section 465(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (H), by striking “or” after the semicolon;

(ii) in subparagraph (I), by striking the period and inserting “; or”; and

(iii) by adding at the end the following:

“(J) as a full-time teacher at a Tribal College or University as defined in section 316(b).”; and

(B) in paragraph (3)(A)(i), by striking “or (I)” and inserting “(I), or (J)”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall be effective for service performed during academic year 1998–1999 and succeeding academic years, notwithstanding any contrary provision of the promissory note under which a loan under part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.) was made.

(c) **FFEL AND DIRECT LOANS.**—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by adding at the end the following:

“SEC. 493C. LOAN REPAYMENT OR CANCELLATION FOR INDIVIDUALS WHO TEACH IN TRIBAL COLLEGES OR UNIVERSITIES.

“(a) **PROGRAM AUTHORIZED.**—The Secretary shall carry out a program, through the holder of a loan, of assuming or canceling the obligation to repay a qualified loan amount, in accordance with subsection (b), for any new borrower on or after the date of enactment of this section, who—

“(1) has been employed as a full-time teacher at a Tribal College or University as defined in section 316(b); and

“(2) is not in default on a loan for which the borrower seeks repayment or cancellation.

“(b) **QUALIFIED LOAN AMOUNTS.**—

“(1) **PERCENTAGES.**—Subject to paragraph (2), the Secretary shall assume or cancel the obligation to repay under this section—

“(A) 15 percent of the amount of all loans made, insured, or guaranteed after the date of enactment of this section to a student under part B or D, for the first or second year of employment described in subsection (a)(1);

“(B) 20 percent of such total amount, for the third or fourth year of such employment; and

“(C) 30 percent of such total amount, for the fifth year of such employment.

“(2) **MAXIMUM.**—The Secretary shall not repay or cancel under this section more than \$15,000 in the aggregate of loans made, insured, or guaranteed under parts B and D for any student.

“(3) **TREATMENT OF CONSOLIDATION LOANS.**—A loan amount for a loan made under section 428C may be a qualified loan amount for the purposes of this subsection only to the extent that such loan amount was used to

repay a loan made, insured, or guaranteed under part B or D for a borrower who meets the requirements of subsection (a), as determined in accordance with regulations prescribed by the Secretary.

“(c) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

“(d) CONSTRUCTION.—Nothing in this section shall be construed to authorize any refunding of any repayment of a loan.

“(e) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).

“(f) DEFINITION.—For purposes of this section, the term ‘year’, when applied to employment as a teacher, means an academic year as defined by the Secretary.”.

SEC. 602. AMOUNTS FORGIVEN NOT TREATED AS GROSS INCOME.

The amount of any loan that is assumed or canceled under an amendment made by this title shall not, consistent with section 108(f) of the Internal Revenue Code of 1986, be treated as gross income for Federal income tax purposes.

Mr. DODD. Mr. President, I rise today with Senators KENNEDY, BINGAMAN, REED, CLINTON and MURRAY to introduce the Democratic proposal to reauthorize the Higher Education Act, the College Quality, Affordability and Diversity Improvement Act of 2003 (QUAD).

The Higher Education Act authorizes the Federal Government's major activities as they relate to financial assistance for students attending colleges and universities. It provides aid to institutions of higher education, services to help students complete high school and enter and succeed in postsecondary education, and mechanisms to improve the training of teachers.

According to a recent CRS report, tuition went up last year at four-year public universities from 1.9 percent in New York to 23.8 percent in Massachusetts. In Connecticut, tuition went up 8.1 percent. According to the College Board, the average cost of attending a public four-year college including tuition, fees, room and board is over \$9,000. For private four-year colleges, the average cost is over \$24,000. Another study indicates that 29 percent of an average family's income goes toward public university tuition payments and 41 percent of an average family's income goes toward private university tuition. In comparison, the average family's mortgage payment represents 32 percent of the annual income.

The simple fact is that many parents are deeply worried about how they are going to pay for their children's higher education. Constant hikes in tuition are not only a source of concern for parents, in some cases they are a source of panic. The legislation we are introducing today is an attempt to alleviate this worry and help working parents and working students afford the high cost of college. We do this in a number of ways.

The QUAD Act will increase the amount of Pell grants available to

working families. Two decades ago, Pell grants covered 84 percent of average costs at four-year universities; today they cover less than 30 percent. This bill will reverse this downward trend by raising the maximum Pell Grant for students by \$450, from \$4,050 to \$4,500.

The bill works through the tax code and student loans to make sure students are getting the financial support that they need on the most favorable terms. We eliminate origination fees on subsidized student loans, double the size of the Hope Credit, and allow college graduates a chance to refinance their consolidated loans so that they can take advantage of today's historically low interest rates.

QUAD works to level the playing field in admissions by requiring universities and colleges to be more up-front about their admissions policies and by creating a grant program so that low-income students and minority students have available to them college test preparation programs that on average increase a student's SAT score by 100 points.

The bill creates two new retention programs to ensure that students that start college complete their degrees. Low-income students are half as likely as upper income students to complete a bachelor's degree in four years. African-American students are half as likely as white students to graduate, and four in ten Hispanics who enroll in four-year institutions drop out within three years.

QUAD will improve opportunities for undergraduates and graduate students at Minority Serving Institutions by creating new grant programs, removing regulatory burdens and increasing the funding levels of current initiatives. The bill also helps colleges and school districts recruit and train more highly qualified teachers and provides better training for principals and superintendents.

In addition to all of this, QUAD directly addresses the problem of rising college costs. This bill puts into place a requirement that states maintain their portion of higher education funding at 90 percent from fiscal year to fiscal year. If the Federal Government is going to make a commitment to providing more resources to higher education by increasing monies for student aid, it is only fair that we require states to maintain their current share of assistance. States should not be using our proposed increases in federal aid as an excuse to decrease their own spending levels. The states and the Federal Government should be working together on higher education, and not using one or the other as an excuse to reduce their share of the costs.

This bill also creates incentives for colleges to cut costs. QUAD creates a demonstration program to provide seed money to colleges and universities that want to explore innovative ways to reduce costs and pass savings on to students. This can be accomplished across

universities by pooling resources, making joint purchase of supplies or employee benefits, and creating joint degree programs.

Recently, a 20-member consortium of Wisconsin universities spent \$285,000 on staff and resources to find a way to purchase health care jointly. In the first year, they realized a savings of \$3.8 million. That is a pretty impressive return on an investment of \$285,000. Building on this type of initiative, our bill provides grants of \$200,000 to consortia in other states around the country to incentivize these same kinds of cost-cutting measures, measures that have no effect on academic mission or quality of student life.

In the end, it is essential in this reauthorization that we do everything we can to ensure that qualified students are not being locked out of college. The economic costs for families would be immense. A full-time worker with a bachelor's degree earns about 60 percent more than a full-time worker with only a high school diploma. Over a lifetime, the gap in earnings exceeds \$1 million.

I hope our colleagues who are not cosponsoring this bill will give it serious consideration. By working together, I believe that the Senate as a body can act to ensure that every young person in our Nation has an opportunity to rise as high as their talents, dreams and determination will take them.

Mr. BINGAMAN. Mr. President, I rise today in support of the College Quality, Affordability and Diversity Improvement Act of 2003, or QUAD, introduced by Senator KENNEDY and cosponsored by Senators DODD, MURRAY, REED, CLINTON, and myself.

Since 1998, when Congress last reauthorized the Higher Education Act, enrollment in institutions of higher education has risen to an all-time high, growing by nearly one million students. Half of these new enrollments are minority students, nearly 200,000 of which are of Hispanic origin. Projections show that enrollment in higher education will only continue to grow in the coming years. The increased demand for a college degree is due much in part to the changing economy. Those with a bachelor's degree now make 75 percent more than those without, and jobs requiring some post-secondary education are expected to account for over 40 percent of total job growth this decade.

While the demand for a college degree has increased, so too has the cost of college, and rather drastically. These increases severely limit access for many qualified students. For the 2002–2003 school year, four-year public universities reported an average tuition increase of over 14 percent. This comes on top of an almost ten percent increase in average tuition last year. Just three years ago the average increase was just four percent. For families in the lowest income quartile, average public university costs now consume 62 percent of their income. In the

early 1970's it was only 42 percent. What's more, the purchasing power of the Pell grant has declined. Today, Pell Grants cover only 40 percent of average fixed costs at four-year public colleges. Twenty years ago, they covered 80 percent of costs.

Every American should have the opportunity to realize his or her full potential, regardless of the depth of their pocketbook or the size of their parents' wallet. It is time for Congress to step up and meet the challenge: we must do more to help qualified students attend and finish college.

Currently, 40 percent of all whites ages 18-24 are pursuing post-secondary education, compared with only 30 percent of African-Americans and 16 percent of Hispanics of the same age. Those disadvantaged students who do start college often do not finish: low-income students are half as likely as upper income students to complete a bachelor's degree in four years; four in ten Hispanic students enrolled in four-year institutions drop out within three years of initial enrollment.

The College Quality, Affordability, and Diversity Improvement Act will help low-income and minority students get into college. QUAD increases funding to critical programs including GEAR Up, TRIO and LEAP. It improves access for low-income students through the creation of a new grant program for proven-effective test prep programs to provide free tutoring for college entrance exams to low-income students. It improves access and awareness for low-income students by creating a partnership among the federal government, the states, colleges, philanthropies, and corporations to provide low-income students with early information and an early assurance of financial access to college.

But Mr. President, we cannot simply help a student get into and pay for college, we must help them stay in college and earn their degree. Of the 16 percent of 18-24 year old Hispanics enrolling in college, a mere 40 percent actually complete their degree. Similarly, only 38 percent of African-American students that enroll in college complete their degree. QUAD will help low-income and minority students complete their education through the creation of two new retention programs. The first program provides grants to colleges and universities, which serve high-proportions of low-income students to implement innovative programs to provide students with the support they need to persist and graduate. The second program requires schools with large discrepancies in disaggregated graduation rates to increase their investment in support services to improve retention. QUAD also increases funding for minority serving institutions, and creates new grant programs to encourage minority students to pursue graduate education at minority serving institutions.

Minorities make up an increasing proportion of the United States popu-

lation, but they continue to severely lag behind white students in completing both undergraduate and particularly graduate degrees. Minority Serving Institutions are serving an increasing proportion of minorities, and can help decrease this disparity. Among Hispanics who received master's degrees in 1999-2000, 25 percent attained them at Hispanic Serving Institutions and in the past ten years, the number of Hispanic students receiving master's degrees at HSIs grew by 136 percent, the number receiving doctoral degrees grew by 85 percent, and the number earning first time professional degrees grew by 47 percent.

This past May, I proposed the Next Generation Hispanic-Serving Institutions Act, S. 1190. Under this act, the burdensome regulatory barriers for the 18 Hispanic Serving Institutions in New Mexico and more than 190 HSIs nationally would be removed and opportunities for students at HSIs would be greatly expanded. QUAD takes up this effort, increasing funding for current grants to HSIs and creating a new grant program for graduate programs at HSIs. The grant program would authorize a total of \$300 million in fiscal year 2005 and such sums as may be necessary in future years. Grants under this program would help schools improve instructional facilities, purchase instruction and telecommunications materials, give support to needy post baccalaureate students, improve distance learning and other telecommunications capabilities, collaborate with other institutions of higher education to expand programs, and support faculty and curriculum development.

QUAD will also help to attract and retain high quality teachers at tribal universities. This past February, Senator DASCHLE and I introduced legislation that would create a loan forgiveness program for individuals who choose to teach at tribal colleges and universities. QUAD includes this legislation, S. 378.

Another component of QUAD that I am proud to have worked on is the teacher quality provisions of Title II. Since my involvement in the accountability sections of Title II during the last reauthorization of the Higher Education Act, we have worked to increase the bar for teacher quality. QUAD will greatly improve the training and recruitment of teachers by expanding and strengthening teacher-training programs to help teacher preparation institutions feed more qualified teachers into the classrooms. These improvements will help States and school districts meet the goal outlined in the No Child Left Behind Act of ensuring a highly qualified teacher in every classroom.

QUAD will help colleges and school districts recruit and train more teachers with higher quality programs, and provide better training for in-service principals and superintendents. QUAD strengthens provisions of HEA to focus on improving the quality of programs and

services to teachers by ensuring that teacher preparation courses provide teachers with the specific skills and supports they need to succeed in the classroom, such as training necessary to help all students achieve high standards, including children with disabilities and limited English proficient students, and the integration of state standards and accountability in the classroom. QUAD supports innovation by establishing new financial incentive programs to professionalize the field of teaching, and attract and retain more individuals in the classroom. QUAD will also help to attract teachers to where they are needed most by increasing the amount of student loan forgiveness for teachers working in high-need, high-demand areas. And QUAD helps to better prepare teachers to use technology in the classroom by increasing funding for the Preparing Tomorrow's Teachers to Use Technology program.

It is time for Congress to step up and meet the challenge: We must do more to help qualified students attend and finish college. I know that my colleagues will take this proposal under serious consideration and I look forward to working with them on the reauthorization of the Higher Education Act this coming year.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 76—RECOGNIZING THAT NOVEMBER 2, 2003, SHALL BE DEDICATED TO "A TRIBUTE TO SURVIVORS" AT THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM

Mr. HATCH (for himself, Mr. VOINOVICH, Mr. COLEMAN, Ms. COLLINS, Mr. REID, Mrs. BOXER, and Mr. SMITH) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 76

Whereas, in 1945, American soldiers and other Allied forces, defeated Nazi Germany, ending World War II in Europe and the systematic murder of Europe's Jews and other targeted groups;

Whereas 6,000,000 Jews were killed during the Holocaust, and after World War II hundreds of thousands of survivors immigrated to the United States, where in spite of their enormous suffering, they rebuilt their lives, and embraced and enriched their adopted homeland;

Whereas, in 1978, President Jimmy Carter created the President's Commission on the Holocaust to make a recommendation regarding "the establishment . . . of an appropriate memorial to those who perished in the Holocaust";

Whereas President Carter said: "Out of our memory . . . of the Holocaust we must forge an unshakable oath with all civilized people that never again will the world stand silent, never again will the world . . . fail to act in time to prevent this terrible crime of genocide. . . . [W]e must harness the outrage of our own memories to stamp out oppression wherever it exists. We must understand that human rights and human dignity are indivisible.";

Whereas, in 1979, the Commission recommended "a living memorial that will speak not only of the victims' deaths but of their lives, a memorial that can transform the living by transmitting the legacy of the Holocaust";

Whereas, in 1980, the United States Congress unanimously passed legislation authorizing the creation of the United States Holocaust Memorial Museum as a "permanent living memorial" on Federal land in the Nation's Capital;

Whereas, in 1983, Vice President George Bush designated the Federal land on which the United States Holocaust Memorial Museum would be built;

Whereas Vice President Bush said: "Here we will learn that each of us bears responsibility for our actions and our failure to act. Here we will learn that we must intervene when we see evil arise. Here we will learn more about the moral compass by which we navigate our lives and by which countries navigate the future.";

Whereas, in 1985, Holocaust survivors participated in the groundbreaking ceremony at the site of the future United States Holocaust Memorial Museum;

Whereas, in 1988, President Ronald Reagan dedicated the cornerstone of the United States Holocaust Memorial Museum;

Whereas President Reagan said: "We who did not go their way owe them this: We must make sure that their deaths have posthumous meaning. We must make sure that from now until the end of days all humankind stares this evil in the face . . . and only then can we be sure it will never arise again.";

Whereas, in 1992, replicas of 2 of the milk cans that hid the Oneg Shabbat archive under the Warsaw Ghetto were buried beneath the Museum's Hall of Remembrance, with a Scroll of Remembrance signed by Holocaust survivors;

Whereas, in 1993, President Bill Clinton opened the United States Holocaust Memorial Museum;

Whereas President Clinton said: "[T]his museum will touch the life of everyone who enters and leave everyone forever changed; a place of deep sadness and a sanctuary of bright hope; an ally of education against ignorance, of humility against arrogance, an investment in a secure future against whatever insanity lurks ahead. If this museum can mobilize morality, then those who have perished will thereby gain a measure of immortality.";

Whereas, in 2001, President George W. Bush delivered the keynote address at the first Days of Remembrance ceremony after he assumed office.

Whereas President Bush said: "When we remember the Holocaust and to whom it happened, we must also remember where it happened . . . The orders came from men who . . . had all the outward traits of cultured men, except for conscience. Their crimes showed the world that evil can slip in, and blend in, even amid the most civilized surroundings. In the end, only conscience can stop it. And moral discernment, decency, tolerance—these can never be assumed in any time, or any society. They must always be taught.";

Whereas the United States Holocaust Memorial Museum has had more than 19,000,000 visitors in the first 10 years of its existence;

Whereas, in 2003, the United States Holocaust Memorial Museum, on the occasion of its 10th Anniversary, wishes to pay tribute to America's Holocaust survivors, who worked tirelessly to help build the Museum and whose committed support and involvement continue to make the institution such as extraordinary memorial and a vital part of life in the United States; and

Whereas the United States Holocaust Museum has a sacred obligation to preserve and transmit the history and lessons of the Holocaust and, together with the Holocaust survivors, must ensure that the legacy of the survivors is passed on to each new generation: Now, therefore, be it

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

(1) recognizes that November 2, 2003, shall be dedicated to "A Tribute to Survivors" at the United States Holocaust Memorial Museum and shall be devoted to honoring our Nation's Holocaust survivors, as well as their liberators and rescuers, and their families;

(2) recognizes that on that day, the United States Holocaust Memorial Museum shall be devoted in its entirety to special programs about and for the survivors of the Holocaust;

(3) commends the United States Holocaust Memorial Museum for its first decade of education dedicated to the memory of the victims of the Holocaust;

(4) endeavors to continue to support the vital work of the United States Holocaust Memorial Museum; and

(5) requests that this resolution shall be duly recorded in the official records of the United States Holocaust Memorial Museum.

Mr. HATCH. Mr. President, this year marks the 10th anniversary of the opening of one of this country's greatest museums and educational institutions, the United States Holocaust Memorial Museum. I have been privileged to serve on the Council of this great institution since its founding, and I have had no greater honor in the years I have served in Washington.

The Museum opened in April of 1993. Speaking in this chamber at that time, I said that the reason we needed to support this institution was simple: "To remember, and by remembering, to strengthen America's moral compass."

The Museum has served as an institution of remembrance and study since then, and its contribution has been immense. Over 19 million visitors have gone through its doors in the past decade, making this museum one of the most popular in Washington, and in the United States. Of these 19 million, nearly six million of those visitors were children, who have seen and been moved by the exhibit "Daniel's Story," which renders the story of the Holocaust from the perspective of a child.

Over two million international visitors have come to the Museum in the past 10 years. This includes seventy-three heads of state have been included among those foreign visitors. I am heartened to imagine how they have returned to their many nations with the striking impression of how profoundly this country considers the most cataclysmic human event of the 20th century, the Holocaust, and how we demonstrate this by supporting this institution in the heart of Washington, D.C.

Not only have nearly 20 million people come to the Museum, but the Museum, through its many traveling exhibits, has brought the story of the Holocaust to many cities around this country. In 2002, the Museum brought another exhibit, "The Nazi Olympics: Berlin 1936" to my home State of Utah,

to show during our historic Winter Olympics. Over 20,000 Utahns and foreign visitors attended that exhibit, which demonstrated the historic arc from an era of national fascism and barbaric racism to the present day vision of tolerance and good will that my state showed the world in the winter of 2002.

The Museum also serves as an educational center for Holocaust scholarship. The Museum's Center for Advanced Holocaust Studies supports scholarship and publications at the Museum as well as in conjunction with universities throughout this country. In the short period of its existence, the Museum has already greatly advanced Holocaust studies and I say with confidence that future scholars of this seminal event of the 20th century will all be influenced by the work of this great Museum.

As I've mentioned already, this is not the first time I have taken to the floor to laud the work of this great institution. In November of 1995, concerned about a rise in episodes, both here and abroad, of Holocaust deniers perpetuating their grotesque perversions of history, I introduced S. Res. 193, a resolution denouncing Holocaust denial. Recognizing the scholarship already being promoted by the Museum, the resolution "commended the vital, ongoing work of the United States Holocaust Memorial Museum, which memorializes the victims of the Holocaust and teaches all who are willing to learn profoundly compelling and universally resonant moral lessons."

I introduced that resolution on November 9, 1995, which was the 57th anniversary of Kristallnacht, the night of broken glass, the notorious 1938 pogrom of Jewish persecution by the Nazi regime, preparing the dark descent to the Holocaust that was to follow. In my statement, I said: "Fifty-seven years after Kristallnacht, we are fortunate to still have survivors of the Holocaust among us. I worry about the memory of the Holocaust when the survivors will no longer be here. With each passing year, we have fewer survivors among us."

The stewards and scholars of the United States Holocaust Memorial Museum embody the recognition that the mission of the Museum is to preserve the memory of the victims. And for this reason, the Museum is marking its 10th anniversary in the only way it could: By hosting a historic "Tribute to Survivors," which will occur at the end of this week, on November 1st and 2nd. It is fitting and proper that this would be the way to mark this anniversary. To date, 6,500 Holocaust survivors and their families are scheduled to attend, making this perhaps the last reunion of this kind. I urge all of my colleagues to review the schedule of events and, if at all possible, to go to the Museum to pay tribute to the survivors and this great institution.

To commemorate this event, and to honor the Museum on its 10th anniversary, I wish to submit this resolution

honoring the victims of the Holocaust and recognizing the vital work of the United States Holocaust Memorial Museum.

I am most grateful for the co-sponsorship of Senators VOINOVICH, REID, COLEMAN, COLLINS and SMITH.

SENATE CONCURRENT RESOLUTION 77—EXPRESSING THE SENSE OF CONGRESS SUPPORTING VIGOROUS ENFORCEMENT OF THE FEDERAL OBSCENITY LAWS

Mr. SESSIONS submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 77

Whereas the Supreme Court in *Miller v. California*, 413 U.S. 15 (1973) held that obscene material is “unprotected by the first amendment” (413 U.S. at 23) and that obscenity laws can be enforced against “‘hard core’ pornography” (413 U.S. at 28);

Whereas the Miller Court stated that “to equate the free and robust exchange of ideas and political debate with commercial exploitation of obscene material demeans the grand conception of the first amendment and its high purposes in the historic struggle for freedom.” (413 U.S. at 34);

Whereas the Supreme Court in *Paris Adult Theatre I v. Slaton*, 413 U.S. 49 (1973) recognized that there are legitimate governmental interests at stake in stemming the tide of obscene materials, which include—

(1) protecting “the quality of life and total community environment” (413 U.S. at 58);

(2) protecting “public safety” (413 U.S. at 58);

(3) maintaining “a decent society” (413 U.S. at 59–60);

(4) protecting “the social interest in order and morality” (413 U.S. at 61); and

(5) protecting “family life” (413 U.S. at 63);

Whereas Congress, in an effort to protect these same legitimate governmental interests, enacted legislation in 1988 to strengthen federal obscenity laws and in 1996 to clarify that use of an interactive computer service to transport obscene materials in or affecting interstate or foreign commerce is prohibited;

Whereas the 1986 Final Report of the Attorney General’s Commission on Pornography found that “increasingly, the most prevalent forms of pornography” fit the description of “sexually violent material” (p. 323) and that “an enormous amount of the most sexually explicit material available” can be categorized as “degrading” to people, “most often women” (p. 331);

Whereas the Internet has become a conduit for hardcore pornography that now reaches directly into tens of millions of American homes, where even small children can be exposed to Internet obscenity and older children can easily find it;

Whereas a national opinion poll conducted in March 2002 by Wirthlin Worldwide marketing research company found that 81 percent of adult Americans say that “Federal laws against Internet obscenity should be vigorously enforced”;

Whereas a May 2 report from the National Academies’ National Research Council stated that “aggressive enforcement of existing antiobscenity laws can help reduce children’s access to certain kinds of sexually explicit material on the Internet”;

Whereas vigorous enforcement of obscenity laws can help reduce the amount of “virtual child pornography” now readily available to sexual predators; and

Whereas it continues to be the desire of the People of the United States of America and their representatives in Congress to recognize and protect the governmental interests recognized as legitimate by the United States Supreme Court in *Paris Adult Theatre I v. Slaton*, 413 U.S. 49 (1973): Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Federal obscenity laws should be vigorously enforced throughout the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1976. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1977. Mrs. FEINSTEIN (for herself, Ms. SNOWE, and Mrs. MURRAY) proposed an amendment to the bill H.R. 2800, supra.

SA 1978. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, supra.

SA 1979. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, supra.

SA 1980. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, supra.

SA 1981. Mr. MCCONNELL (for Mr. BROWNBACK (for himself, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, supra.

SA 1982. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1983. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1984. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1985. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1986. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1987. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1988. Mr. LEAHY (for Mr. SCHUMER (for himself and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2800, supra.

SA 1989. Mr. MCCONNELL (for Mr. CRAIG (for himself and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, supra.

SA 1990. Mr. MCCONNELL (for Mr. DOMENICI) proposed an amendment to the bill H.R. 2800, supra.

SA 1991. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 1992. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 1993. Mr. SESSIONS (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 1994. Mr. DORGAN (for himself and Mr. SCHUMER) proposed an amendment to the bill H.R. 2800, supra.

SA 1995. Mr. ALLARD (for himself, Mr. SMITH, and Mr. CAMPBELL) proposed an amendment to the bill H.R. 2800, supra.

SA 1996. Mr. ALLEN (for himself, Mr. LEAHY, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 1997. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 1998. Ms. LANDRIEU (for herself, Ms. MIKULSKI, and Mr. BIDEN) proposed an amendment to the bill H.R. 2800, supra.

SA 1999. Mr. KENNEDY submitted an amendment intended to be proposed by him

to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 2000. Mr. DORGAN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 2001. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 2002. Mr. MCCONNELL (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 2800, supra.

SA 2003. Mr. REID (for Mr. DODD) proposed an amendment to the bill H.R. 2800, supra.

SA 2004. Mr. REID (for Mr. FEINGOLD (for himself, Mr. CAMPBELL, Mr. WYDEN, and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, supra.

SA 2005. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, supra.

SA 2006. Mr. REID (for Mr. DASCHLE) proposed an amendment to the bill H.R. 2800, supra.

SA 2007. Mr. REID (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, supra.

SA 2008. Mr. REID (for Mr. BIDEN) proposed an amendment to the bill H.R. 2800, supra.

SA 2009. Mr. REID (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, supra.

SA 2010. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, supra.

SA 2011. Mr. REID (for Mr. INOUE) proposed an amendment to the bill H.R. 2800, supra.

SA 2012. Mr. REID (for Mr. HARKIN) proposed an amendment to the bill H.R. 2800, supra.

SA 2013. Mr. MCCONNELL (for Mr. ALLEN (for himself, Mr. LEAHY, and Mr. DURBIN)) proposed an amendment to the bill H.R. 2800, supra.

SA 2014. Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill H.R. 2800, supra.

SA 2015. Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill H.R. 2800, supra.

SA 2016. Mr. REID (for Mr. DODD) proposed an amendment to the bill H.R. 2800, supra.

SA 2017. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, supra.

SA 2018. Mr. MCCONNELL (for Mr. ENSIGN) proposed an amendment to the bill H.R. 2800, supra.

SA 2019. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 2020. Mr. MCCONNELL (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, supra.

SA 2021. Mr. MCCONNELL (for Mr. BROWNBACK (for himself and Mrs. FEINSTEIN)) proposed an amendment to the bill H.R. 2800, supra.

SA 2022. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 2023. Mr. REID (for Mr. KENNEDY) proposed an amendment to the bill H.R. 2800, supra.

SA 2024. Mr. MCCONNELL (for Mr. FRIST (for himself, Mr. MCCONNELL, and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, supra.

SA 1976. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, between lines 6 and 7, insert the following:

UNITED STATES CITIZENS IN INDONESIA

SEC. 692. (a) Congress makes the following findings:

(1) The United States recognizes the cooperation and solidarity of the Government of Indonesia and the people of Indonesia in the global campaign against terrorism.

(2) Increased cooperation between the United States and the Indonesia police forces is in the interest of both countries and should continue.

(3) Normal military relations between Indonesia and the United States are in the interest of both countries.

(4) The respect of the Indonesia military for human rights and the improvement in relations between the military and the civilian population of Indonesia are extremely important for the future of relations between the United States and Indonesia.

(b) The normalization of the military relationship between the United States and Indonesia cannot begin until—

(1) the Federal Bureau of Investigation has received full cooperation from the Government of Indonesia and the Indonesia armed forces with respect to its investigation into the August 31, 2002, murder of 2 American schoolteachers in Timika, Indonesia; and

(2) the individuals responsible for those murders are brought to justice.

(c) Congress looks forward to continued and increased cooperation with respect to this investigation and to the resolution of the issue, which will contribute to the normalization of military relations between the United States and Indonesia.

SA 1977. Mrs. FEINSTEIN (for herself, Ms. SNOWE, and Mrs. MURRAY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. For purposes of section 403(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(a)) the term “HIV/AIDS prevention” means only those programs and activities that are directed at preventing the sexual transmission of HIV/AIDS, and activities that include a priority emphasis on the public health benefits of refraining from sexual activity before marriage shall be included in determining compliance with the last sentence of such section 403(a).

SA 1978. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 27, line 1 after the colon insert the following:

Provided further, That \$5,000,000 shall be made available to promote freedom of the media and an independent media in Russia:

SA 1979. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 13, line 22 before the period, insert the following:

: Provided further, That if the President determines that is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to \$5,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations

SA 1980. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 14, line 6 strike “costs” and insert the following:

“cost, including the cost of modifying such direct and guaranteed loans,”

On page 14, line 7 before the period insert the following:

: Provided further, That funds made available by this paragraph and under this heading in prior Acts making appropriations for foreign operations, export financing, and related programs, may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts

SA 1981. Mr. MCCONNELL (for Mr. BROWNBACK (for himself, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

REPORT ON ADMISSION OF REFUGEES

SEC. 692. (a) Congress makes the following findings:

(1) As of October 2003, there are 13,000,000 refugees worldwide, many of whom have fled religious, political, and other forms of persecution.

(2) Refugee resettlement remains a critical tool of international refugee protection and an essential component of the humanitarian and foreign policy of the United States.

(3) Prior to the beginning of each fiscal year, the President designates, in a Presidential Determination, a target number of refugees to be admitted to the United States under the United States Refugee Resettlement Program.

(4) Although the President authorized the admission of 70,000 refugees in fiscal year 2003, only 28,419 refugees were admitted.

(5) From fiscal year 1980 to fiscal year 2000, the average level of U.S. refugee admissions was slightly below 100,000 per year.

(6) The United States Government policy is to resettle the designated number of refugees each fiscal year. Congress expects the Department of State, the Department of Homeland Security, and the Department of Health and Human Services to implement the admission of 70,000 refugees as authorized by the President for fiscal year 2004.

(b)(1) The Secretary of State, shall utilize private voluntary organizations with expertise in the protection needs of refugees in the processing of refugees overseas for admission and resettlement to the United States, and shall utilize such agencies in addition to the

United Nations High Commission for Refugees in the identification and referral of refugees.

(2) The Secretary of State shall establish a system for accepting referrals of appropriate candidates for resettlement from local private, voluntary organizations and work to ensure that particularly vulnerable refugee groups receive special consideration for admission into the United States, including—

(A) long-stayers in countries of first asylum;

(B) unaccompanied refugee minors;

(C) refugees outside traditional camp settings; and

(D) refugees in woman-headed households.

(3) The Secretary of State shall give special consideration to—

(A) refugees of all nationalities who have close family ties to citizens and residents of the United States; and

(B) other groups of refugees who are of special concern to the United States.

(4) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees describing the steps that have been taken to implement this subsection.

(c) Not later than September 30, 2004, if the actual refugee admissions numbers do not conform with the authorized ceiling on the number of refugees who may be admitted, the Secretary of State, the Secretary of Homeland Security, and the Secretary of Health and Human Services shall report to Congress on the—

(1) execution and implementation of the refugee resettlement program; and

(2) reasons for the failure to resettle the maximum number of refugees.

SA 1982. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 75, line 17, after “Afghan” insert the following Independent

SA 1983. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 35, line 10, after the semi-colon, insert: and

On page 35, line 12, strike “; (3)” and insert in lieu thereof the following: *: Provided further*, That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that

On page 35, line 15, strike “; and” and insert in lieu thereof the following: *: Provided further*, That

SA 1984. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 105, line 25, strike “180 days” and insert in lieu thereof the following: one year

On page 106, line 3, strike “nongovernmental” and everything that follows through “plan” on line 6, and insert in lieu thereof the following: governments and nongovernmental organizations, shall submit to the Committees on Appropriations a strategy

On page 106, line 10, strike "\$10,000,000" and insert in lieu thereof the following: \$5,000,000

On page 106, line 11, strike "implement the action plan" and insert in lieu thereof the following: develop the strategy

SA 1985. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 87, line 23, strike "That in" and everything thereafter through "subsection" on line 24, and insert in lieu thereof the following: That the application of section 507(4)(D) and (E) of such Act

On page 87, line 26 strike "the" and everything thereafter through "subsection" on page 88, line 1, and insert in lieu thereof the following: and

SA 1986. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 20, line 9, before the colon, insert the following: , of which up to \$1,000,000 may be available for administrative expenses of the United States Agency for International Development

SA 1987. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations to foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 34, line 17, strike "\$2,500,000" and insert in lieu thereof: \$3,500,000

SA 1988. Mr. LEAHY (for Mr. SCHUMER (for himself, and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Beginning on page 98, strike line 24 and all that follows through page 99, line 10 and insert the following:

SEC. 644. (a) Subject to subsection (c), of the funds appropriated by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties owed by such country shall be withheld from obligation for such country until the Secretary of State submits a certification to the appropriate congressional committees stating that such parking fines and penalties are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regulation notification procedures of the appropriate congressional committees, provided that no such funds shall be made available for assistance to a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d) The Secretary of State may waive the requirements set forth in subsection (a) with respect to a country if the Secretary—

(1) determines that the waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a written justification for such determination that includes a description of the steps being taken to collect the parking fines and penalties owed by such country.

(e) In this section:

(1) The term "appropriate congressional committees" means the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(2) The term "fully adjudicated" includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment or challenge the summons has lapsed.

(3) The term "parking fines and penalties" means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997 through September 30, 2003.

SA 1989. Mr. MCCONNELL (for Mr. CRAIG (for himself and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 75, line 15 after the colon insert the following:

Provided further, That of the funds made available pursuant to this section, not less than \$5,000,000 shall be made available for a reforestation program in Afghanistan which should utilize, as appropriate, the technical expertise of American universities: *Provided further*, That funds made available pursuant to the previous proviso should be matched, to the maximum extent possible, with contributions from American and Afghan businesses:

SA 1990. Mr. MCCONNELL (for Mr. DOMENICI) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 32, line 7, before the colon insert the following:

, of which \$2,105,000 should be made available for construction and completion of a new facility

SA 1991. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 17, line 17, after the colon insert the following:

Provided further, That of the funds made available pursuant to the previous proviso, \$2,000,000 shall be made available for the Ibn Khaldun Center for Development:

SA 1992. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 20, after "proviso:" insert "*Provided further*, That of the funds appropriated under this heading, not less than \$15,000,000 shall be available for the Global Tuberculosis Drug Facility:".

SA 1993. Mr. SESSIONS (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 23, line 8, strike the period and insert "*Provided further*, That of the funds appropriated under this heading, not less than \$29,000,000 shall be made available for injection safety programs, including national planning, the provision and international transport of nonreusable autodisposable syringes or other safe injection equipment, public education, training of health providers, waste management, and publication of quantitative results: *Provided further*, That of the funds appropriated under this heading, not less than \$46,000,000 shall be made available for blood safety programs, including the establishment and support of national blood services, the provision of rapid HIV test kits, staff training, and quality assurance programs."

SA 1994. Mr. DORGAN (for himself and Mr. SCHUMER) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. Sense of the Senate on declassifying portions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(a) FINDINGS.—The Senate finds that—

(1) The President has prevented the release to the American public of 28 pages of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(2) The contents of the redacted pages discuss sources of foreign support for some of the September 11th hijackers while they were in the United States.

(3) The Administration's decision to classify this information prevents the American people from having access to information about the involvement of certain foreign governments in the terrorist attacks of September 2001.

(4) The Kingdom of Saudi Arabia has requested that the President release the 28 pages.

(5) The Senate respects the need to keep information regarding intelligence sources and methods classified, but the Senate also recognizes that such purposes can be accomplished through careful selective redaction of specific words and passages, rather than effacing the section's contents entirely.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in light of these findings the President should declassify the 28-page section of the Joint Inquiry into Intelligence

Community Activities Before and After the Terrorist Attacks of September 2001 that deals with foreign sources of support for the 9-11 hijackers, and that only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources and methods should remain classified.

SA 1995. Mr. ALLARD (for himself, Mr. SMITH, and Mr. CAMPBELL) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

LIMITATION ON THE PROVISION OF IMET FUNDS
TO INDONESIA

Sec. 692. (a) Subject to subsection (c), no funds appropriated by title IV of this Act, under the subheading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" under the heading "FUNDS APPROPRIATED TO THE PRESIDENT" shall be made available for military education and training for Indonesia.

(b) Nothing in this section shall prohibit the United States Government from continuing to conduct programs or training with the Indonesian Armed Forces, including counter-terrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

(c) The President may waive the application of subsection (a) if the President—

(1) determines that the national security interests of the United States justify such a waiver; and

(2) submits notice of such a waiver and a justification for such a waiver to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives in accordance with the regular notification procedures of such Committees.

SA 1996. Mr. ALLEN (for himself, Mr. LEAHY, and Mr. BIDEN) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 10, before the period insert "Provided further, That \$5,000,000 of amounts made available under this heading shall be for combating piracy of United States intellectual property".

SA 1997. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, between lines 6 and 7, insert the following new section:

DEMOCRACY BUILDING IN CUBA

SEC. 692. (a) Of the funds appropriated by title II, under the heading "TRANSITION INITIATIVES", not less than \$5,000,000 shall be available for support for eligible Cuban recipients and independent nongovernmental organizations to support democracy-building efforts for Cuba, including providing support for—

(1) political prisoners held in Cuba and members of their families;

(2) persons persecuted or harassed for dissident activities in Cuba;

(3) independent libraries in Cuba;

(4) independent workers' rights activists in Cuba;

(5) independent agricultural cooperatives in Cuba;

(6) independent associations of self-employed Cubans;

(7) independent journalists in Cuba;

(8) independent youth organizations in Cuba;

(9) independent environmental groups in Cuba;

(10) independent economists, medical doctors, and other professionals in Cuba;

(11) the establishment and maintenance of an information and resources center to be located in the United States Interests Section in Havana, Cuba;

(12) prodemocracy programs of the National Endowment for Democracy that are related to Cuba;

(13) nongovernmental programs to facilitate access to the Internet in Cuba, subject to section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e));

(14) nongovernmental charitable programs that provide nutrition and basic medical care to persons most at risk in Cuba, including children and elderly persons; and

(15) nongovernmental charitable programs to reintegrate into civilian life persons who have abandoned, resigned, or been expelled from the Cuban armed forces for ideological reasons.

(b) In this section:

(1) The term "independent nongovernmental organization" means an organization that the Secretary of State determines, not less than 15 days before any obligation of funds made available under this section to the organization, is a charitable or nonprofit nongovernmental organization that is not an agency or instrumentality of the Cuban Government.

(2) The term "eligible Cuban recipient" means a Cuban national in Cuba, including a political prisoner and the family of such prisoner, who is not an official of the Cuban Government or of the ruling political party in Cuba, as defined in section 4(10) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(10)).

(c) The notification requirements of section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) shall apply to any allocation or transfer of funds made pursuant to this section.

SA 1998. Ms. LANDRIEU (for herself, Ms. MIKULSKI, and Mr. BIDEN) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) None of the funds made available by title II under the heading "INTERNATIONAL DISASTER ASSISTANCE", "TRANSITION INITIATIVES", "MIGRATION AND REFUGEE ASSISTANCE", or "UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND" or made available for such accounts by any other provision of law for fiscal year 2004 to provide assistance to refugees or internally displaced persons may be provided to an organization that has failed to adopt a code of conduct consistent with the Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises six core principles for

the protection of beneficiaries of humanitarian assistance.

(b) In administering the amounts made available for the accounts described in subsection (a), the Secretary of State and Administrator of the United States Agency for International Development shall incorporate specific policies and programs for the purpose of identifying specific needs of, and particular threats to, women and children at the various stages of a complex humanitarian emergency, especially at the onset of such emergency.

(c) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on activities of the Government of the United States to protect women and children affected by a complex humanitarian emergency. The report shall include—

(1) an assessment of the specific protection needs of women and children at the various stages of a complex humanitarian emergency;

(2) a description of which agencies and offices of the United States Government are responsible for addressing each aspect of such needs and threats; and

(3) guidelines and recommendations for improving United States and international systems for the protection of women and children during a complex humanitarian emergency.

(d) In this section, the term "complex humanitarian emergency" means a situation that—

(A) occurs outside the United States and results in a significant number of—

(i) refugees;

(ii) internally displaced persons; or

(iii) other civilians requiring basic humanitarian assistance on an urgent basis; and

(B) is caused by one or more situations including—

(i) armed conflict;

(ii) natural disaster;

(iii) significant food shortage; or

(iv) state-sponsored harassment or persecution.

SA 1999. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. The Secretary of State shall promptly make publicly available prices paid to purchase HIV/AIDS pharmaceuticals, antiviral therapies, and other appropriate medicines, including medicines to treat opportunistic infections, for the treatment of people with HIV/AIDS and the prevention of mother-to-child transmission of HIV/AIDS in developing countries—

(1) through the use of funds appropriated under this Act; and

(2) to the extent available, by—

(A) the World Health Organization; and

(B) the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

SA 2000. Mr. DORGAN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30,

2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Sense of the Senate on declassifying portions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(a) FINDINGS.—The Senate finds that—

(1) The President has prevented the release to the American public of 28 pages of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(2) The contents of the redacted pages discuss sources of foreign support for some of the September 11 hijackers while they were in the United States.

(3) The Administration's decision to classify this information prevents the American people from having access to information about the involvement of certain foreign governments in the terrorist attacks of September 2001.

(4) The Kingdom of Saudi Arabia has requested that the President release the 28 pages.

(5) The Senate respects the need to keep information regarding the intelligence sources and methods classified, but the Senate also recognizes that such purposes can be accomplished through careful selective redaction of specific words and passages, rather than effacing the section's contents entirely.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in light of these findings the President should declassify the 28-page section of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001 that deals with foreign sources of support for the 9-11 hijackers, and that only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources and methods should remain classified.

This section shall take effect one day after the date of this bill's enactment.

SA 2001. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 23, line 8, before the period, insert the following:

: *Provided further*, That of the funds appropriated under this heading, not less than \$28,000,000 shall be made available for a United States contribution to UNAIDS

SA 2002. Mr. MCCONNELL (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO INCLUDE INFORMATION ON ANTI-SEMITISM AND OTHER RELIGIOUS INTOLERANCE

SEC. 692. Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by adding at the end the following new subparagraph:

“(G) ACTS OF ANTI-SEMITISM AND OTHER RELIGIOUS INTOLERANCE.—A description for each foreign country of—

“(i) acts of violence against people of the Jewish faith and other faiths that occurred in that country;

“(ii) the response of the government of that country to such acts of violence; and

“(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith.

SA 2003. Mr. REID (for Mr. DODD) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 21, line 18, after the comma insert the following: “That of the funds appropriated under this heading, up to \$15,000,000 should be made available as a United States contribution to the Organization of American States for expenses related to the OAS Special Mission in Haiti and the implementation of OAS Resolution 822 and subsequent resolutions related to improving security and the holding of elections to resolve the political impasse created by the disputed May 2000 election: *Provided further*,”

SA 2004. Mr. REID (for Mr. FEINGOLD (for himself, Mr. CAMPBELL, Mr. WYDEN, and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

UNITED STATES CITIZENS IN INDONESIA

SEC. 692. (a) Congress makes the following findings:

(1) The United States recognizes the co-operation and solidarity of the Government of Indonesia and the people of Indonesia in the global campaign against terrorism.

(2) Increased cooperation between the United States and the Indonesia police forces is in the interest of both countries and should continue.

(3) Normal military relations between Indonesia and the United States are in the interest of both countries.

(4) The respect of the Indonesia military for human rights and the improvement in relations between the military and the civilian population of Indonesia are extremely important for the future of relations between the United States and Indonesia.

(b) The normalization of the military relationship between the United States and Indonesia cannot begin until—

(1) the Federal Bureau of Investigation has received full cooperation from the Government of Indonesia and the Indonesia armed forces with respect to its investigation into the August 31, 2002, murder of 2 American schoolteachers in Timika, Indonesia; and

(2) the individuals responsible for those murders are brought to justice.

(c) Congress looks forward to continued and increased cooperation with respect to this investigation and to the resolution of the issue, which will contribute to the normalization of military relations between the United States and Indonesia.

SA 2005. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financ-

ing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

POST DIFFERENTIALS AND DANGER PAY ALLOWANCES

SEC. 692. (a) Section 5925(a) of title 5, United States Code, is amended in the third sentence by inserting after “25 percent of the rate of basic pay” the following: “or, in the case of an employee of the United States Agency for International Development, 35 percent of the rate of basic pay”.

(b) Section 5928 of title 5, United States Code, is amended by inserting after “25 percent of the basic pay of the employee” both places it appears the following: “or 35 percent of the basic pay of the employee in the case of an employee of the United States Agency for International Development”.

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 2003, and shall apply with respect to post differentials and danger pay allowances paid for months beginning on or after that date.

SA 2006. Mr. REID (for Mr. DASCHLE) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

SENSE OF CONGRESS ON CONTRACTING FOR DELIVERY OF ASSISTANCE BY AIR

SEC. 692. It is the sense of Congress that the Administrator of the United States Agency for International Development should, to the maximum extent practicable and in a manner consistent with the use of full and open competition (as that term is defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))), contract with small, domestic air transport providers for purposes of the delivery by air of assistance available under this Act.

SA 2007. Mr. REID (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

REPORT ON SIERRA LEONE

Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development shall submit a report to the Committee on Foreign Relations and Committee on Appropriations of the Senate and the Committee on International Relations and Committee on Appropriations of the House of Representatives on the feasibility of establishing a United States mission in Sierra Leone.

SA 2008. Mr. REID (for Mr. BIDEN) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 40, line 18, insert after “Commission” the following: “and that are not necessary to make the United States contribution to the Commission in the amount assessed for fiscal year 2004”.

SA 2009. Mr. REID (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

REPORT ON SOMALIA

SEC. 692. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report on a strategy for engaging with competent and responsible authorities and organizations within Somalia, including in Somaliland, to strengthen local capacity and establish incentives for communities to seek stability.

(b) The report shall describe a multi-year strategy for—

(1) increasing access to primary and secondary education and basic health care services;

(2) supporting efforts underway to establish clear systems for effective regulation and monitoring of Somali hawala, or informal banking, establishments; and

(3) supporting initiatives to rehabilitate the livestock export sector in Somalia.

SA 2010. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

DESIGNATION OF THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS AND MALARIA UNDER THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT

SEC. 692. The International Organizations Immunities Act (22 U.S.C. 288 et seq.) is amended by adding at the end the following new section:

“SEC. 16. The provisions of this title may be extended to the Global Fund to Fight AIDS, Tuberculosis and Malaria in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.”.

SA 2011. Mr. REID (for Mr. INOUE) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7 insert the following new section:

GUINEA WORM ERADICATION PROGRAM

SEC. 692. Of the funds made available in title II under the headings “CHILD SURVIVAL AND HEALTH PROGRAMS FUND” and “DEVELOPMENT ASSISTANCE”, not less than \$5,000,000 may be made available for the Carter Center’s Guinea Worm Eradication Program.

SA 2012. Mr. REID (for Mr. HARKIN) proposed an amendment to the bill H.R. 2800, making appropriations for

foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 46, line 15, insert after “resources” the following: “and to providing opportunities for the inclusion of persons with disabilities”.

SA 2013. Mr. MCCONNELL (for Mr. ALLEN (for himself, Mr. LEAHY, and Mr. DURBIN)) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 32, line 10, before the period insert “: *Provided further*, That \$5,000,000 of amounts made available under this heading shall be for combating piracy of United States intellectual property”.

SA 2014. Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Beginning on page 78, line 25, strike “funds” and all that follows through “Iran:” on page 79, line 3, and insert the following: “not to exceed \$5,000,000 of such funds may be used in coordination with the Middle East Partnership Initiative for making grants to educational, humanitarian and nongovernmental organizations and individuals inside Iran to support the advancement of democracy and human rights in Iran.

SA 2015. Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) Congress makes the following findings:

(1) The Islamic Republic of Iran is neither free nor fully democratic, and undemocratic institutions, such as the Guardians Council, thwart the will of the Iranian people.

(2) There is ongoing repression of journalists, students, and intellectuals in Iran, women in Iran are deprived of their internationally recognized human rights, and religious freedom is not respected under the laws of Iran.

(3) The Department of State asserted in its “Patterns of Global Terrorism 2002” report released on April 30, 2003, that Iran remained the most active state sponsor of terrorism and that Iran continues to provide funding, safe-haven, training, and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(4) The International Atomic Energy Agency (IAEA) has found that Iran has failed to accurately disclose all elements of its nuclear program. The IAEA is engaged in efforts to determine the extent, origin and implications of Iranian nuclear activities that were not initially reported to the IAEA.

(5) There have been credible reports of Iran harboring Al-Qaeda fugitives and permitting the passage of terrorist elements into Iraq.

(b) It is the sense of Congress that it should be the policy of the United States to—

(1) support transparent, full democracy in Iran;

(2) support the rights of the Iranian people to choose their system of government.

(3) condemn the brutal treatment and imprisonment and torture of Iranian civilians expressing political dissent;

(4) call upon the Government of Iran to comply fully with requests by the International Atomic Energy Agency for information and to immediately suspend all activities related to the development of nuclear weapons and their delivery systems;

(5) demand that al Qaeda members be immediately turned over to governments requesting their extradition; and

(6) demand that Iran prohibit and prevent the passage of armed elements into Iraq and cease all activities to undermine the Iraqi Governing Council and the reconstruction of Iraq.

SA 2016. Mr. REID (for Mr. DODD) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 17, line 18 after the first comma add the following:

“That the Government of Egypt should promptly provide the United States Embassy in Cairo with assurances that it will honor contracts entered into with United States companies in a timely manner: *Provided further*,”

SA 2017. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike title III, and insert the following:

TITLE III—MILLENNIUM CHALLENGE ASSISTANCE

SEC. 301. SHORT TITLE.

This title may be cited as the “Millennium Challenge Act of 2003”.

SEC. 302. FINDINGS AND PURPOSES.

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

(1) On March 14, 2002, President George W. Bush stated that “America supports the international development goals in the U.N. Millennium Declaration, and believes that the goals are a shared responsibility of developed and developing countries.” The President also called for a “new compact for global development, defined by new accountability for both rich and poor nations” and pledged support for increased assistance from the United States through the establishment of a Millennium Challenge Account for countries that govern justly, invest in their own people, and encourage economic freedom.

(2) The elimination of extreme poverty and the achievement of the other international development goals of the United Nations Millennium Declaration adopted by the United Nations General Assembly on September 8, 2000, are important objectives and it is appropriate for the United States to make development assistance available in a manner that will assist in achieving such goals.

(3) The availability of financial assistance through a Millennium Challenge Account, linked to performance by developing countries, can contribute significantly to the achievement of the international development goals of the United Nations Millennium Declaration.

(b) **PURPOSES.**—The purposes of this title are—

(1) to provide United States assistance for global development through the Millennium Challenge Corporation, as described in section 305; and

(2) to provide such assistance in a manner that promotes economic growth and the elimination of extreme poverty and strengthens good governance, economic freedom, and investments in people.

SEC. 303. DEFINITIONS.

In this title:

(1) **BOARD.**—The term “Board” means the Millennium Challenge Board established by section 304(c).

(2) **CANDIDATE COUNTRY.**—The term “candidate country” means a country that meets the criteria set out in section 306.

(3) **CEO.**—The term “CEO” means the chief executive officer of the Corporation established by section 304(b).

(4) **CORPORATION.**—The term “Corporation” means the Millennium Challenge Corporation established by section 304(a).

(5) **ELIGIBLE COUNTRY.**—The term “eligible country” means a candidate country that is determined, under section 307, as being eligible to receive assistance under this title.

(6) **MILLENNIUM CHALLENGE ACCOUNT.**—The term “Millennium Challenge Account” means the account established under section 322.

SEC. 304. ESTABLISHMENT AND MANAGEMENT OF THE MILLENNIUM CHALLENGE CORPORATION.

(a) **ESTABLISHMENT OF THE CORPORATION.**—There is established in the executive branch a corporation within the meaning of section 103 of title 5, United States Code, to be known as the Millennium Challenge Corporation with the powers and authorities described in this title.

(b) **CEO OF THE CORPORATION.**—

(1) **IN GENERAL.**—There shall be a chief executive officer of the Corporation who shall be responsible for the management of the Corporation.

(2) **APPOINTMENT.**—The President shall appoint, by and with the advice and consent of the Senate, the CEO.

(3) **RELATIONSHIP TO THE SECRETARY OF STATE.**—The CEO shall report to and be under the direct authority and foreign policy guidance of the Secretary of State. The Secretary of State shall coordinate the provision of United States foreign assistance.

(4) **DUTIES.**—The CEO shall, in consultation with the Board, direct the performance of all functions and the exercise of all powers of the Corporation, including ensuring that assistance under this title is coordinated with other United States economic assistance programs.

(5) **EXECUTIVE LEVEL II.**—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Chief Executive Officer, Millennium Challenge Corporation.”.

(c) **MILLENNIUM CHALLENGE BOARD.**—

(1) **ESTABLISHMENT OF THE BOARD.**—There is established a Millennium Challenge Board.

(2) **COMPOSITION.**—The Board shall be composed of the following members:

(A) The Secretary of State, who shall serve as the Chair of the Board.

(B) The Secretary of the Treasury.

(C) The Administrator of the United States Agency for International Development.

(D) The CEO.

(E) The United States Trade Representative.

(2) **FUNCTIONS OF THE BOARD.**—The Board shall perform the functions specified to be carried out by the Board in this title.

SEC. 305. AUTHORIZATION FOR MILLENNIUM CHALLENGE ASSISTANCE.

(a) **AUTHORITY.**—The Corporation is authorized to provide assistance to an eligible entity consistent with the purposes of this title set out in section 302(b) to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract. Assistance provided under this title may be provided notwithstanding any other provision of law, except that the Corporation is prohibited from providing assistance to any entity for any project which is likely to—

(1) cause the substantial loss of United States jobs or the displacement of United States production; or

(2) pose an unreasonable or major environmental, health, or safety hazard.

(b) **EXCEPTION.**—Assistance under this title may not be used for military assistance or training.

(c) **FORM OF ASSISTANCE.**—Assistance under this title may be provided in the form of grants to eligible entities.

(d) **COORDINATION.**—The provision of assistance under this title shall be coordinated with other United States foreign assistance programs.

(e) **APPLICATIONS.**—An eligible entity seeking assistance under this title to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract shall submit a proposal for the use of such assistance to the Board in such manner and accompanied by such information as the Board may reasonably require.

SEC. 306. CANDIDATE COUNTRY.

(a) **IN GENERAL.**—A country is a candidate country for the purposes of this title—

(1) during fiscal year 2004, if such country is eligible to receive loans from the International Development Association;

(2) during fiscal year 2005, if the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year; and

(3) during any fiscal year after 2005—

(A) for which more than \$5,000,000,000 has been appropriated to the Millennium Challenge Account, if the country is classified as a lower middle income country by the World Bank on the first day of such fiscal year; or

(B) for which not more than \$5,000,000,000 has been appropriated to such Millennium Challenge Account, the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year.

(b) **LIMITATION ON ASSISTANCE TO CERTAIN CANDIDATE COUNTRIES.**—In a fiscal year in which subparagraph (A) of subsection (a)(3) applies with respect to determining candidate countries, not more than 20 percent of the amounts appropriated to the Millennium Challenge Account shall be available for assistance to countries that would not be candidate countries if subparagraph (B) of subsection (a)(3) applied during such year.

SEC. 307. ELIGIBLE COUNTRY.

(a) **DETERMINATION BY THE BOARD.**—The Board shall determine whether a candidate country is an eligible country by evaluating the demonstrated commitment of the government of the candidate country to—

(1) just and democratic governance, including a demonstrated commitment to—

(A) promote political pluralism and the rule of law;

(B) respect human and civil rights;

(C) protect private property rights;

(D) encourage transparency and accountability of government; and

(E) limit corruption;

(2) economic freedom, including a demonstrated commitment to economic policies that—

(A) encourage citizens and firms to participate in global trade and international capital markets;

(B) promote private sector growth and the sustainable use of natural resources; and

(C) strengthen market forces in the economy; and

(3) investments in the people of such country, including improving the availability of educational opportunities and health care for all citizens of such country.

(b) **ASSESSING ELIGIBILITY.**—

(1) **IN GENERAL.**—To evaluate the demonstrated commitment of a candidate country for the purposes of subsection (a), the CEO shall recommend objective and quantifiable indicators, to be approved by the Board, of a candidate country's performance with respect to the criteria described in paragraphs (1), (2), and (3) of such subsection. In recognition of the essential role of women in developing countries, the CEO shall ensure that such indicators, where appropriate, take into account and assess the role of women and girls. The approved indicators shall be used in selecting eligible countries.

(2) **ANNUAL PUBLICATION OF INDICATORS.**—

(A) **INITIAL PUBLICATION.**—Not later than 45 days prior to the final publication of indicators under subparagraph (B) in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that the Board proposes to use for the purposes of paragraph (1) in such year.

(B) **FINAL PUBLICATION.**—Not later than 15 days prior to the selection of eligible countries in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that are to be used for the purposes of paragraph (1) in such year.

(3) **CONSIDERATION OF PUBLIC COMMENT.**—The Board shall consider any comments on the proposed indicators published under paragraph (2)(A) that are received within 30 days after the publication of such indicators when selecting the indicators to be used for the purposes of paragraph (1).

SEC. 308. ELIGIBLE ENTITY.

(a) **ASSISTANCE.**—Any eligible entity may receive assistance under this title to carry out a project in an eligible country for the purpose of making progress toward achieving an objective of a Millennium Challenge Contract.

(b) **DETERMINATIONS OF ELIGIBILITY.**—The Board shall determine whether a person or governmental entity is an eligible entity for the purposes of this section.

(c) **ELIGIBLE ENTITIES.**—For the purposes of this section, an eligible entity is—

(1) a government, including a local or regional government; or

(2) a nongovernmental organization or other private entity.

SEC. 309. MILLENNIUM CHALLENGE CONTRACT.

(a) **IN GENERAL.**—The Board shall invite the government of an eligible country to enter into a Millennium Challenge Contract with the Corporation. A Millennium Challenge Contract shall establish a multiyear plan for the eligible country to achieve specific objectives consistent with the purposes set out in section 302(b).

(b) **CONTENT.**—A Millennium Challenge Contract shall include—

(1) specific objectives to be achieved by the eligible country during the term of the Contract;

(2) a description of the actions to be taken by the government of the eligible country and the United States Government for achieving such objectives;

(3) the role and contribution of private entities, nongovernmental organizations, and other organizations in achieving such objectives;

(4) a description of beneficiaries, to the extent possible disaggregated by gender;

(5) regular benchmarks for measuring progress toward achieving such objectives;

(6) a schedule for achieving such objectives;

(7) a schedule of evaluations to be performed to determine whether the country is meeting its commitments under the Contract;

(8) a statement that the Corporation intends to consider the eligible country's performance in achieving such objectives in making decisions about providing continued assistance under the Contract;

(9) the strategy of the eligible country to sustain progress made toward achieving such objectives after the expiration of the Contract;

(10) a plan to ensure financial accountability for any assistance provided to a person or government in the eligible country under this title; and

(11) a statement that nothing in the Contract may be construed to create a legally binding or enforceable obligation on the United States Government or on the Corporation.

(c) **REQUIREMENT FOR CONSULTATION.**—The Corporation shall seek to ensure that the government of an eligible country consults with private entities and nongovernmental organizations in the eligible country for the purpose of ensuring that the terms of a Millennium Challenge Contract entered into by the Corporation and the eligible country—

(1) reflect the needs of the rural and urban poor in the eligible country; and

(2) provide means to assist poor men and women in the eligible country to escape poverty through their own efforts.

(d) **REQUIREMENT FOR APPROVAL BY THE BOARD.**—A Millennium Challenge Contract shall be approved by the Board before the Corporation enters into the Contract.

SEC. 310. SUSPENSION OF ASSISTANCE TO AN ELIGIBLE COUNTRY.

The Secretary of State shall direct the CEO to suspend the provision of assistance to an eligible country under a Millennium Challenge Contract during any period for which such eligible country is ineligible to receive assistance under a provision of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

SEC. 311. DISCLOSURE.

(a) **REQUIREMENT FOR DISCLOSURE.**—The Corporation shall make available to the public on a continuous basis and on the earliest possible date, but not later than 15 days after the information is available to the Corporation, the following information:

(1) A list of the candidate countries determined to be eligible countries during any year.

(2) The text of each Millennium Challenge Contract entered into by the Corporation.

(3) For assistance provided under this title—

(A) the name of each entity to which assistance is provided;

(B) the amount of assistance provided to the entity; and

(C) a description of the program or project for which assistance was provided.

(4) For each eligible country, an assessment of—

(A) the progress made during each year by an eligible country toward achieving the objectives set out in the Millennium Challenge Contract entered into by the eligible country; and

(B) the extent to which assistance provided under this title has been effective in helping the eligible country to achieve such objectives.

(b) **DISSEMINATION.**—The information required to be disclosed under subsection (a)

shall be made available to the public by means of publication in the Federal Register and posting on the Internet, as well as by any other methods that the Board determines appropriate.

SEC. 312. MILLENNIUM CHALLENGE ASSISTANCE TO CANDIDATE COUNTRIES.

(a) **AUTHORITY.**—Notwithstanding any other provision of this title and subject to the limitation in subsection (c), the Corporation is authorized to provide assistance to a candidate country that meets the conditions in subsection (b) for the purpose of assisting such country to become an eligible country.

(b) **CONDITIONS.**—Assistance under subsection (a) may be provided to a candidate country that is not an eligible country under section 307 because of—

(1) the unreliability of data used to assess its eligibility under section 307; or

(2) the failure of the government of the candidate country to perform adequately with respect to only 1 of the indicators described in subsection (a) of section 307.

(c) **LIMITATION.**—The total amount of assistance provided under subsection (a) in a fiscal year may not exceed 10 percent of the funds made available to the Millennium Challenge Account during such fiscal year.

SEC. 313. ANNUAL REPORT TO CONGRESS.

Not later than January 31 of each year, the President shall submit to Congress a report on the assistance provided under this title during the prior fiscal year. The report shall include—

(1) information regarding obligations and expenditures for assistance provided to each eligible country in the prior fiscal year;

(2) a discussion, for each eligible country, of the objectives of such assistance;

(3) a description of the coordination of assistance under this title with other United States foreign assistance and related trade policies;

(4) a description of the coordination of assistance under this title with the contributions of other donors; and

(5) any other information the President considers relevant to assistance provided under this title.

SEC. 314. POWERS OF THE CORPORATION.

(a) **POWERS.**—The Corporation—

(1) shall have perpetual succession unless dissolved by an Act of Congress;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may prescribe, amend, and repeal such rules, regulations, and procedures as may be necessary for carrying out the functions of the Corporation;

(4) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation;

(5) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(6) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Corporation;

(7) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this title;

(8) may use the United States mails in the same manner and on the same conditions as the executive departments of Government;

(9) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(10) may hire or obtain passenger motor vehicles; and

(11) shall have such other powers as may be necessary and incident to carrying out this title.

(b) **CONTRACTING AUTHORITY.**—The functions and powers authorized by this title may be performed without regard to any provision of law regulating the making, performance, amendment, or modification of contracts, grants, and other agreements.

SEC. 315. COORDINATION WITH USAID.

(a) **REQUIREMENT FOR COORDINATION.**—An employee of the Corporation assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission in a foreign country shall, in a manner that is consistent with the authority of the Chief of Mission, coordinate the performance of the functions of the Corporation in such country with the officer in charge of the United States Agency of International Development programs located in such country.

(b) **USAID PROGRAMS.**—The Administrator of the United States Agency for International Development shall seek to ensure that appropriate programs of the Agency play a primary role in preparing candidate countries to become eligible countries under section 307.

SEC. 316. PRINCIPAL OFFICE.

The Corporation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

SEC. 317. PERSONNEL AUTHORITIES.

(a) **REQUIREMENT TO PRESCRIBE A HUMAN RESOURCES MANAGEMENT SYSTEM.**—The CEO shall, jointly with the Director of the Office of Personnel Management, prescribe regulations that establish a human resources management system, including a retirement benefits program, for the Corporation.

(b) **RELATIONSHIP TO OTHER LAWS.**—

(1) **INAPPLICABILITY OF CERTAIN LAWS.**—Except as provided in paragraph (2), the provisions of title 5, United States Code, and of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) shall not apply to the human resource management program established pursuant to paragraph (1).

(2) **APPLICATION OF CERTAIN LAWS.**—The human resources management system established pursuant to subsection (a) may not waive, modify, or otherwise affect the application to employees of the Corporation of the following provisions:

(A) Section 2301 of title 5, United States Code.

(B) Section 2302(b) of such title.

(C) Chapter 63 of such title (relating to leave).

(D) Chapter 72 of such title (relating to antidiscrimination).

(E) Chapter 73 of such title (relating to suitability, security, and conduct).

(F) Chapter 81 of such title (relating to compensation for work injuries).

(G) Chapter 85 of such title (relating to unemployment compensation).

(H) Chapter 87 of such title (relating to life insurance).

(I) Chapter 89 of such title (relating to health insurance).

(J) Chapter 90 of such title (relating to long-term care insurance).

(3) **RELATIONSHIP TO RETIREMENT BENEFITS LAWS.**—The retirement benefits program referred to in subsection (a) shall permit the employees of the Corporation to be eligible, unless the CEO determines otherwise, for benefits under—

(A) subchapter III of chapter 83 and chapter 84 of title 5, United States Code (relating to retirement benefits); or

(B) chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) (relating to the Foreign Service Retirement and Disability System).

(C) **APPOINTMENT AND TERMINATION.**—Except as otherwise provided in this section, the CEO may, without regard to any civil service or Foreign Service law or regulation, appoint and terminate employees as may be necessary to enable the Corporation to perform its duties.

(D) **COMPENSATION.**—

(1) **AUTHORITY TO FIX COMPENSATION.**—Subject to the provisions of paragraph (2), the CEO may fix the compensation of employees of the Corporation.

(2) **LIMITATIONS ON COMPENSATION.**—The compensation for an employee of the Corporation may not exceed the lesser of—

(A) the rate of compensation established under title 5, United States Code, or any Foreign Service law for an employee of the Federal Government who holds a position that is comparable to the position held by the employee of the Corporation; or

(B) the rate of pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(E) **TERM OF EMPLOYMENT.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), no individual may be employed by the Corporation for a total period of employment that exceeds 5 years.

(2) **EXCEPTED POSITIONS.**—The CEO, and not more than 3 other employees of the Corporation who are designated by the CEO, may be employed by the Corporation for an unlimited period of employment.

(3) **WAIVER.**—The CEO may waive the maximum term of employment described in paragraph (1) if the CEO determines that such waiver is essential to the achievement of the purposes of this title.

(F) **AUTHORITY FOR TEMPORARY EMPLOYEES.**—The CEO may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(G) **DETAIL OF FEDERAL EMPLOYEES TO THE CORPORATION.**—Any Federal Government employee may be detailed to the Corporation on a fully or partially reimbursable or on a non-reimbursable basis, and such detail shall be without interruption or loss of civil service or Foreign Service status or privilege.

(H) **REINSTATEMENT.**—An employee of the Federal Government serving under a career or career conditional appointment, or the equivalent, in a Federal agency who transfers to or converts to an appointment in the Corporation with the consent of the head of the agency is entitled to be returned to the employee's former position or a position of like seniority, status, and pay without grade or pay reduction in the agency if the employee—

(1) is being separated from the Corporation for reasons other than misconduct, neglect of duty, or malfeasance; and

(2) applies for return to the agency not later than 30 days before the date of the termination of the employment in the Corporation.

SEC. 318. PERSONNEL OUTSIDE THE UNITED STATES.

(A) **ASSIGNMENT TO UNITED STATES EMBASSIES.**—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, may be assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission.

(B) **PRIVILEGES AND IMMUNITIES.**—The Secretary of State shall seek to ensure that an employee of the Corporation, including an

individual detailed to or contracted by the Corporation, and the members of the family of such employee, while the employee is performing duties in any country or place outside the United States, enjoy the privileges and immunities that are enjoyed by a member of the Foreign Service, or the family of a member of the Foreign Service, as appropriate, of comparable rank and salary of such employee, if such employee or a member of the family of such employee is not a national of or permanently resident in such country or place.

(C) **RESPONSIBILITY OF CHIEF OF MISSION.**—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, and a member of the family of such employee, shall be subject to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) in the same manner as United States Government employees while the employee is performing duties in any country or place outside the United States if such employee or member of the family of such employee is not a national of or permanently resident in such country or place.

SEC. 319. USE OF SERVICES OF OTHER AGENCIES.

The Corporation may utilize the information services, facilities and personnel of, or procure commodities from, any agency of the United States Government on a fully or partially reimbursable or nonreimbursable basis under such terms and conditions as may be agreed to by the head of such agency and the Corporation for carrying out this title.

SEC. 320. ADMINISTRATIVE AUTHORITIES.

The Corporation is authorized to use any of the administrative authorities contained in the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) unless such authority is inconsistent with a provision of this title.

SEC. 321. APPLICABILITY OF CHAPTER 91 OF TITLE 31, UNITED STATES CODE.

The Corporation shall be subject to chapter 91 of title 31, United States Code.

SEC. 322. ESTABLISHMENT OF THE MILLENNIUM CHALLENGE ACCOUNT.

There is established on the books of the Treasury an account to be known as the Millennium Challenge Account that shall be administered by the CEO under the direction of the Board. All amounts made available to carry out the provisions of this title shall be deposited into such Account and such amounts shall be available to carry out such provisions.

SEC. 323. AUTHORIZATION OF APPROPRIATIONS.

(A) **IN GENERAL.**—There are authorized to be appropriated to carry out the provisions of this title \$1,000,000,000 for fiscal year 2004, \$2,300,000,000 for fiscal year 2005, and \$5,000,000,000 for fiscal year 2006.

(B) **AVAILABILITY.**—Funds appropriated under subsection (a)—

(1) are authorized to remain available until expended, subject to appropriations acts; and

(2) are in addition to funds otherwise available for such purposes.

(C) **ALLOCATION OF FUNDS.**—

(1) **IN GENERAL.**—The Corporation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this title. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this title or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(2) **NOTIFICATION.**—The notification requirements of section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)) shall apply to any allocation or transfer of funds made pursuant to paragraph (1).

SEC. 324. APPROPRIATIONS.

(A) **IN GENERAL.**—There is hereby appropriated \$1,000,000,000 for fiscal year 2004, to remain available until expended, to carry out the provisions of this title to provide assistance for countries that have demonstrated commitment to—

(1) just and democratic governance;

(2) economic freedom; and

(3) investing in the well-being of their own people.

(B) **NOTIFICATION.**—Funds appropriated under this title shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

SA 2018. Mr. MCCONNELL (for Mr. ENSIGN) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

DEMOCRACY BUILDING IN CUBA

SEC. 692. (a) Of the funds appropriated in Title II, under the heading "Transition Initiatives" not more than \$5,000,000 shall be available for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

(1) Published and informational material, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economics, to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression, and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(1) The term "independent nongovernmental organization" means an organization that the Secretary of State determines, not less than 15 days before any obligation of funds made available under this section to the organization, is a charitable or nonprofit nongovernmental organization that is not an agency or instrumentality of the Cuban Government.

(2) The term "individuals" means a Cuban national in Cuba, including a political prisoner and the family of such prisoner, who is not an official of the Cuban Government or of the ruling political party in Cuba, as defined in section 4(10) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(10)).

(c) The notification requirements of section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) shall apply to any allocation or transfer of funds made pursuant to this section.

SA 2019. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 23, line 3, before the colon, insert the following:

: *Provided further*, That of the funds appropriated under this heading, funds shall be made available to the World Health Organization's HIV/AIDS, Tuberculosis and Malaria Cluster

On page 23, line 8, before the period, insert the following:

: *Provided further*, That the Coordinator should seek to ensure that an appropriate percent of the budget for prevention and treatment programs of the Global Fund to Fight AIDS, Tuberculosis and Malaria is made available to support technical assistance to ensure the quality of such programs

SA 2020. Mr. MCCONNELL (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

RESPONSIBLE JUSTICE AND RECONCILIATION
MECHANISMS IN CENTRAL AFRICA

SEC. 692. (a) Of the funds appropriated under title II under the heading "ECONOMIC SUPPORT FUND", \$12,000,000 should be made available to support the development of responsible justice and reconciliation mechanisms in the Democratic Republic of the Congo, Rwanda, Burundi, and Uganda, including programs to increase awareness of gender-based violence and improve local capacity to prevent and respond to such violence.

SA 2021. Mr. MCCONNELL (for Mr. BROWNBACK (for himself and Mrs. FEINSTEIN)) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 77, beginning on line 20, strike "not to exceed \$3,000,000 may be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China;" and insert "not to exceed \$4,000,000 shall be provided to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, of which up to \$3,000,000 may be made available for the Bridge Fund of the Rockefeller Philanthropic Advisors to support such activities:"

SA 2022. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 53, line 21, strike "\$8,898,000" and insert in lieu thereof the following: \$898,000

On page 55, line 26, strike "\$314,550,000" and insert in lieu thereof the following: \$322,550,000

SA 2023. Mr. REID (for Mr. KENNEDY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. The Secretary of State should make publicly available prices paid to pur-

chase HIV/AIDS pharmaceuticals, antiviral therapies, and other appropriate medicines, including medicines to treat opportunistic infections, for the treatment of people with HIV/AIDS and the prevention of mother-to-child transmission of HIV/AIDS in developing countries—

(1) through the use of funds appropriated under this Act; and

(2) to the extent available, by—

(A) the World Health Organization; and

(B) the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

SA 2024. Mr. MCCONNELL (for Mr. FRIST (for himself, Mr. MCCONNELL, and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 22, strike line 3 and insert the following:

ACTIVITIES TO COMBAT HIV/AIDS GLOBALLY
FUND

On page 22, line 10, insert "except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) as amended by section 692 of this Act," after "law,"

On page 74, line 22, insert "except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) as amended by section 692 of this Act" before the colon.

On page 147, between lines 6 and 7, insert the following new section:

ASSISTANCE FOR HIV/AIDS

SEC. 692. The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) is amended—

(1) in section 202(d)(4)(A), by adding at the end the following new clause:

"(vi) for the purposes of clause (i), 'funds contributed to the Global Fund from all sources' means funds contributed to the Global Fund at any time during fiscal years 2004 through 2008 that are not contributed to fulfill a commitment made for a fiscal year prior to fiscal year 2004;"

(2) in section 202(d)(4)(B), by adding at the end the following new clause:

"(iv) Notwithstanding clause (i), after July 1 of each of the fiscal years 2004 through 2008, any amount made available under this subsection that is withheld by reason of subparagraph (A)(i) is authorized to be made available to carry out sections 104A, 104B, and 104C of the Foreign Assistance Act of 1961 (as added by title III of this Act)."; and

(3) in section 301(f), by inserting ", except that this subsection shall not apply to the Global Fund to Fight AIDS, Tuberculosis and Malaria or to any United Nations voluntary agency" after "trafficking".

AUTHORITY FOR COMMITTEES TO
MEET

COMMITTEE ON COMMERCE, SCIENCE AND
TRANSPORTATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, October 28, 2003, at 9:30 a.m. on dietary supplements.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Com-

mittee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 28, 2003, at 10:15 a.m. to hold a hearing on Iran: Security Threats & U.S. Policy.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, October 28, 2003, at 10 a.m. on "Judiciary Nominations," in the Dirksen Senate Office Building room 226.

Agenda:

Panel I: Senators.

Panel II: Claude A. Allen to be United States Circuit Judge for the Fourth Circuit.

Panel III: Mark R. Filip to be United States District Judge for the Northern District of Illinois.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, October 28, 2003, at 9:30 a.m. in room 301 Russell Senate Office Building to conduct a confirmation hearing on four Presidential nominees to the Election Assistance Commission.

The nominees are Paul S. DeGregorio (R) of Missouri, 2 year term; Gracia M. Hillman (D) of the District of Columbia, 2 year term; Deforest "Buster" Soaries (R) of New Jersey, 4 year term; and Raymundo Martinez III (D) of Texas, 4 year term.

The PRESIDING OFFICER. Without objection it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, on behalf of Senator MIKULSKI, I ask unanimous consent that Lesley Werthamer, a State Department fellow in her office, be granted the privilege of the floor during consideration of the foreign operations bill, H.R. 2800.

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

Mr. LUGAR. Mr. President, I ask unanimous consent that Michael Mattler, a detailee from the State Department to the Foreign Relations Committee staff be granted floor privileges during consideration of this amendment.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Darcy Zotter, a fellow on my staff, be allowed the privilege of the floor during debate on this bill.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that Daniela Ligiero, a fellow in Senator BINGAMAN's office, be granted the privileges

of the floor for the pendency of the foreign operations appropriations bill.

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

UNANIMOUS CONSENT
AGREEMENT—S. 1753

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, but not before November 3, may turn to the consideration of S. 1753, the Fair Credit Reporting Act, and that it be considered under the following limitation:

The only first-degree amendments be the following and that they be subject to relevant second-degree amendments, provided that where the term "relevant" is used for a first-degree amendment it be construed to mean anything related to, pertaining to, or dealing with the subject matter contained in either the Senate or House bill, or the substitute amendment; textual reference is not required.

The amendments are: CANTWELL, ID theft; CORZINE, financial institutions to notify FTC of consumer data breach; DAYTON, national information sharing standards; DURBIN, student loan payment reporting; two by FEINGOLD: buy American and data mining reporting; KOHL, student loans credit reporting; two by Senator SCHUMER: debit card fee disclosure, economic policy; Senator NELSON of Florida, disposal of consumer financial records; Senators LINCOLN and PRYOR of Arkansas, usury limit; three relevant amendments by Senator FEINSTEIN; three amendments by Senator BOXER: consumer protection from false affiliate information sharing, right to know what affiliates your company can share information with, and tightening opt-out marketing loopholes; Senators SHELBY and SARBANES, a substitute amendment; relevant amendments by Senator BROWNBACK and Senator SPECTER; Senator MURKOWSKI, sharing confidential information; Senator SARBANES, two relevant amendments; Senator SHELBY, two relevant amendments; that upon the disposition of these amendments, the bill be read the third time and H.R. 2622, the House companion, be discharged from the Banking Committee and the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 1753, as amended, be substituted in lieu thereof; the bill be read the third time, and the Senate vote on final passage of the bill, with the preceding all occurring without any intervening action or debate; further, that upon disposition of the House bill, S. 1753 be returned to the calendar.

The PRESIDING OFFICER. Is this objection?

Mr. REID. Mr. President, if I can just say this prior to the consent being entered into the RECORD, we have a number of amendments. It sounds like a lot. I have spoken to the chairman and ranking member of the committee, in-

dicating that I am not sure all of the amendments on this side will even be offered. For example, Senator FEINGOLD thinks these will be accepted. If they are not, he will take a 10-minute time agreement.

I think we can move through these amendments quite rapidly. As I think everybody knows at this stage, the vast majority of the Senate favors this legislation. I think we should acknowledge that this agreement was reached with some effort today as a result of the advocacy of the Senators from California. They did not want this matter to be brought up this week because the fires are raging as we speak in California. They are both scheduled to go out there sometime this week. It would have been terribly inconvenient.

I appreciate everyone's cooperation. The majority and Senators on this side had other amendments they wanted to offer. But understanding the difficulty and the problems in California at this stage, we arrived at a point where I think it is fair to everybody.

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

Mr. MCCONNELL. Mr. President, I certainly hope my friend from Nevada is correct, because it does list 25 amendments. I share his hope and expectations that many of those will disappear and we will be able to deal with this legislation, which is widely supported by an overwhelming majority of the Senate, in relatively rapid fashion.

UNANIMOUS CONSENT
AGREEMENT—H.R. 2800

Mr. MCCONNELL. I ask unanimous consent that when the Senate resumes consideration of the foreign operations appropriations bill on Wednesday, tomorrow, Senator DORGAN be immediately recognized in order to offer an amendment related to the September 11 commission. I further ask unanimous consent that there be 40 minutes equally divided in relation to the amendment and that at the expiration of time I or my designee be recognized in order to make a point of order against the amendment; further, that Senator DORGAN then be recognized in order to move to suspend rule XVI with respect to his amendment. I finally ask unanimous consent that the Senate then proceed immediately to a vote on the motion to suspend. I also ask consent that following that vote the Senate then proceed to consideration of H.R. 1904, the Healthy Forests legislation.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Reserving the right to object, I, along with Senator LEAHY and others on this side, are terribly disappointed that the action on the Dorgan amendment tomorrow will bring to a close, at least at this stage, further action on this most important appropriations bill. My memory could be wrong, but not too wrong, that in the past we have moved through this bill

pretty quickly. The Senator from Kentucky has been involved in this for a long time, as either the ranking member or chairman of this subcommittee. I think he and Senator LEAHY, who has been involved with this for many years, have done an outstanding job.

There is one issue that has held this up and that is getting more money for global AIDS. The President supports this effort to get more money for global AIDS, and I am disappointed he and his people have not weighed in more on this, although knowing the Senator who is wanting to slow this down, does not want this to move forward, I am not sure what good it would do for anyone to talk to him knowing what an advocate he is and how strongly he feels about things.

The point I am making is I think we should have a vote on this, whatever it takes, and move on. On this side, I think everyone would have to acknowledge we have cooperated on these appropriations bills, but we cannot go to other appropriations bills when we have an appropriations bill that is on the floor and somebody finds a tough vote. It is not right. We in good faith have had our Members not offer various amendments. We have been very discrete in the amendments we have offered, and I would hope the night will bring more understanding to this most important issue of global AIDS.

It is not going to go away. It will appear on this bill or some other bill. I know my friend from Kentucky has worked very hard for hours today trying to move forward. This is his bill. Again, I express my concern and disappointment but have no objection to the unanimous consent agreement that has been suggested.

The PRESIDING OFFICER. Without objection, it is so ordered. The unanimous consent request is agreed to.

Mr. MCCONNELL. Mr. President, if I may state briefly on the issue of funding of global AIDS, I think it is important to remind our colleagues it was the President who recommended \$15 billion over 5 years to attack this global public health crisis. Even without enacting amendments that go above the budget, the \$2 billion that is in this appropriations bill and another appropriations bill that has already cleared the Senate—between the two bills, \$2 billion—provides for the administration, even if we are unable through this process at some point this year to provide additional appropriations, to spend all the money that the administration feels it can usefully spend in the first year of the 5-year commitment. This Senator has no doubt that the full \$15 billion over 5 years will be appropriated to address this huge public health crisis.

UNANIMOUS CONSENT REQUEST—
H.R. 7

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, the charitable choice

bill. I further ask unanimous consent that all after the enacting clause be stricken, that the Snowe amendment and the Grassley-Baucus amendment, which are at the desk, be agreed to en bloc; that the substitute amendment, which is the text of S. 476, the Senate-passed version of charitable choice, as amended by Snowe and Grassley-Baucus, be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; further, that the Senate insist upon its amendments and request a conference with the House; and lastly, that the Chair be authorized to appoint conferees with a ratio of 3 to 2 and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask that the distinguished Senator from Kentucky modify his request as follows: That the Senate proceed to the immediate consideration of H.R. 7; that all after the enacting clause be stricken; that the Snowe amendment which is at the desk be agreed to; that the substitute amendment which is the text of S. 476 as passed the Senate, as amended, be agreed to; that the bill as amended be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to this be printed in the RECORD, with no intervening action or debate.

Mr. MCCONNELL. Mr. President, I object.

Mr. REID. I also object.

The PRESIDING OFFICER. The Senator from Kentucky declines to modify his original request and the objection is now heard on the original request.

Mr. REID. The Chair is correct.

EXECUTIVE SESSION

NOMINATION OF CHARLES W. PICKERING, SR., OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to executive session for the consideration of Executive Calendar No. 400, the nomination of Charles Pickering to be U.S. Circuit Judge for the Fifth Circuit. I ask my friend and colleague on the other side of the aisle, would his side be willing to enter into a time agreement on this nomination?

Mr. REID. The answer is no.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Charles W. Pickering, Sr., of Mississippi to be United States Circuit Judge for the Fifth circuit.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I therefore send a cloture motion to the desk to the pending nomination.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 400, the nomination of Charles W. Pickering, Sr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

Bill Frist, Orrin Hatch, Trent Lott, Conrad Burns, Lamar Alexander, Arlen Specter, Mitch McConnell, Mike DeWine, Chuck Hagel, Rick Santorum, Craig Thomas, Thad Cochran, John Ensign, Lindsey Graham, Elizabeth Dole, Michael B. Enzi, Gordon Smith.

Mr. MCCONNELL. I ask unanimous consent the live quorum as required under rule XXII be waived.

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

LEGISLATIVE SESSION

Mr. MCCONNELL. I ask unanimous consent that the Senate resume legislative session.

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

HARMFUL ALGAL BLOOM AND HYPOXIA AMENDMENTS ACT OF 2003

Mr. MCCONNELL. I ask unanimous consent the Senate proceed to immediate consideration of Calendar No. 249, S. 247.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 247) to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which was reported with an amendment, as follows:

[Strike the part shown in black brackets and insert the part printed in italic]

S. 247

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 "Harmful Algal Bloom and Hypoxia Amendments Act of 2003".]

SECTION 2. RETENTION OF TASK FORCE.

[Section 603 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 nt) is amended by striking subsection (e).]

SECTION 3. PREDICTION AND RESPONSE PLAN.

[Section 603 of such Act, as amended by section 2, is further amended by adding at the end the following:

“(e) PREDICTION AND RESPONSE PLAN.—

“(1) DEVELOPMENT OF PLAN.—Not later than 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2003, the President, in conjunction with the chief executive officers of the States, shall develop and submit to the Congress a plan to protect environmental and public health from impacts of harmful algal blooms. In developing the

plan, the President shall consult with the Task Force, the coastal States, Indian tribes, local governments, industry, academic institutions, and non-governmental organizations with expertise in coastal zone management.

“(2) PLAN REQUIREMENTS.—The plan shall—

“(A) review techniques for prediction of the onset, course, and impacts of harmful algal blooms including evaluation of their accuracy and utility in protecting environmental and public health and provisions for implementation;

“(B) identify innovative response measures for the prevention, control, and mitigation of harmful algal blooms and provisions for their development and implementation; and

“(C) include incentive-based partnership approaches where practicable.

“(3) PUBLICATION AND OPPORTUNITY FOR COMMENT.—At least 90 days before submitting the plan to the Congress, the President shall cause a summary of the proposed plan to be published in the Federal Register for a public comment period of not less than 60 days.

“(4) FEDERAL ASSISTANCE.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for Federal cooperation with and assistance to the coastal States, Indian tribes, and local governments in implementing measures in paragraph (2), as requested.”.

SECTION 4. LOCAL AND REGIONAL ASSESSMENTS.

[Section 603 of such Act, as amended by section 3, is further amended by adding at the end the following:

“(f) LOCAL AND REGIONAL ASSESSMENTS.—

“(1) IN GENERAL.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for local and regional assessments of hypoxia and harmful algal blooms, as requested by coastal States, Indian tribes, and local governments.

“(2) PURPOSE.—Local and regional assessments may examine—

“(A) the causes of hypoxia or harmful algal blooms in that area;

“(B) the ecological and economic impacts of hypoxia or harmful algal blooms;

“(C) alternatives to reduce, mitigate, and control hypoxia and harmful algal blooms; and

“(D) the social and economic benefits of such alternatives.”.

SECTION 5. AUTHORIZATION OF APPROPRIATIONS.

[Section 605 of such Act is amended—

“(1) by striking “and” after “2000,” in the first sentence and in the paragraphs (1), (2), (3), and (5);

“(2) by inserting “\$26,000,000 for fiscal year 2004, \$26,500,000 for fiscal year 2005, and \$27,000,000 for fiscal year 2007” after “2001,” in the first sentence;

“(3) by inserting “and \$2,500,000 for each of fiscal years 2004, 2005, and 2006” after “2001” in paragraph (1);

“(4) by inserting “and \$5,500,000 for each of fiscal years 2004, 2005, and 2006” after “2001” in paragraph (2);

“(5) by striking “2001” in paragraph (3) and inserting “2001, \$2,000,000 for fiscal year 2004, \$3,000,000 for fiscal year 2005, and \$3,000,000 for fiscal year 2006”;

“(6) by striking “blooms;” in paragraph (3) and inserting “blooms and to implement section 603(e);”;

“(7) by striking “2001” in paragraph (4) and inserting “2001, and \$6,000,000 for each of fiscal years 2004, 2005, and 2006;”;

“(8) by striking “and” after the semicolon in paragraph (4);

“(9) by striking “2001” in paragraph (5) and inserting “2001, \$5,000,000 for fiscal year 2004,

\$5,500,000 for fiscal year 2005, and \$6,600,000 for fiscal year 2006”;

[(10) by striking “Administration.” in paragraph (5) and inserting “Administration; and”; and

[(11) by adding at the end the following:

[(“(6) \$3,000,000 for each of fiscal years 2004, 2005, and 2006 to carry out section 603(f).”.]

SECTION 1. SHORT TITLE.

This Act may be cited as the “Harmful Algal Bloom and Hypoxia Amendments Act of 2003”.

SEC. 2. RETENTION OF TASK FORCE.

Section 603 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 nt) is amended by striking subsection (e).

SEC. 3. PREDICTION AND RESPONSE PLAN.

Section 603 of such Act, as amended by section 2, is further amended by adding at the end the following:

“(e) PREDICTION AND RESPONSE PLAN.—

“(1) DEVELOPMENT OF PLAN.—Not later than 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2003, the President, in consultation with the chief executive officers of the States, shall develop and submit to the Congress a plan to protect environmental and public health from impacts of harmful algal blooms. In developing the plan, the President shall consult with the Task Force, the coastal States, Indian tribes, local governments, industry, academic institutions, and non-governmental organizations with expertise in coastal zone science and management.

“(2) PLAN REQUIREMENTS.—The plan shall—

“(A) review techniques for prediction of the onset, course, and impacts of harmful algal blooms including evaluation of their accuracy and utility in protecting environmental and public health and provisions for implementation;

“(B) identify innovative response measures for the prevention, control, and mitigation of harmful algal blooms and provisions for their development and implementation; and

“(C) include incentive-based partnership approaches where practicable.

“(3) PUBLICATION AND OPPORTUNITY FOR COMMENT.—At least 90 days before submitting the plan to the Congress, the President shall cause a summary of the proposed plan to be published in the Federal Register for a public comment period of not less than 60 days.

“(4) FEDERAL ASSISTANCE.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for Federal cooperation with and assistance to the coastal States, Indian tribes, and local governments in implementing measures in paragraph (2), as requested.”.

SEC. 4. LOCAL AND REGIONAL ASSESSMENTS.

Section 603 of such Act, as amended by section 3, is further amended by adding at the end the following:

“(f) LOCAL AND REGIONAL ASSESSMENTS.—

“(1) IN GENERAL.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for local and regional assessments of hypoxia and harmful algal blooms, as requested by coastal States, Indian tribes, and local governments.

“(2) PURPOSE.—Local and regional assessments may examine—

“(A) the causes of hypoxia or harmful algal blooms in that area;

“(B) the ecological and economic impacts of hypoxia or harmful algal blooms;

“(C) alternatives to reduce, mitigate, and control hypoxia and harmful algal blooms; and

“(D) the social and economic costs and benefits of such alternatives.”.

“(g) SCIENTIFIC ASSESSMENT OF GREAT LAKES HARMFUL ALGAL BLOOMS.—

“(1) Not later than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2003 the

Task Force shall complete and submit to Congress a scientific assessment of current knowledge about harmful algal blooms in the Great Lakes, including a research plan for coordinating Federal efforts to better understand Great Lakes harmful algal blooms.

“(2) The Great Lakes harmful algal bloom scientific assessment shall—

“(A) examine the causes and ecological consequences, and the economic costs, of harmful algal blooms with significant effects on Great Lakes locations, including estimations of the frequency and occurrence of significant events;

“(B) establish priorities and guidelines for a competitive, peer-reviewed, merit-based inter-agency research program, as part of the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) project, to better understand the causes, characteristics, and impacts of harmful algal blooms in Great Lakes locations; and

“(C) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on harmful algal blooms in Great Lakes locations.

“(h) SCIENTIFIC ASSESSMENTS OF HYPOXIA.—

“(1) Not less than once every 5 years the Task Force shall complete and submit to the Congress a scientific assessment of hypoxia in United States coastal waters including the Great Lakes. The first such assessment shall be completed not less than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2003.

“(2) The assessments under this subsection shall—

“(A) examine the causes and ecological consequences, and the economic costs, of hypoxia;

“(B) describe the potential ecological and economic costs and benefits of possible policy and management actions for preventing, controlling, and mitigating hypoxia;

“(C) evaluate progress made by, and the needs of, Federal research programs on the causes, characteristics, and impacts of hypoxia, including recommendations of how to eliminate significant gaps in hypoxia modeling and monitoring data; and

“(D) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on hypoxia.”.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 605 of such Act is amended—

(1) by striking “and” after “2000,” in the first sentence and in the paragraphs (1), (2), (3), and (5);

(2) by inserting “\$26,000,000 for fiscal year 2004, \$26,500,000 for fiscal year 2005, \$27,000,000 for fiscal year 2006, \$27,500,000 for fiscal year 2007, and \$28,000,000 for fiscal year 2008” after “2001,” in the first sentence;

(3) by inserting “and \$2,500,000 for each of fiscal years 2004 through 2008” after “2001” in paragraph (1);

(4) by inserting “and \$8,200,000, of which \$2,000,000 shall be used for the research program described in section 603(g)(2)(B), for each of fiscal years 2004 through 2008” after “2001” in paragraph (2);

(5) by striking “2001” in paragraph (3) and inserting “2001, \$2,000,000 for fiscal year 2004, \$3,000,000 for fiscal year 2005, \$3,000,000 for fiscal year 2006, \$3,000,000 for fiscal year 2007, and \$3,000,000 for fiscal year 2008”;

(6) by striking “blooms;” in paragraph (3) and inserting “blooms and to implement section 603(e);”;

(7) by striking “2001” in paragraph (4) and inserting “2001, and \$6,000,000 for each of fiscal years 2004 through 2008”;

(8) by striking “and” after the semicolon in paragraph (4);

(9) by striking “2001” in paragraph (5) and inserting “2001, \$5,000,000 for fiscal year 2004, \$5,500,000 for fiscal year 2005, \$6,000,000 for fiscal year 2006, \$7,100,000 for fiscal year 2007, and \$7,600,000 for fiscal year 2008”;

(10) by striking “Administration.” in paragraph (5) and inserting “Administration; and”; and

(11) by adding at the end the following:

“(6) \$3,000,000 for each of fiscal years 2004 through 2008 to carry out section 603(f).”.

Ms. SNOWE. Mr. President, I am pleased that today the Senate is considering passage of S. 247, the Harmful Algal Bloom and Hypoxia Amendments Act of 2003.

I must first thank my friend and original cosponsor, Senator BREAUX, for his commitment to taking action with me on these important issues. He and I represent coastal States that are directly affected by harmful algal blooms and hypoxia, and we see firsthand how these outbreaks have harmful impacts on marine ecology, resource economics, and human health in our States.

For instance, during the past several weeks Maine has endured the most toxic red tide to hit our coastline in decades. When humans, fish, and marine mammals eat clams, mussels, oysters, snails, and other shellfish that have fed on the algae that produced this red tide, they are exposed to accumulated toxins, which can cause harmful—even fatal—neurological problems. This phenomenon occurs along thousands of miles of U.S. coastline, but it has increased dramatically in the Gulf of Maine in the last 20 years. In Maine this month, the most recent outbreak caused public health alerts and closed the entire coastline to shellfishing, and it may even be linked to the deaths of 21 large whales, including humpbacks. As you can see, due to these events passage of this bill is extremely timely.

I must also thank Senators VOINOVICH, DEWINE, and LEVIN for cosponsoring this bill and helping to expand its scope to include the Great Lakes. Harmful algal blooms and hypoxia have increased in Lake Erie and other regional waters in recent years, and Great Lakes-bordering States are struggling to identify the causes of these events. Like other coastal States, they need to be able to better predict, monitor, and mitigate these events in order to protect their environment, economy, and human health.

This bill continues and builds upon the research efforts we established in 1998 through the Harmful Algal Bloom and Hypoxia Research and Control Act. This original bill authorized a cross-section of research and monitoring activities on harmful algal blooms and hypoxia. However, algal blooms are still prevalent around the country, the hypoxia “dead zone” still occurs each summer in the Gulf of Mexico, and the management and mitigation measures set forth in our 1998 bill still need to be realized. The amendments in S. 247 would authorize the funding that will reignite these scientific activities and provide important new authorities.

This reauthorization continues to seek and utilize the valuable contributions of the once-temporary Inter-

Agency Task Force on Harmful Algal Blooms and Hypoxia by making it permanent. The bill would direct this Task Force to develop a response and prediction action plan to protect environmental and public health from the harmful impacts of harmful algal blooms. Through this plan, task force members would review prediction techniques, develop innovative response measures, and include incentive-based partnership approaches.

The bill would also authorize the task force and the Department of Commerce to develop local and regional assessments at the request of coastal States, Indian tribes, and local governments, so they could obtain technical assistance in addressing their local hypoxia and harmful algal bloom outbreaks. The regional plans will help avoid a one-size-fits-all approach to prediction and response, since local and regional variations in the types of land use, landscape geology, and community input should be taken into account. By tailoring mitigation and management measures to each location, the overall approach can be made more effective.

As for the Great Lakes, S. 247 would direct this task force to conduct a scientific assessment of Great Lakes harmful algal blooms, and it would direct them to conduct a scientific assessment of hypoxia in U.S. coastal waters, including the Great Lakes, not less than once every 5 years. This amendment would authorize funding levels for these assessments at \$2 million for fiscal years 2004 through 2006.

Overall, this bill would authorize \$26 million in fiscal year 2004, and \$26.5 million in fiscal year 2005, and \$27 million in fiscal year 2006. These funding levels reflect modest increases in some of the research and monitoring programs authorized in the 1998 bill and provide funding for the new assessments and implementation of their recommendations.

This reauthorization facilitates the continuation and expansion of collaborative, science-based research efforts that can help us better understand how to predict and mitigate harmful algal blooms and hypoxia events. The nation is well-served by legislation that seeks to protect coastal ecosystems, resource-dependent economies, and human health, and I thank my colleagues for supporting this important bill. I look forward to sending this bill to the House of Representatives so that they may undertake the next step in passing it.

Mr. MCCONNELL. I ask unanimous consent the committee amendment be agreed to, the bill be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 247), as amended, was read the third time and passed.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 108-9

Mr. MCCONNELL. Mr. President, as in executive session, I ask unanimous consent the injunction of secrecy be removed from the following treaty, transmitted to the Senate on October 28, 2003, by the President of the United States: Protocol Amending Tax Convention with Sri Lanka (Treaty Doc. 108-9).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Protocol Amending the Convention Between the Government of the United States of America and the Government of the Democratic Socialist Republic of Sri Lanka for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Colombo on March 14, 1985, together with an exchange of notes, signed at Washington on September 20, 2002 (the "Protocol"). I also transmit, for the information of the Senate, the report of the Department of State concerning the Protocol.

The Protocol would amend the Convention to make it similar to tax treaties between the United States and other developing nations. The Convention would provide maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention, as amended by the Protocol, also provides for resolution of disputes and sets forth rules making its benefits unavailable to residents that are engaged in treaty shopping.

I recommend that the Senate give early and favorable consideration to this Protocol in conjunction with the Convention, and that the Senate give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, October 28, 2003.

ORDERS FOR WEDNESDAY, OCTOBER 29, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, October 29. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the

time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business for up to 30 minutes, with the first 15 minutes under the control of Senator HUTCHISON or her designee and the second 15 minutes under the control of the minority leader or his designee; provided that following morning business, the Senate resume consideration of H.R. 2800, the Foreign Operations Appropriations bill.

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

PROGRAM

Mr. MCCONNELL. For the information of all Senators, tomorrow, following morning business, the Senate will resume consideration of the Foreign Operations appropriations bill. Under the previous order, there will be a vote in relation to the Dorgan amendment at approximately 10:40 a.m. This will be the first vote of the day.

Following the disposition of the Dorgan amendment, the Senate will turn to consideration of H.R. 1904, the Healthy Forests bill. Senator COCHRAN will be on the floor to work through any of those amendments. Amendments to this urgent legislation will be offered and debated throughout the day. Therefore, Senators should expect rollcall votes throughout tomorrow.

Clearly, if anyone has had their television set on in recent days, it is important to move on this Healthy Forests legislation. Fires have been burning all over the West.

A cloture motion was filed this evening on the nomination of Charles Pickering to be a Federal circuit judge. That cloture vote will occur on Thursday, and Senators will be notified when that vote is scheduled.

Also, as a reminder, an agreement was reached tonight for the consideration of the fair credit reporting bill, and that bill will be considered next week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:22 p.m., adjourned until Wednesday, October 29, 2003, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate October 28, 2003:

ENVIRONMENTAL PROTECTION AGENCY

MICHAEL O. LEAVITT, OF UTAH, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

TRIBUTE TO RIVERSIDE NATIONAL CEMETERY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. BACA. Mr. Speaker, I rise to pay tribute to Mr. Stephen Jorgensen, Director of Riverside National Cemetery, and the entire cemetery staff. This cemetery is an historic site that proudly serves our veteran men and women. The winner of the Robert W. Carey National Cemetery Category Award for 2003, it has provided an invaluable service to the Veteran community and continues to honor the lives of our fallen soldiers. I join with grateful families across our nation in celebrating this year's Carey Award winner.

For the past 25 years, the Riverside National Cemetery has honored the lives of thousands of soldiers. Characterized by dignity and class, this national cemetery is dedicated to all service members who gave the ultimate sacrifice for their country. It has been an integral contributor to the Inland Empire and has given the respect and esteem that all servicemen and women deserve.

The Carey Award is foremost an award based on excellence. Qualifications extend from performance in organizational leadership and management to strategic planning and community contribution. It is excellence in these areas that characterize a Carey Award winner. The Riverside National Cemetery has proven year after year that it not only exhibits these specific qualities but also performs them at the highest possible level.

And so, Mr. Speaker, I join today with the residents of the Inland Empire in congratulating the Riverside National Cemetery for its remarkable achievement, and express my sincere admiration and deference to this proud national site.

TRIBUTE TO ANNIE MAE HUNT

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is with profound sadness that I pay tribute to the life and the memory of Annie Mae Hunt. In one lifetime she has touched many lives and multiple generations. Born into grinding poverty, she triumphed over it and lived an enriched and noble life. Hers is an equally rich legacy. I extend my condolences to her children, her grandchildren, her great-grandchildren and her great-great-grandchildren.

Annie Mae Hunt was the co-author of her memoirs, aptly titled *I Am Annie Mae: An Extraordinary Woman in Her Own Words*. Published in 1983, the book has literally "touched the hearts of thousands of people." It became

the inspiration for the musical and the highly touted film *Guts, Gumption and Go-Ahead: Annie Mae Hunt Remembers*. As one reviewer said: "The film shows how self-esteem and skills enabled one woman to change her life around."

As her editor Ruthe Winegarten has written, "Annie Mae Hunt is a survivor. Born in 1909 near Brenham, Texas, she grew up in a time and place where African Americans, although legally free, lived in circumstances that had changed little since the days of slavery. Much of her adult life was spent in backbreaking domestic service, until she created a modest independence for herself through sewing and selling Avon Cosmetics." Annie Mae Hunt's memoirs "records a life not only filled with hardships but also the joys of family, of political activism, and of service to church and community."

Although Annie Mae Hunt was telling the story of her life and times, she was, in reality, chronicling the ordeal and struggles of black women everywhere in America, especially in the south. Reared in a sharecropper system, she overcame hardship, heartbreak, discrimination and obstacles by juggling jobs and owning her own businesses.

Annie Mae Hunt's life was living proof that actions speak louder than words. Her mere presence spoke volumes. In several senses, she was the eminence grise (literally the "gray eminence") who exerted considerable influence behind the scenes in the political process. Her letter writing campaign to politicians and elected officials was legendary in its reach and its effectiveness.

Annie Mae Hunt was a lifelong role model and she will remain a source of inspiration for many generations to come. We mourn her passing and we salute her life. She will be long remembered for her good works in the community of man and the community of God, her devotion to others, and her perseverance, and her legacy of success in the face of extreme adversity.

HONORING ROYAL ROBBINS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Royal Robbins on being awarded the 2003 Distinguished Citizen by the Greater Yosemite Council of the Boy Scouts of America. He will be honored on Wednesday, October 29, at Modesto Centre Plaza in Modesto, CA. The Greater Yosemite Council of the Boy Scouts of America annually recognizes individuals who have distinguished themselves through their professional careers, community leadership, and/or philanthropy.

As a young Boy Scout, Royal was intrigued by the outdoors. His enthusiasm has led to a successful career in outdoor adventure, equipment, and clothing. Around the world, Royal is

known as an avid outdoorsman: From the Sierra Nevada to the Alps, he has made numerous first ascents in climbing. In Yosemite, he made the first ascent of the northwest face of Half Dome and three great faces of El Capitan.

Robbins has been involved heavily with his community and has received numerous honors. In 1988, Royal joined the Modesto Rotary. He served as president of the rotary and was the first chairman of its Preserve Planet Earth Committee. The American Alpine Club, a 100-year-old organization devoted to mountaineering, climbing, and issues facing climbers, has named Robbins an honorary member. In 1992, his biography, *Royal Robbins—Spirit of the Age*, was published. The following year he was given the Outstanding Leadership Award from the Outdoor Industry. Among his other awards are the Sam Walton Business Leader Award and Citizen of the Year Award, the latter issued by the Modesto Chamber of Commerce.

In 1968, Royal and his wife, Liz, founded the Royal Robbins Company, which specializes in outdoor apparel. Since the sale of the company, the two have a new enterprise, Royal Robbins Adventures, offering public speaking, writing, and seminars combining personal growth with outdoor adventure.

Mr. Speaker, I rise today to congratulate Royal Robbins for being awarded the 2003 Distinguished Citizen by the Greater Yosemite Council of the Boy Scouts of America. I urge my colleagues to join me in wishing Royal many more adventures in the years to come.

REMEMBERING THE LATE BOB BROADBENT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. PORTER. Mr. Speaker, I rise today to mourn the passing of a great Nevadan, a true community leader, and a friend, Bob Broadbent. Bob Broadbent served his community and his country selflessly and effectively for decades, earning the trust of all who knew him.

Robert N. Broadbent was born June 19, 1926, in the Northern Nevada city of Ely, where his father, Broadie, served as mayor for 16 years.

Broadbent attended the California Institute of Technology at Pasadena in 1944, but interrupted his studies to serve in the U.S. Air Force during the waning days of World War II.

After 2 years in the military, Broadbent attended the University of Nevada, Reno, and in 1950 earned a Bachelor of Science degree in pharmacology from Idaho State College.

Bob Broadbent first entered public service as the first Mayor of Boulder City, and led its transformation from government reservation to the world-class community it is today. As one of Bob's successors in that office, I can personally attest that he laid the groundwork for every success that community enjoys.

• 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.

Bob Broadbent was then elected to the Clark County Commission in 1969, where he not only helped the Las Vegas area plan for future growth, but helped build the community character and institutions that make Las Vegas not only a nice place to visit, but a great place to raise a family. He never let any personal interest, not even his own, stand in the way of what was the just and right thing to do.

In 1981 President Reagan recognized Bob's extraordinary leadership skills by appointing him Commissioner of the Bureau of Reclamation, where he helped steer that agency into a force for water development and environmental conservation, ensuring that growth and environmental protection in the West have gone hand in hand ever since.

In 1987 Bob returned to Clark County to become director of aviation, where he helped lead McCarran airport into a time of extraordinary growth. Once again he laid the groundwork for the successes we enjoy today.

After leaving the Airport Bob took on a new challenge, leading the effort to build the Las Vegas Monorail, which will provide transit service, first on the Resort Corridor, but eventually to downtown Las Vegas and other points.

Bob's passing away on August 9, 2003, leaves a terrible void in our community that will be impossible to fill. I wish to extend my condolences to his wife, his children, and his grandchildren. Bob will be missed by all who knew him, and loved by all those who live in Clark County for generations to come.

Broadbent is survived by his wife, Sue, of Boulder City; sons, Robert C. and Douglas, of Boulder City; daughters Kathy Morris of Las Vegas and Michele Walker of Boulder City; sister Sue Siri of Reno; 14 grandchildren and 3 great-grandchildren.

HONORING THE DISTINGUISHED
PUBLIC SERVICE OF ROBERT L.
WONDER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. STARK. Mr. Speaker, I rise today to honor Robert L. Wonder, Assistant City Manager in the City of Alameda, California. Mr. Wonder has announced his retirement at the end of 2003, having served the public for over 30 years. Following his military service in the Marine Corps, he became a dedicated employee of the City of Alameda for 28 years. Mr. Wonder joined the city's workforce in 1975 through CETA, a federally funded training program, and became the Assistant City Manager in 1980.

During his tenure with the City of Alameda, Mr. Wonder has served as Interim City Manager several times; worked on the Cooperative Services Agreement with the U.S. Navy successfully negotiating \$18 million of federal funding to the City to operate and maintain the base during the property transfer period; worked with the Airport Operations Committee and the Citizens League for Airport Safety and Serenity, as well as the Cable TV Advisory Committee. He has also been involved with the City of Alameda's efforts to construct a new main library and he has a reputation for

trying to make local government more understandable, responsive and accessible to citizens.

In 1998, Mr. Wonder received the Alameda Times Star Man of the Year Award and the League of California Cities John H. Nail Memorial Award. He was honored as one of 1998's Distinguished Municipal Assistants by the Municipal Management Association of Northern California, of which he has been an active member since 1967. Mr. Wonder has also served as a mentor in the Intergovernmental Management Training Program for 20 years. During his tenure teaching a public administration course at California State University, Hayward, he inspired students to seek public office.

Mr. Wonder is also extensively involved in community organizations and events. He has shown his commitment to the community by serving as a member and officer of the Board of Directors for numerous community and civic organizations such as Girls' Inc., Foundation for Educational Excellence, Rotary Club, Alameda Chapter of the Navy League, Chamber of Commerce and Immanuel Lutheran Church. He has spent countless hours volunteering in the community, such as delivering for Meals on Wheels, the Annual Run for the Parks, the Mayor's Fourth of July parade, the American Cancer Society's Relay for Life, career days for local schools, City festivals and beach clean-up days.

On Saturday, November 15, 2003, a retirement gala to honor Rob Wonder will be held on the USS *Hornet* in Alameda. I join the friends and admirers of this outstanding public servant in wishing him well on his retirement. He has served with distinction and left an indelible mark of service and caring on the City of Alameda.

TRIBUTE TO MR. JAMIE DYKES

HON. BILL PASCARELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. PASCARELL. Mr. Speaker, I would like to call your attention to Mr. Jamie Dykes, an exceptional individual who has dedicated his life and work to serving the men, women, and children of Paterson, New Jersey. On Friday, October 24, 2003, Mr. Dykes was named the 2003 Man of the Year by the Boys and Girls Club of Paterson for his innumerable philanthropic and civic contributions.

Over the years, Jamie Dykes' life has become inextricably intertwined with that of the City of Paterson. As the President of the Greater Paterson Chamber of Commerce, as a well-known business leader, and as the founder of Celebrate Paterson Inc., Jamie has used his administrative experience and talent for creative leadership to greatly improve the community at large. His selfless commitment to countless area civic and philanthropic organizations has left an indelible mark on the lives of many, demonstrating the positive difference that a single person can make. I feel that it is only fitting that Jamie Dykes be recognized in this, the permanent record of the greatest freely elected body on earth.

Jamie Dykes was born and raised in Fair Lawn, New Jersey, yet the City of Paterson and its citizens have always held a special

place in his heart. Merging a rich industrial heritage with a unique blend of cultures, Paterson has historically promised a bright future for residents and entrepreneurs alike. Jamie's family took advantage of this promise, building a successful business based upon the tradition of personalized service, leadership, and pride in their work. Today, Jamie continues this longstanding tradition of service as the Chief Operating Officer of his family's business, Passaic County Stationary.

A diligent administrator and enthusiastic spokesman for business interests in Paterson, Jamie is perhaps best known for working to expand the vision of the Paterson Chamber of Commerce to encompass the entire fabric of the Greater Paterson Community. Together with other local leaders, Jamie has advocated for Paterson, highlighting the unique qualities of the Paterson community through a series of special events. What is more, he has been instrumental in working to improve and redevelop Paterson's Downtown District.

Perhaps most inspiring is the way in which Jamie Dykes has balanced his love for the City of Paterson with his interest in working with the people who make up its community. An active member of the Paterson Rotary Club, Jamie has worked hard to serve Paterson's youth, subsequently assuming an important role in shaping the City's future. He has provided a valuable role model for the young men and women of the area, proving in both word and action that the only real success in life comes from a commitment to the community at large.

Mr. Speaker, the job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing the extraordinary efforts of individuals like Jamie Dykes. I ask that you join our colleagues, the members of the Boys and Girls Club of Paterson, and me in recognizing Jamie Dykes for his outstanding service to the youth of Passaic County.

TRIBUTE TO VA MEDICAL CENTER,
LOMA LINDA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. BACA. Mr. Speaker, I rise to pay tribute to Dean R. Stordahl, Chief Executive Officer of the VA Medical Center located in Loma Linda, and the entire hospital staff for being awarded the Robert W. Carey Organizational Excellence Trophy Award for 2003. This outstanding facility proudly serves our veteran men and women and provides invaluable service to their community, while honoring the lives of our fallen soldiers. I join with grateful families across our nation in celebrating this year's Carey Award winner.

For the past 25 years, the Loma Linda Medical Center has honored the lives of thousands of soldiers through their diligent work. Characterized by dignity and class, the medical center is dedicated to serving veterans who fought for our country. It has been an integral contributor to the Inland Empire and has given the respect and esteem that all servicemen and women deserve.

The Carey Award is foremost an award based on excellence. Qualifications extend

from performance in organizational leadership and management to strategic planning and community contribution. It is excellence in these areas that characterize a Carey Award winner. The Loma Linda Medical Center has proven year after year that it not only exhibits these specific qualities but also performs them at the highest possible level.

And so, Mr. Speaker, I join today with the residents of the Inland Empire in congratulating our valued VA Medical Center for its remarkable achievement, and express my sincere admiration and deference to this magnificent medical center.

TRIBUTE TO REV. E. K. BAILEY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to the memory of one of Dallas's finest people, my good friend Rev. E. K. Bailey.

Reverend Bailey, founder and pastor of Concord Missionary Baptist Church in Dallas, dedicated his life to the betterment of the city of Dallas. Dr. Bailey founded Concord in 1975 with fewer than 200 members and quickly turned it into one of the city's most vibrant African-American churches. Its current membership numbers 3,500.

In 1989, he founded E. K. Bailey Ministries Inc., a progressive non-profit organization that helps black pastors and lay leaders improve their own churches. He was a tireless public advocate who was not afraid to fight for his constituents. Dr. Bailey's accomplishments are great. When Dr. Bailey tackled a project, no matter how challenging, he did so with enthusiasm, vigor, and integrity.

He will long be remembered for his mission to provide the basic principles and practices of Biblical church growth to African American pastors and lay leaders in order to empower and revitalize African American churches to impact the world for personal and social change. Based in part upon the name recognition of Dr. E. K. Bailey in the African American community and the needs the organization was designed to meet, this ministry found instant credibility. At its first conference—Discipline and Developing the African American Male—over 600 men came to Dallas to learn and acquire resources to take back to their churches.

Above all else, Reverend Bailey was a devoted father and loving husband. Dr. Bailey is survived by his wife, Sheila, and their three grown children. Those who knew Reverend Bailey well understood that the time he spent with his wife and family were the greatest times of his life. After 33 years of marriage and three cancer diagnoses, he said "If I found myself in a ship, or on a ship, in the middle of a storm, there's only one person I'd want on that ship with me, and that's Sheila Bailey," he said.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Reverend E. K. Bailey. And I join with the city of Dallas and the State of Texas in mourning the loss of an outstanding citizen and friend.

HONORING BOB VAN WYK

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Bob Van Wyk for his 30 years service to the Fresno Metropolitan Flood Control District. A celebration in Mr. Van Wyk's honor will be held on Thursday, November 6th in Fresno, California.

In 1973, Bob completed a degree in Public Administration at California State University, Fresno. He was hired as an administrative assistant for the Flood Control District; however, he served most of his career as Assistant General Manager. In 2003, the Flood Control District's Board of Directors appointed Mr. Van Wyk Acting General Manager.

Bob has given much of his time to agencies that address the needs of the Flood Control District's constituents. He has served as District Representative to the Board of Directors of the Joint Powers Insurance Authority and has been a member of the Association of California Water Agencies Special District Advisory Task Force. His service as a community partner and respected agency representative has established productive, long-lasting agreements throughout Fresno County. These agreements have allowed the county to use the Flood Control District's facilities as parks, groundwater recharge sites, and community open spaces.

Bob's accomplishments have been numerous over the last 30 years, but he is most noted for his amiable character. His choice to treat people with respect and dignity has allowed him to see value in each person he meets. This kind demeanor has played a major role in his many successful years with the Flood Control District.

Mr. Speaker, Bob Van Dyk's 30 years of service to the Fresno Metropolitan Flood Control District and surrounding communities has not gone unnoticed. I invite my colleagues to join me in commending Mr. Van Dyk and wishing him continued success.

HONORING THE GENEROSITY OF THE PEOPLE OF LAUGHLIN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. PORTER. Mr. Speaker, I rise today to thank the people of Laughlin, Nevada and Bullhead City, Arizona for their generous contributions to the Boys and Girls Clubs of the Colorado River. More than 400 people gave out of their pockets at the 2003 Margarita Fiesta and 10K Giveaway held at the River Palms Convention Center to raise more than \$24,000 for the Boys and Girls Clubs, a 20 percent increase over last year. These funds will be used to give young men and women of every background an opportunity to play and learn in a safe, caring, environment.

Once again Laughlin has proven that it is more than just a vacation resort, it is also a place to call home. I am honored to represent the generous people of Laughlin and look forward to next year's Fiesta.

HONORING DEANNA ESPINA, SAN LORENZO UNIFIED SCHOOL DISTRICT NATIVE AMERICAN INDIAN PROGRAM SPECIALIST

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Deanna Espina, who recently retired from the San Lorenzo Unified School District. Deanna will be honored at a reception and I join her friends and associates in thanking her for her many years of contributions.

Deanna began her 29 year career with the San Lorenzo Unified School District on October 14, 1974, as a community Relations Aide. After a few years, her classification was changed to Native American Indian Program Specialist assigned to Educational Services.

She has supervised various programs and also teaches youngsters about the Native American culture. She was always seeking innovative instructional strategies for students as evidenced by the Star-Lab lesson. The numerous hours spent preparing, organizing and coordinating the Star-Lab presentation for hundreds of students contributed to the Star-Lab Program's success.

With the San Lorenzo School District's support, Deanna has developed and advanced the Indian Education Program in the San Lorenzo schools in a commendable way. The Alameda County Office of Education has recognized her for the outstanding work she has done in meeting the needs of Native American students. She has played a significant role by providing leadership to sustain and foster a Native American Program that continually has value for students and the community.

Over 29,000 students, parents and teachers have participated in the Native American Museum, established in the San Lorenzo School District, due to the efforts of Deanna. The museum's presentations focus on many Native American cultures with emphasis on California's indigenous people. The school district's Native American program has been recognized at the federal, state and local levels and is a model for other Native American Programs in the United States.

Deanna's leadership, her knowledge of her projects, her enthusiasm, and commitment to the community through the years are exemplary. She has brought Native American Indian Education to the forefront and I applaud her outstanding contributions to education.

TRIBUTE TO CHIEF JOHN MCNIFF

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the life and work of an exceptional individual who I am proud to represent in Congress, Bloomfield Police Chief John McNiff. Chief McNiff was honored by the Essex County Policemen's Benevolent Association on Friday, October 24, 2003, for his tireless commitment to serving his community.

Chief John McNiff has dedicated the past seventeen years to guaranteeing the safety

and well-being of the men, women, and children of Bloomfield, a beautiful community located in the heart of my district. He has begun a tradition of excellence in the Bloomfield Police Department—a tradition which, under his continued direction, will continue long into the future. It is only fitting that he be honored, in this, the permanent record of the greatest freely elected body on earth.

During a period in our history when hometown security has become such a critical issue, Chief McNiff has worked diligently to ensure the continued efficiency and effectiveness of the Bloomfield Police Department, while fostering its close relationship with the community. He has initiated programs designed to increase the capacity of his police officers to act as first responders, and balanced these programs with community-based initiatives geared toward maintaining a high quality of life for the citizens of Bloomfield.

Among the many innovative and successful programs that Chief McNiff has instated are the D.A.R.E. program, the Anti-Crime Squad, the Bloomfield/Newark Border Patrol, and the Community Policing Unit. Under his leadership, the Bloomfield Police Department has collectively worked with the Auto Theft Task Force and the Essex County Prosecutor's Narcotics Unit. Largely as a result of Chief McNiff's extraordinary vision and guidance, the Bloomfield Police Department now ranks among the best in Essex County, New Jersey.

The services rendered to the people of Bloomfield by John McNiff have been widely recognized. Chief McNiff has received commendations from organizations representing all levels of local, State, and Federal law enforcement, and has been publicly honored for his service both by the New Jersey State Senate and General Assembly. Most recently, John McNiff was the recipient of the distinguished John I. Crecco Foundation's "Public Safety Award" and was recognized by the Ancient Order of the Hibernians for his work.

The job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing individuals who have devoted themselves to serving the special needs of the people in their community. The integrity, dedication, and skilled leadership that Chief John McNiff has brought to the Township of Bloomfield is beyond compare.

I ask that you join our colleagues, the Essex County PBA, and me in gratefully recognizing the invaluable services that Chief John McNiff has provided to the men and women of Bloomfield, New Jersey.

WENTWORTH MILITARY ACADEMY MEMORIAL SERVICE

SPEECH OF

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 2003

Mr. SKELTON. Mr. Speaker, on Sunday, October 12, 2003, a memorial service was held on the campus of Wentworth Military Academy in Lexington, MO. Retired Lieutenant Colonel Jim Ahrens presided. This service paid tribute to the many Wentworth Alumni who served in the military and paid the ultimate sacrifice. I commend the remarks of Lieutenant Colonel Ahrens to this body.

TEXT FOR MEMORIAL SERVICE

Invocation: Let us pray

Almighty and most merciful God. Look with favor upon us gathered here this morning—in thy presence—on this sacred ground, and inspire our hearts and minds as we lovingly celebrate the deeds of Wentworth Cadets, old boys, whose sacrifices—blood, sweat, and tears—made in the name of freedom and human dignity—shall stand forever as the foundation stones of our great nation. Bless us now, O God, that our thoughts, desires and deeds throughout this memorial service may be inspired by You according to Your holy name. Amen.

INTRODUCTORY STATEMENT

Friends: We gather here on this historic ground—this sacred ground—Cadet Corps, old boys and their families, Wentworth staff, faculty and friends—we gather here near the Memorial Chapel, its entrance guarded by the Mooney Memorial—just down this tree shaded hill from the doughboy and the Hall of Honor—to remember, to honor and to return thanks for Wentworth cadets who made the supreme sacrifice. We gather to lovingly remember Wentworth old boys who gave their lives in the service of their country. Today we are particularly mindful of the vets we single them out now for honor because, like other Wentworth old boys, they fought and served and some died courageously. It is now their time—their turn—for special recognition.

How thankful we are for their dedication, their loyalty, perseverance—for their patriotism. How thankful we are for their sacrifices made in the line of duty—in times of terrible trial and tribulation—crisis—peril—times of grievous suffering—times of war.

Alumni from Wentworth have served in eight conflicts and have sacrificed their lives in six of them.

41 served in the Spanish American war and two died.

3 are known to have served in the Philippine Insurrection and one perished.

At least 552 served in WW I and fourteen died, including one faculty member.

At least 813 served in WW II and 87 died, including another faculty member.

213 served in Korea and nine paid with their lives.

We don't know exactly how many served in the Vietnam conflict, but we know that eleven made the supreme sacrifice.

Approximately 30 served in the first Gulf War that we know of and apparently all returned at the end of the conflict. Many are serving, as we speak, in the second Gulf War, which includes the War on Terror.

These men gave their lives for all of us in this country. Because of the closeness of our alumni it seems as if they became a part of all of our lives and we all feel their loss. What we have to day is a heritage that is made all the more rich by what they gave for us.

Today we honor all who have given their lives. There is no doubt that their example has served as an inspiration for all of us to do what we can do to end conflict, but we all know equally well that we could be called upon to make the supreme sacrifice for our country and fellow humankind. We must also remember those Wentworth faculty, staff, cadets and acquaintances who are no longer with us as well as those who have died in the past year.

Memorial prayer

Let us pray. Almighty God, bless now our memories of Wentworth cadets—and their loved ones who waited patiently behind—bless our memories of old boys who made the supreme sacrifice—old boys who march no more in our ranks—who answer no more reveille roll call—who stand no more on the Quadrangle for sunset retreat.

Bless, oh God, our remembrance of them that the spirit of their heroism—their dreams of a better life in a world at peace their sacrifices for us—may inspire us here on this Wentworth campus, and wherever we go, to live together in brotherly love—according to your golden rule. May their memory live on—heartening and inspiring—teaching us the meaning of heroism, patriotism—brotherly love. And, O God, inspire us so we may never take for granted or forget our Wentworth heroes. May we be inspired in the days and weeks to come to walk a little slower by this Huey helicopter and the doughboy—to walk a little slower by the Mooney memorial, and in our hearts do an “eyes right and render a smart hand salute—as we pay our respects to our fallen comrades—Wentworth cadets who made the supreme sacrifice. Amen

PERSONAL EXPLANATION

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. TAUZIN. Mr. Speaker, on rollcall vote 567 I intended to vote “nay.”

TRIBUTE TO 177TH FIGHTER WING OF THE NEW JERSEY AIR NATIONAL GUARD

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. ANDREWS. Mr. Speaker, I rise today to pay tribute to the 177th Fighter Wing of the New Jersey Air National Guard. Recently, the 177th received the Air Force Outstanding Unit Award (AFOUA) for exceptionally meritorious service from January 1, 2000 through December 31, 2001. The Air Force Outstanding Unit Award, established by the Department of Defense in 1954, recognizes units that have distinguished themselves by exceptionally meritorious service or outstanding achievement that clearly sets the unit above and apart from similar units.

During this two year period, the 177th accomplished its mission with a high degree of war readiness and combat capability. The Wing deployed highly trained, combat ready personnel in support of Aerospace Expeditionary Force 9. They were one of the first units to have its aircraft generated with live missiles and ready to fight shortly after the attacks on the World Trade Center. In addition to these accomplishments, the unit and its members have been recognized for its outstanding environmental stewardship, recruiting efforts, and community support.

The 177th is the home to 17 single seat F-16C, Fighting Falcon, aircraft and has been located at the Atlantic City International Airport in Egg Harbor Township since 1958. However, the 177th traces its roots back to September 1917 as the 119th Aero Squadron. The 119th Aero Squadron, an active duty training squadron during World War One, was demobilized in May 1919. In 1930, the 119th Observation Squadron was given federal recognition as part of the 44th Infantry Division, New Jersey National Guard, 119th Fighter Squadron at

Newark. In 1958, the 119th Fighter Squadron moved to the former Navy facility in Egg Harbor Township, New Jersey, and was re-designated the 119th Tactical Fighter Squadron. In 1962 the unit became the 177th Tactical Fighter Group, the 177th Fighter Interceptor Group in 1972, 177th Fighter Group in 1992, and finally became the 177th Fighter Wing in 1995. The 177th has been activated twice to federal service since World War Two. In 1961, the unit was called up for the "Berlin Crisis" and in 1968 for the "Pueblo Crisis," which sent unit members to all corners of the globe including Vietnam. Years later, 70 unit members were activated in support of "Desert Storm." As the events of September 11th unfolded the 177th, through years of preparation, training and commitment launched to our nation's emergency and desperate call for help. These Air Guard warriors brought with them the character and core values of generations of heroic citizen soldiers and airmen. Since October 2001, the Wing has had an active involvement in Operation Noble Eagle, Operation Southern Watch, Operation Northern Watch, Operation Enduring Freedom and Operation Iraqi Freedom.

The 177th's stated mission is "to be America's premier fighter unit, comprised of proud citizen airmen, recognized as superbly skilled and motivated, committed to unwavering service to Community, State, and Nation." In South Jersey, we know that the 177th superbly executes its mission every day. Their recognition as one of the best in the Air Force serves to confirm their excellence to the rest of the country. I am personally grateful to the 177th for its outstanding service to South Jersey, the state of New Jersey and the United States. I congratulate them on this well deserved honor.

FLORIDA: THE STATE OF
EDUCATION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. STEARNS. Mr. Speaker, the problems affecting public schools are all too familiar: poor academic achievement, community conflict over the curriculum, ineffective instructive methods, financial mismanagement and a growing inability to meet the needs of families. Less well known is the fact that these ills are shared by state school systems all over the world. In spite of countless reform efforts stretching back over decades, schools have yet to crack the code on educational success. Despite agreement that the system is a failure, possible solutions are a source of great controversy. In developing a strategy for change, it would be helpful to look to a model that is enjoying great success in my home state of Florida.

Florida leads the nation not only in providing education choices for children but also in innovative education opportunities for low-income families and children with disabilities. The state provides A+ scholarships for students in failing schools, McKay Scholarships for students with disabilities, tax credits for donations to scholarship organizations, and over 200 charter schools. Eligible high school students may take college courses for high school and

postsecondary credit. These scholarships redirect the flow of education funding, channeling it directly to individual families rather than to school districts allowing families to select the public or private schools of their choice and have all or part of the tuition paid. Scholarships are advocated on the grounds that parental choice and competition between public and private schools will improve education for all children.

School Vouchers known as the Opportunity Scholarship Program (OSP) in Florida was created under Governor Bush's A+ Plan, reflects Florida's commitment to higher standards in education for Florida's students. OSP allows parents whose children are assigned to a failing school to choose between sending their child to a higher performing public school or to apply state generated funding toward private school tuition. For the purpose of OSP, a school is considered failing if it has received a failing grade in the previous year as well as one other failing grade in the three previous years.

When a parent has been notified that his or her child is eligible for the Opportunity Scholarship Program, a parent may choose one of three options. They may:

Transfer his/her child to a higher performing public school;

Enroll his/her child in a participating private school;

Retain his/her child in the low performing school.

The McKay Scholarship Program for Students with Disabilities makes a school voucher available to any special education student in Florida public schools. This program is the second largest school voucher program in the country, and with approximately 375,000 eligible special education students it is likely to become the largest soon. Currently, over 9,000 students use McKay vouchers.

In 2001, lawmakers approved the John M. McKay Scholarships for Children with Disabilities. These scholarships are available to all Florida school children who have an IEP (Individual Education Plan) and have spent at least 7 months attending special classes in the public school system.

The law allows public school children with any type of IEP disability designation (physical, emotional, mental or general learning disability), whose parents are dissatisfied with their progress in the public school, to receive a scholarship from the state. Their parents are then able to choose a school they consider to be better suited for the child. This scholarship is meant to supplement the cost of private schooling for children with disabilities, not to cover the total amount. These scholarships are not income based and follow the student through high school.

Efforts to promote educational choice are in no way a condemnation or indictment of the public school system or its teachers. The goal is simply to provide educational alternatives to a group of people who, because of financial circumstances alone, have none. Insuring quality education for all of Florida's children will help to assure a bright future for Florida. These scholarship programs are designed to liberate parents who are limited by financial circumstance, to choose the school best suited for their child's unique academic needs.

The success of school choice programs in Florida should be a lesson to us on the national level. It is only when parents are in-

volved in their child's educational life that children respond and flourish.

TRIBUTE TO SALLY KANTER

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. WEXLER. Mr. Speaker, last month I was truly saddened when I learned of the loss of one of South Florida's truly great political leaders and activists, a mentor to many including myself and a woman who helped shape politics in her community for the past several decades, Sally Kanter.

It is an honor and privilege to have known Sally as a long-time friend and as a staunch political activist for more than 15 years. There was no one more dedicated than Sally to the struggle of upholding democratic ideals of uplifting the less fortunate, providing for a quality education for all children, protecting the environment and a woman's right to choose and fighting for the rights of Seniors. If there was a cause to champion, Sally was the first to join the fight and the last to give up no matter what the circumstance.

It is not an exaggeration to say that a generation of democratic political leaders from West Palm Beach to Tallahassee to Washington would not be where they are today without Sally's guidance, support and political acumen. I can recall numerous times when I sought out Sally's advice on difficult issues or during troubling times. Sally was always there to provide poignant words of wisdom—her advice was readily available, honest and always to the point.

As the President of the Golden Lakes Democratic Club, Sally was an inspiration to the entire community. Small of stature but big of heart, Sally was the quintessential leader—leading by example with unrivaled passion and resoluteness. I marveled at Sally's tenacity and determination to secure everyone from Presidential candidates, Governors, Senators and Members of Congress to appear before her club. She was fervent in her beliefs, stubborn in her resolve and established a remarkable legacy of improving the lives of others. In a day and age when people make too many promises, Sally's word was as good as gold—it was always "what can I do for you" and "when do you need it done."

To Sally's family, please know I mourn with you in your loss—a loss felt throughout South Florida. Today, I wish to remember Sally for her dedication to the extraordinary tradition of *tikkun olam*—betterment of the world—through her steadfast commitment to the community at large. While she is no longer with us, her life's example forever remains.

IN RECOGNITION OF DR. JOSEPH
KORN

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. LYNCH. Mr. Speaker, I rise today in honor of a man whose professional life has been dedicated to finding a cause—and a

cure—for a devastating disease many of us know little about: scleroderma. Dr. Joseph Korn, Chief of the Rheumatology Section at the Boston University School of Medicine and a Professor at the Boston University School of Medicine, has spent much of his career delving into the mysteries of scleroderma.

Dr. Korn's research into scleroderma has led him to serve on the Medical Advisory Board and the Scientific Advisory Committee for the Scleroderma Foundation, which serves to educate and support scleroderma patients and their families throughout the country, as well as conduct ongoing research into scleroderma. On November 22, 2003, at their inaugural national gala, the Scleroderma Foundation will honor Dr. Korn for his commitment and dedication to scleroderma research and the patients afflicted with the disease.

As a member of the Massachusetts State Legislature, I first became aware of Dr. Korn's incredible work when a cluster of 30 scleroderma patients was discovered near my home in South Boston. Dr. Korn became one of the leaders of a study of this cluster of patients conducted by the Massachusetts Department of Health, for which I had worked to secure state funding. Dr. Korn's dedication to his research and compassion towards those with scleroderma is truly remarkable. It is my distinct honor to join in this celebration recognizing Dr. Korn's important contributions to scleroderma.

Mr. Speaker, I want to join with the Scleroderma Foundation in thanking Dr. Korn for his dedication to research into scleroderma. I hope my colleagues will join me in celebrating Dr. Korn's distinguished career and future endeavors on behalf of those with scleroderma.

REGARDING A TRIP TO ISRAEL

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. LANGEVIN. Mr. Speaker, I recently returned from my first trip to Israel, as part of a Congressional delegation led by Minority Whip STENY HOYER that traveled through this remarkable country in August. There are simply not enough superlatives to describe all of my experiences and emotions or to convey all that I learned.

Although a small and still relatively young nation, Israel stands at the fulcrum of three major religions and its land is holy to all. Resolutions of the various conflicts in that region would go a long way toward resolving many of the issues we all face today.

One of the most moving—and interesting—lessons of my trip was to further observe how our two nations, the United States and Israel, deal with the problem of terrorism. Both pause to express their sorrow and mourn those who have been killed or wounded, but then both of our great nations also seek ways to move on and work toward conflict resolutions.

Shortly after the Congressional delegation left Israel, a remarkable concert took place in Jerusalem on September 12, 2003. Amid tributes to the memories of those who died in the terrorist attacks of September 11, 2001, in New York and Washington, as well as those who have perished in attacks in Israel, the Je-

rusalem Symphony Orchestra played a special concert in the Rothberg Amphitheater on the Mount Scopus campus of the Hebrew University of Jerusalem.

The concert, Antonin Dvorak's Requiem, Opus 89, marked the debut of the Jerusalem Symphony's new music director, Dr. Leon Botstein. The concert, billed as "A Concert of Remembrance and Hope," was performed under the auspices of the orchestra and the Hebrew University and included the Philharmonia Singers and vocal soloists. It was made possible through the generosity of the American Friends of the Jerusalem Symphony and Anne and Marty Peretz. Botstein, in addition to his new role with the Jerusalem Symphony, is also the music director of the American Symphony Orchestra in New York and is president of Bard College in New York.

In remarks preceding the concert, American Ambassador to Israel Daniel Kurtzer said, "We will never forget the 3,000 citizens of the U.S. and 90 other countries who lost their lives on September 11. We, Israelis and Americans, also mourn the lives of the 36 American citizens who have lost their lives [in terrorist attacks] in Israel. [. . .] Tonight, the process of remembering and recovery continues."

Hebrew University President Prof. Menachem Magidor said that the evening's concert was an expression of "profound and deep identification with the people of the United States." The president noted that the "dark forces" which perpetrated the attacks of September 11, 2001, in the United States are the same which are attacking Israel. "September 11 was a declaration of war not just on the United States, but on the entire free world," said Magidor. But, he said, that evil effort would not succeed.

Botstein, in his brief remarks, echoed the president's words, stating that the terrorist attacks were "an effort to destroy civilization." He said too that the evening's concert was dedicated to the memory not only of those who lost their lives in the United States in those attacks but also to those who have perished in terrorist acts in Israel.

As a symbol of the special ties between Israel and the U.S. expressed by the event, the national anthems of Israel and the U.S. were played prior to the performance of Dvorak's work.

Mr. Speaker, along with my statement, I would like to enter into the RECORD the remarks of Hebrew University President Menachem Magidor and American Ambassador to Israel Daniel Kurtzer which were delivered prior to this concert:

PRESIDENT'S SPEECH AT THE JSO CONCERT MARKING TWO YEARS SINCE THE EVENTS OF SEPTEMBER 11, 2003

Good evening and welcome to the Mount Scopus Campus of the Hebrew University.

The concert tonight is far from the usual opening concert of the Jerusalem Symphony Orchestra.

First, as we all know, the fact that the Orchestra continues to perform and is opening a new concert season was a few months ago far from being a certainty. The Orchestra is of vital importance to the cultural fabric of Jerusalem. The opening today is a clear declaration that Jerusalem will not allow such an important part of its cultural life to disappear from the scene.

We also welcome tonight the new musical director of the orchestra, Leon Botstein, and we all hope that under his direction the orchestra will grow and flourish.

The start of this cooperative venture with the Hebrew University is also a new and important beginning. I have no doubt that this will enrich both institutions as well as the cultural life of Jerusalem.

This concert is taking place in a uniquely special setting. Every time I find myself in this amphitheater, I am filled with awe at the power of this place. No less deeply moving are Mount Scopus's historical and cultural connections—a place overflowing with symbolism and significance. On April 1, 1925, on this exact spot where I am standing now, Weizmann, Balfour, Bialik and Rabbi Kook attended the opening ceremony of our University.

But most important of all is the subject to which this evening is dedicated. This is an evening of solidarity, of remembrance, of soul-searching, on the second anniversary of the events of September 11. And it is impossible, as citizens of Israel and of this city, not to connect with the same memories, with the same pain, the same soul-searching of the victims of terror attacks that we have been exposed to during the past three years. The past few days have not made things any easier.

The criminal attack of September 11 was a declaration of war. But it was not a declaration of war on the United States of America alone, it was a declaration of war on the most basic principles of the free world: on the unique value of the individual, on the right of a person to try to attain happiness in their own way, on freedom of speech, on tolerance, on the fact that a humane society can be composed of people of various affinities and different beliefs, and still be a responsible society with a sense of direction. And the victims of September 11 fell not because they were American, but more because they were a random segment of a society for whom these principles are paramount.

I don't accept the claim that this is a war between the Islamic culture and the West. This is a war between enlightenment and darkness, between openness, tolerance, rationality—and ignorance and blind religious extremism; and the battle lines cut right across cultures, and not between them.

We, too, are on the front lines of this war. Clearly there are also concrete political issues in this war taking place here at home, but it is impossible to ignore that, beyond the desire to obtain political goals of one kind or another, blind terror and hatred of free and tolerant discourse is nourished by blind extremism. And I have no doubt that the sinister flame which lit the September 11 attack also lights the terror attacks here at home. We cannot forget the attack here on our Campus a year ago, which took place just a few hundred meters from here. We were targeted not just because we are an Israeli or Jewish institution, but also because we are openminded, tolerant, and follow the paths of peace.

This war between an open society and its enemies is not a simple one. It is not simple because its enemies are hidden. And it is not simple because there is a serious danger to the open society. The danger is that, not by force but through its own volition, the enemies of freedom will compel this open society to give up its principles.

The enemies of freedom will have won if we cease to believe in tolerance and human rights; and they will have won if we fail to see where are the limits to the use of force, even when there is reason to use it; and they will have won if we cease to believe, here in Israel, that at the end of this bloodletting, there is the possibility of a life at peace with our neighbors.

This memorial concert which is taking place on the Mount Scopus Campus of the Hebrew University is a declaration that we,

the citizens of Jerusalem and of Israel, wish to show solidarity with our friends in the United States of America.

We remember the victims of the war waged by the sons of darkness against the sons of light, whether they fell on September 11 in America, or during the three years in Israel and in Jerusalem. We, the citizens of Jerusalem and of Israel, are determined to continue to create a free society, thirsty for knowledge and culture, tolerant and enlightened, rooted in our own heritage but open to the cultures of the world, aspiring to peace, committed to its values even though it may seem to some that to give them up would help in the war.

I truly believe that these principles must prevail.

U.S. AMBASSADOR TO ISRAEL DANIEL C. KURTZER REMARKS AT THE JERUSALEM SYMPHONY ORCHESTRA CONCERT IN MEMORY OF VICTIMS OF SEPTEMBER 11

Mount Scopus Amphitheater, Hebrew University, Jerusalem September 11, 2003

Professor Menachem Magidor, the President of the Hebrew University, Maestro Dr. Leon Botstein, the Jerusalem Symphony Orchestra, the Philharmonia Singers, ladies and gentlemen. It is always a great privilege to represent the United States of America and the American people here in Israel. And it is a singular privilege to represent my country here tonight, in this evening of solidarity in memory of the victims of September 11th.

I want to thank the Hebrew University, the Jerusalem Symphony Orchestra, Dr. Leon Botstein and all of you for joining us here this evening. Dr. Botstein's creativity and energy are enviable. As you know, he assumes the role of the leader of this orchestra while simultaneously serving as the President of Bard College, the music director and principal conductor of the American Symphony Orchestra, and having undertaken myriad other tasks.

Some years ago, Dr. Botstein wrote that, "Music occurs in time. Its logic is revealed over the course of a performance." In 1967, I was privileged to come to Israel as a volunteer after The Six Day War and to help clean up this amphitheater in preparation for a concert conducted by Leonard Bernstein, and the concert played the music of Mahler, "The Resurrection."

The connection to tonight is obvious. For 36 years have passed since 1967, and in some respects what we have witnessed is a single performance performed in time. Tonight's "Requiem" by Dvořák complements the "Resurrection" of Mahler in 1967. And this single performance is also drawn together by the composer. For not only is Dvořák the composer of tonight's piece, but as you know, he loved America, and his "New World Symphony" represents that love in beautiful music.

Time, however much we see singularity in this connection of performances, will never truly heal the wounds of those who have suffered as a result of terrorism. We will never forget the 3000 Americans, and citizens of 90 other countries who lost their lives in New York, Washington, and Pennsylvania two years ago. We will always remember each victim, not as a number, not as faces in the crowd, but as fathers and mothers, sons and daughters, friends and co-workers.

We, Americans and Israelis, will always also mourn the hundreds of victims of terrorism here in Israel including the 36 Americans who have been killed in the Intifada. We mourn tonight those who lost their lives just two nights ago in Tzrifin and Jerusalem, and we mourn those who lost their lives on this university campus one year ago.

Even after great destruction we strive for rebirth and renewal in a most important connection between "Requiem" and "Resurrection". And so tonight, the process of remembering and recovery continues, as we reflect on the beautiful music and the unseen audience that it honors. Thank you very much.

IN RECOGNITION OF MR. WARREN PLUM

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. PALLONE. Mr. Speaker, I rise to applaud the accomplishments of Mr. Warren Plum, someone who exemplifies the spirit of those workingmen and women who make America great.

Mr. Plum began his career with the United Parcel Service in November of 1966 as a Christmas peak hire. After working through the holiday season, and proving himself to be a devoted employee, Mr. Plum was called back to work in downtown Spring Lake, New Jersey. He has remained on duty for a 37-year span, and has become known around town as "the mayor" for his affable personality and extreme work ethic. Often at times, when Mr. Plum is delivering packages, it is customary to hear local citizens greet him up and down Main Street.

Mr. Plum has accomplished many great milestones in his UPS career. His driving record is exemplary. Having spent 36 years driving over 500,000 miles without a single accident is a remarkable accomplishment. Mr. Plum has successfully delivered well over 3,000,000 packages during his career at UPS. Knowing what kind of person Mr. Plum is, I am certain each package delivery and pickup was made with a smile, hello, and wave.

Mr. Speaker, it is important that we give recognition to America's workers for the many years they sacrifice to help keep America so strong. It is the dedication and devotion of men and women like Mr. Plum that allow the United States to remain one of the wealthiest countries in the world. As such, I would ask my colleagues to rise up in honoring America's workers, and especially the distinguished Mr. Warren Plum.

CONGRATULATING FIVE U.S. HEROES

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. VISCLOSKY. Mr. Speaker, it is my distinct privilege and honor to recognize and congratulate five United States heroes. Mr. Raymond Fary, Mr. Donald Erwin, Mr. Albert Fehlberg, Mr. Adalbert Wszolek, and Mr. Ernest Latta are World War II Army and Army Air Force veterans who risked their lives for the freedom of our great country. These dedicated and brave men will be honored on Sunday, November 2, 2003 at the Salute 2003 Ceremony at Munster High School in Munster, Indiana.

Raymond Fary joined the United States Army at Fort Benjamin Harrison on March 23,

1943. Raymond quickly earned his glider badge and participated in the Rhineland, Central Europe, Normandy, and Ardennes campaigns as a Glider Trooper with the 82nd Airborne. He earned many prestigious honors throughout his career including the American Theater Ribbon, Holland and Belgium Fourragere, as well as the Victory Medal, just to name a few.

Donald Erwin entered into the United States Army on October 23, 1942 at Camp Atterbury in Indianapolis, Indiana. During his campaigns in New Guinea, Leyte, and the Philippines, Donald served with Company C of the 19th Infantry Division. During his time of service, Donald received the Purple Heart, the Asiatic Pacific Theater Ribbon with two Battle Stars, the Philippine Liberation Ribbon with one Bronze Star, the Good Conduct Medal, as well as many other honorable medals.

Albert Fehlberg, on December 1, 1942 also joined the United States Army at Camp Atterbury in Indianapolis, Indiana. Albert's three major campaigns were in North Africa, Salerno-Cassino, and Rome, Italy. Due to his extensive understanding of the German language, he was advanced into the 143rd Infantry. He received the Purple Heart with Four Oak Leaf Clusters, after being wounded five different times during his 15 months in combat. Among his many prestigious awards for his service were the EAME Theater Ribbon and the Bronze Star Medal.

Adalbert Wszolek entered into active service on June 9, 1941 in Chicago, Illinois as the bottom ball turret gunner on a B-17 Bomber for the United States Army Air Force. While on his 4th mission in Germany, Adalbert was seriously wounded on June 21, 1944 but continued to fire upon the enemy. His valiant and selfless efforts inspired his crew to join together to return their damaged aircraft to safety. Adalbert received many awards for his bravery and courage including the Good Conduct Medal, Purple Heart Medal, Air Medal, Silver Star Medal, and countless others.

Ernie Latta joined the United States Army at Fort Benjamin Harrison in Indianapolis, Indiana on October 2, 1940. He was first stationed at Schofield Barracks in Hawaii during the attack on Pearl Harbor. He was awarded the Silver Star for his brave rescue of one of his comrades as they were heavily under fire. Sergeant Latta received the Asian Pacific Theater Ribbon with three Bronze Stars, the American Defense Service Medal, Good Conduct Ribbon, along with many other awards for his courage.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and thanking these five brave men, as well as all the former and current members of the United States military for their courageous and selfless dedication to the American people. These men have put their own lives in danger to protect our way of life, and for that they should be applauded and revered.

COMMENDING DR. BELLE WEI

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. WU. Mr. Speaker, I rise today to commend the achievements of Professor Belle

W.Y. Wei, who recently became Dean of the College of Engineering at San Jose State University. Dr. Wei, the first Asian American woman to be named Dean at SJSU's College of Engineering, is one of fewer than twenty female deans in 345 engineering schools nationwide and the only Asian American woman to head an engineering college in the United States.

Dr. Wei was born and raised in Taiwan. After immigrating to the United States with her family as a teenager, she earned an undergraduate degree in biophysics at UC-Berkeley in 1977 and a Master's degree in applied physics at Harvard in 1980. In 1987, Dr. Wei completed her Doctorate in electrical engineering and computer science at UC-Berkeley and joined the faculty at San Jose State University.

As Interim Dean since 2002, Dr. Wei successfully managed the College of Engineering's students and faculty while raising critical funds to support faculty development and student scholarships. She also established strategic collaborations with industry, alumni, government agencies, and other educational institutions. Dr. Wei's energy and dedication to excellence have earned her the respect and admiration of her peers and awards in leadership and research excellence. These accomplishments made her an ideal candidate for the position of Dean.

During her first full term as Dean of the College of Engineering, Dr. Wei plans to implement a more extensive program of outreach education to high school students, and hopes to encourage women and underrepresented minority populations to enroll in the engineering program.

I commend Dr. Belle Wei for her achievements, and I am certain my colleagues will join me in wishing her continued success.

TRIBUTE TO RICHARD C. SCHUTT,
CHAIRMAN OF THE BOARD OF
DIRECTORS OF THE AMERICAN
ASSOCIATION OF HOMES AND
SERVICES FOR THE AGING
(AAHSA)

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mrs. BIGGERT. Mr. Speaker, I rise today to pay special tribute to Richard Schutt, who for the last two years has chaired the board of Directors of the American Association of Homes and Services for the Aging (AAHSA). The association represents 5,600 mission-driven, not-for-profit nursing homes, continuing care retirement communities, assisted living and senior housing facilities, and community service organizations which are committed to advancing the vision of healthy, affordable, ethical long-term care for America. Every day, AAHSA's members serve more than one million older persons across the country.

Mr. Schutt has been a member of AAHSA for many years, and has served in a number of leadership capacities. On October 28, at AAHSA's 42nd Annual Meeting and Exposition in Denver, Mr. Schutt will complete his term as the organization's chair, having served as its top elected leader since 2001. Prior to that, he served with distinction on the association's House of Delegates and as the chair of

AAHSA's public policy committee. Mr. Schutt also previously chaired Life Services Network of Illinois, AAHSA's State association partner in my State, and the Health Resources Alliance, a group of 19 long-term care facilities serving more than 7,000 clients in the Chicago area.

Under Mr. Schutt's leadership, AAHSA has developed the Quality First Initiative, a comprehensive approach to achieving true excellence in the quality of care across the continuum of aging services. The goals for Quality First are continued improvements in compliance scores under federal regulations, progress in promoting fiscal integrity, demonstrable improvements in clinical outcomes, better measurement of quality, high scores on consumer satisfaction surveys, and higher employee retention rates and reduction in turnover. Over 1,000 AAHSA members have signed a covenant committing their facilities to working toward these goals.

Although Mr. Schutt is stepping down from the chairmanship of AAHSA, he will return to Illinois 13th Congressional District to continue his work in Lockport as executive director of Rest Haven Christian Services, a group of long-term care facilities that provide an array of independent living, assisted living and skilled nursing services. He also presides over Providence Management Company, which owns a home health agency and manages long-term care facilities in Illinois, Indiana and Michigan.

Mr. Speaker, I ask that my colleagues join me in recognizing Richard Schutt for his distinguished record of service to older Americans in my district, in the State of Illinois, and across the nation.

HONORING ERNEST BORGNINE AS
HE HOSTS "A DAY WITH ERNEST
BORGNINE"

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the community of Hamden, Connecticut in welcoming one of their true community treasures and one of America's most adored actors—Ernest Borgnine. Today, this star of stage, screen, and television will spend the day meeting and greeting friends and fans from around Connecticut to benefit the Hamden Arts Commission's Arts & Culture fund which provides funding for local movie and theater projects.

Perhaps best known for his portrayal of Lieutenant Commander McHale in the popular television series *McHale's Navy*, Mr. Borgnine has enjoyed an acting career that has spanned half a century. Born in Hamden, Mr. Borgnine grew up in my hometown of New Haven, Connecticut and soon after graduating from high school entered the Navy where he served our country for ten years. Returning home, he took the advice of his mother and enrolled in the Randall School of Drama in Hartford. Debuting on Broadway in the play "Harvey," Ernest Borgnine soon became a household name across America.

Awarded with Oscar, Emmy and Golden Globe awards, Mr. Borgnine's talent is acclaimed both here and abroad. The sincerity

and honesty that he brings to each of his roles has made him one of the most beloved actors of our time. The joy that Mr. Borgnine has brought through his professional credits is only surpassed by the generosity he has demonstrated through his work with charity. Today's benefit is but a reflection of his tireless efforts to make a difference in the lives of others. His compassion and advocacy are unparalleled and we are certainly fortunate to have such a tremendous individual whose dedication touches the lives of so many.

For his lifetime of contributions and in recognition of all of his good work, I am proud to stand and join the many who have gathered today in extending a warm welcome and my sincere thanks to Ernest Borgnine as he visits his home community of Hamden. His is a legacy that will continue to inspire generations to come—a true living treasure.

IN HONOR OF SGT DAVID
HUBERT'S BIRTHDAY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. BISHOP of New York. Mr. Speaker, I rise in honor of the 22nd birthday of SGT David Hubert of Shirley, NY, which fell this past Sunday, October 26. Sergeant Hubert is a proud soldier in the Army's 101st Airborne Division, now serving in Iraq.

Hubert is a lifelong resident of my congressional district. He graduated from William Floyd High School in June 2000, and reported to basic training the following month. After 2 years of service assigned to the Army's 1st Armored Division in Germany, Sergeant Hubert earned a spot in the prestigious 101st Airborne Division in December of 2002. While assigned to Fort Campbell, Sergeant Hubert expanded his training to expertise in field emergency medical treatment.

On February 26, 2003, Sergeant Hubert and his unit were deployed to Kuwait. On March 21, 2003, Sergeant Hubert's division was one of the first to enter Iraq. Sergeant Hubert and his division braved the windstorms and heat of the Iraqi desert, along with frequent enemy assaults, while advancing steadily toward Baghdad. The 101st Airborne took control of the Baghdad Airport and helped in the swift conquest of Baghdad. Since then, Sergeant Hubert and his division have guarded and protected the Syrian border and surrounding towns, to ensure against infiltration by terrorist groups.

Mr. Speaker, many soldiers might long to return home from a grueling tour overseas in time to celebrate their birthday. Sergeant Hubert recently learned that he would be deployed until after the New Year. His response? He would rather spend his birthday where his fellow soldiers—and his country—need him most.

Sergeant Hubert's sacrifice and selfless dedication to his country represent the best America has to offer. I wish him a happy birthday and a safe return home, when his duty in Iraq comes to an end.

REGARDING THE RECENT SPEECH OF TURKEY'S DEPUTY PRIME MINISTER AND MINISTER OF FOREIGN AFFAIRS ABDULLAH GÜL

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. HASTINGS of Florida. Mr. Speaker, there has been much reaction, and justly so, to the virulently anti-Semitic remarks of outgoing Malaysian Prime Minister Mahatir at the recent Organization of the Islamic Conference (OIC) Summit in Malaysia. His remarks, crude, insensitive, and untrue, have been roundly condemned by many world leaders—though certainly not enough who were at the OIC Conference. Unfortunately, the publicity over his remarks has overshadowed another speech by a Muslim leader, Turkey's Deputy Prime Minister and Minister of Foreign Affairs Abdullah Gül. That speech is more tolerant and farsighted. It speaks well of Turkey's current government and the policies it seeks to enact. Foreign Minister Gül argues that Islam, tolerance, and modernization are compatible, and highlights the Turkish experience. I believe the speech is well worth our colleagues reading, and I am pleased to bring it to their attention.

SPEECH BY HIS EXCELLENCY ABDULLAH GÜL, DEPUTY PRIME MINISTER AND MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF TURKEY, DELIVERED AT THE OIC BUSINESS FORUM DURING THE 10TH SUMMIT OF THE OIC MALAYSIA, 15 OCTOBER 2003

Excellencies, distinguished guests, it is a particular honor and privilege to take part in this Welcoming Dinner among such a distinguished group of guests and speakers.

I would like to express my gratitude and appreciation to the Asian Strategy and Leadership Institute for this well-thought occasion to discuss such a topical subject.

Tonight I will briefly share with you Turkey's understanding and practice of the relationship between Islam and Modernization, and the challenge we face as Muslim societies.

Let me start by challenging the choice of a word in the title of our dinner; "Islam versus Modernization". I would decline to see Islam and modernization as competing concepts.

The Turkish experience and many other efforts in the Muslim world in political, economic and social development rest on the belief that it is perfectly possible to advance a society in all fields while Islamic faith and culture continues to play an important role in people's individual lives.

Our challenge is to prove that traditional and moral values can be in perfect harmony with the modern standards of life.

Not only that. Our values can contribute to and strengthen the modern world. They can even be enriching for modern societies.

Excellencies, distinguished guests, I acknowledge that the contemporary Muslim societies, at times, have had temporary difficulties in coping with the universal developments in the fields of politics, economics, science and technology.

Yes, they have not always attained the highest standards of democracy, equality, or social rights yet.

However, the good news is that there is a growing awareness of the shortcomings and a desire to overcome them.

There are even positive steps in this direction. Today's meeting is an example of this

healthy debate. These are all important indications.

I am confident that the new generations of Muslims, the youth, have the consciousness and the capacity to attain a glorious future which will surpass their history.

Their history as cultivated, tolerant, developed and good governed people.

Peoples which have developed sophisticated legal systems, free trade networks, health institutions and schools.

Excellencies, distinguished guests, leaving aside the theoretical discussions on the issue, I would like to take this opportunity to brief you on our own experience. Our experience as a government, less than one year old.

To many people, it seemed like a paradox: A government that was formed by a party known to be based on moral and traditional values was implementing a most spectacular economic and political reform campaign in Turkey; reforms that even astonished the liberals at home.

There was nothing to be surprised about. We had put in front of us a mission to accomplish: We were to prove that a Muslim society is capable of changing and renovating itself, attaining contemporary standards, while preserving its values, traditions and identity.

We acted on the premise that highest contemporary standards of democracy—fundamental freedoms, gender equality, free markets, civil society, transparency, good governance, rule of law and rational use of resources were universal expectations. We believed that Turkish people and other Muslim nations fully deserved to have these expectations met.

We believed that our societies could only benefit from the realization of these standards. And indeed, Muslim societies have the necessary historical background and moral and spiritual strength to adapt themselves to modernity.

We believed that encouraging political participation, increasing transparency and accountability would make regimes stronger in the long run. The result would be self-confident and cohesive societies which have an interest in peace and harmony.

Our strength came from being eye to eye with our people. The big support we got during and after the elections showed our strong ties with our grassroots. Our experience has differed from the others by not relying only on the elites.

We began our reform from the very day we formed the government: We decreased the number of ministries from 35 to 23, thus making the administration more streamlined and efficient.

This was followed by a Public Administration Reform project aimed at the decentralization of most public services. This would give the Central Government more time and space to tackle the global issues while at the same time speeding up the delivery of the services.

The Penal Code, the Civil Code and the Press Law are all being further modernized. During the eight-month times Turkish Parliament adopted there major political reforms packages. These were related to the process initiated by the previous governments to upgrade the Turkish legislation on fundamental rights and freedoms in conformity with Europe.

Through the reforms and other measures, my Government achieved the following:

Fundamental rights and freedom were extended to the most liberal standards. Some residual restrictions were removed.

Additional facilities were provided for the fulfillment of cultural and religious rights.

The principle of zero tolerance to mistreatment and torture became the basis of the relevant laws and their implementation.

The civilian nature of the administration was consolidated in keeping with the European standards.

We became party to international conventions against corruption.

Full transparency of public expenses, including the military, was secured.

Capital punishment was formally abolished. This decision was further consolidated by the ratification of the relevant Conventions.

Economic reforms complemented the political ones. Priority was given to the rational and effective use of our resources.

Having told all these, I do not mean that everything is perfect in Turkey. I believe that social and political development is a dynamic process. It can always be improved, bettered, deepened.

The important thing is to give the societies the possibilities and instruments to renew themselves.

The important thing is not to ignore the social expectations and sensitivities.

On the other hand, we know that there is no single or a simple formula to achieve this goal. We need to act in recognition of our peculiarities and different historical experiences.

Yet, as Muslim societies we share a common core that is rich and beneficial. This core is fully compatible with what we see as universal values.

These values are "universal" because no one can claim monopoly over humanistic values that are the common inheritance of civilization. Islam has made highly significant contributions to this common civilization.

Finally, I would like to reiterate my belief that the maladies of the Muslim societies can be cured. Shortcomings can be overcome. Institutions can be reformed.

However, the problems that inflict some of the Western societies, like racism, xenophobia, anti-Semitism, materialism, violence, drugs, etc. seem to me most difficult to cure. This is another important challenge that should be tackled by all. May be as a theme of another meeting like this one.

Thank you.

COMMANDANT OF THE COAST GUARD ADVICE RECOMMENDATIONS ACTS

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. JONES of North Carolina. Mr. Speaker, the U.S. Coast Guard is our Nation's fifth military service. Since their founding in 1790 as the Revenue Cutter Service, the USCG has served our Nation in peace and war. The Coast Guard fought pirates off the coast of Virginia in 1793, engaged British Warships in the War of 1812, piloted ships ashore during the D-day invasion, and deployed 8,000 personnel to Southeast Asia during Vietnam. Most recently during Operation Iraqi Freedom, more than 1,250 Coasties deployed to the Persian Gulf to protect sea-lanes, guard ports, and clear mines for Coalition ships.

The Commandant of the Coast Guard, like his Department of Defense counterparts, is the fourstar senior military officer responsible for providing advice to the Secretary of Homeland Security and the President on matters under his jurisdiction. Also like the other service chiefs, the Commandant of the Coast Guard is called to testify before Congress on the operation of that service. However, despite the

similarities in service and sacrifice, that is one area where the Commandant of the Coast Guard is distinct from his peers.

Current law allows that the chiefs of the other services; Army, Navy, Marine Corps, and Air Force, may provide personal considerations to members of Congress if requested to do so (10 U.S.C. 151(f)); however, the Coast Guard Commandant does not have this privilege. The advice received from the other service chiefs has been invaluable in ensuring that Congress provides the proper resources and legislative support. At a time when the Coast Guard is engaged a wide range of military operations abroad and homeland defense missions at home, that advice is even more important.

It is for that reason, that I am introducing this simple legislation. The bill, first brought to my attention by the Fleet Reserve Association, would give the Commandant of the Coast Guard the authority to make such recommendations to Congress relating to the Coast Guard as the Commandant considers appropriate. It does not mandate unsolicited recommendations, nor dictate the nature of those recommendations. Instead it simply provides the Commandant of the Coast Guard the same authority provided to the heads of the Army, Navy, Marine Corps, and Air Force. I would encourage my colleagues to join me in supporting this legislation to ensure that the Coast Guard remains true to its motto—Semper Paratus—or Always Ready.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. GALLEGLY. Mr. Speaker, on Monday, October 20, I was unable to vote on H. Res. 356, expressing the sense of the House of Representatives regarding the man-made famine that occurred in the Ukraine in 1932–33 (rollcall 563); H. Res. 400, honoring the 25th anniversary of Pope John Paul II's ascension to the papacy (rollcall 564); and H.R. 3288, to amend title XXI of the Social Security Act to make technical corrections with respect to the definition of qualifying State (rollcall 565). Had I been present, I would have voted "yes" on all three measures.

APPROPRIATE APPROACH TO NORTH KOREA ENTAILS MULTILATERAL APPROACH, AVOIDING CYCLE OF EXTORTION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues two editorials on North Korea.

First, this Member hopes his colleagues will review the October 20, 2003, editorial from the New York Times in which the newspaper finally is willing to call the acts in which North Korea has been engaged "blackmail." Indeed, for many years, this term has accurately described the conduct of the previous Kim II Sung regime and now the Kim Jong II regime.

An agreement by the United States, Russia, China, South Korea, and Japan that there would be no attack on North Korea "in exchange for its commitment to dismantle its nuclear weapons programs" is a sufficient quid pro quo as long as North Korea's acceptance of this proposed agreement is not tied to economic aid. This Member feels very strongly that the United States cannot fall into a cycle of extortion again.

Second, this Member commends the editorial which was published in the October 21, 2003, Los Angeles Times. As the editorial correctly notes, North Korea poses a regional threat and therefore its neighbors—China, Russia, South Korea, and Japan—must be included in all efforts to craft and verify agreements whereby North Korea will dismantle its nuclear weapons program.

[From the New York Times, Oct. 21, 2003]

TRYING DIPLOMACY ON NORTH KOREA

President Bush is now taking a wiser and more sophisticated approach to the crisis caused by North Korea's reckless pursuit of nuclear weapons. In a proposal whose details are still being refined, Washington and four other nations would guarantee not to attack the North in exchange for its commitment to dismantle its nuclear weapons program.

This proposal makes an eventual peaceful, diplomatic solution to this extremely dangerous problem somewhat more likely. Just how likely is impossible to tell because there is no assurance that North Korea's highly unpredictable leaders will agree to disarm. If the North does spurn this reasonable offer, Washington will find it easier to persuade Asian nations to support more coercive steps, like international economic sanctions.

North Korea's nuclear programs are particularly alarming because the nation has a long history of selling advanced weapons to all who will pay for them, including other rogue states and perhaps terrorists. Yet in the past year, as the North has raced ahead with reprocessing plutonium into bomb fuel, Washington has handicapped its own efforts to achieve a diplomatic solution by refusing to specify what America would be willing to do if the North firmly committed to giving up its nuclear weapons ambitions in ways outsiders could reliably verify.

The White House had insisted that specifying any such quid pro quo would be giving in to North Korean nuclear blackmail. Blackmail is a fair description of North Korea's behavior. But in a situation in which everyone agrees that military action against the North would have catastrophic consequences for hundreds of thousands of innocent South Koreans and Japanese, Washington's principled stand poorly served American interests.

With this proposal, Mr. Bush is now making a serious effort to revive negotiations and is personally seeking the support of his fellow leaders at the Asia-Pacific summit meeting in Bangkok. All four of the nations that would join Washington in the proposed security guarantee—China, Japan, Russia and South Korea—are represented there. Washington's new approach deserves strong support from each of them.

In offering security guarantees to the North, Mr. Bush wisely overruled hawkish administration officials who preferred moving directly toward coercive economic and military steps. This initiative comes less than a week after the administration's skilled diplomacy won unanimous backing for a United Nations Security Council resolution on Iraq that broadly endorsed Washington's policies there. Diplomacy is an important tool for advancing America's national security. It is good to see it.

[From the Los Angeles Times, Oct. 21, 2003]

CORRECT NUCLEAR STRATEGY

President Bush's announced willingness to take part in a joint guarantee not to attack North Korea is an important maneuver in getting Pyongyang to end its nuclear weapons program. Even if Kim Jong II's regime refuses to accept anything short of a full-fledged treaty, Bush's more conciliatory approach should win needed diplomatic support from China and South Korea.

Bush took advantage of the Asia Pacific Economic Cooperation summit in Bangkok to discuss North Korea's nuclear ambitions with Presidents Hu Jintao of China and Roh Moo Hyun of South Korea. In August, both countries joined the U.S., Japan and Russia to present a united front, urging North Korea to end its atomic weapons development. The U.S. is correct to enlist the assistance of North Korea's neighbors; nuclear proliferation is a regional threat, not an issue of concern only to Pyongyang and Washington.

When North Korea resisted further talks, China and South Korea urged Washington to try to woo the North back to the table by providing written, not just oral, assurance that it would not attack. Bush offered to take that extra step, although he correctly ruled out a formal treaty. Pyongyang's refusal to abide by its 1994 agreement with the U.S. to freeze its nuclear weapons program in exchange for energy supplies and economic aid raises doubts it would live up to a treaty. North Korea first should be required to show international inspectors that it is not reprocessing plutonium and enriching uranium.

One administration official said the U.S. was willing to sign an agreement saying it had no "hostile intent" if North Korea demonstrated that it was making "verifiable progress" in dismantling its weapons program. That's an important change from administration insistence that Pyongyang end the program before getting any economic help. The North considered such an ultimatum unacceptable, but it might end the program in stages if it saw rewards at each step.

North Korea withdrew from the Nuclear Nonproliferation Treaty last year and keeps saying it is reprocessing plutonium from 8,000 fuel rods. That may be bluff and bluster, but if true it would produce enough fuel for perhaps 20 nuclear weapons. Monday, it fired a conventional missile into the Sea of Japan in a test timed to coincide with the Bangkok summit, though not with Bush's initiative. Pyongyang has sold missiles to other nations; because it is desperately poor and periodically racked by famine, there is no reason to believe it would refrain from selling weapons-grade nuclear material.

China provides most of North Korea's food and oil supplies and has been instrumental in arranging six-nation talks. It should point to Washington's flexibility as it pressures North Korea to resume talks and give up nuclear weapons in exchange for security and aid.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. GALLEGLY. Mr. Speaker, on Tuesday, October 21, I was unable to vote on H. Res. 407, the Rule to provide for consideration of H.J. Res. 73 (rollcall vote 566). Had I been present, I would have voted "yes." I was also

unable to vote on an Obey motion to instruct conferees on H.R. 3289 (rollcall 567). Had I been present, I would have voted "no." Further, I was unable to vote on final passage of H.J. Res. 73, making further continuing appropriations for FY04 (rollcall 568). Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber on July 14, 2003 and missed rollcall vote No. 357, the Ackerman-LaTourette amendment to the Agriculture Appropriations bill which would require that the USDA expend no funds to approve meat from downed animals—animals that are too sick to walk or stand—for food. I would like the RECORD to show that had I been present, I would have voted "yea."

IN RECOGNITION OF THE FAMILY SERVICE AGENCY OF BURBANK'S 50TH ANNIVERSARY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate The Family Service Agency of Burbank for its 50 years of dedicated service to the Burbank community.

The Family Service Agency of Burbank was established as a non-profit, community based organization in 1953 to provide counseling and educational services for children and their families. These services are extremely pertinent to the health and well being of the community as a whole. The agency's exceptional support system is comprised of generous individuals, small businesses, corporations, the United Way, service clubs, community foundations, and the city of Burbank itself.

Since its creation, Burbank's leading citizens have faithfully served on the agency's board of directors to assure professional services be available. All these services are affordable and genuinely attempt to meet the needs of the Burbank community. Currently, individual and group counseling, specialized youth services, parenting classes, and anger management resources for victims of domestic violence and their families have been incorporated. The Family Service Agency of Burbank has successfully collaborated with the Burbank Unified School District, the faith community, and the City of Burbank to deliver life-changing services to those in dire need of them. Their determination and innumerable achievements have provided the residents of the City of Burbank with a valuable resource to address common societal problems.

I ask all Members of Congress to join me today in congratulating the Family Service Agency of Burbank for 50 years of unwavering service to the Burbank community.

EMPLOYMENT DOWNFALL IN OHIO

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mrs. JONES of Ohio. Mr. Speaker, I rise today to call attention to the dramatic downfall in Ohio employment since this current administration took office in January of 2001. This downfall is being felt by middle-class workers throughout Cleveland, throughout Ohio and throughout our Nation.

In January of 2001, the Bureau of Labor Statistics reported that Cleveland benefited from 1,147,700 jobs. By January 2003, that number plunged by 55,000 jobs. After two additional years of fiscally reckless policies from this administration, current preliminary estimates state less than 1,113,100 jobs now exist in the City of Cleveland.

In September of 2001, Cleveland had 183,100 manufacturing jobs. The current number of manufacturing jobs has dipped to 165,700. The amount of job losses in manufacturing for the State of Ohio since August 2001 now total 86,700.

A great many of these unemployed manufacturing employees are dependent on benefits provided under the Temporary Extended Unemployment Compensation program. The total number of unemployed workers in Ohio who have exhausted these benefits amounts to 126,000.

Ohioans must have the means necessary to aid them through these troubling economic times. I would urge this administration to focus on initiatives to boost employment—not just tax cuts.

Ohioans deserve a resolution to this unemployment spell. The facts show that too many are still out of work. Ohioans deserve to know why.

IN HONOR OF COLONEL JACK JACOBS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Colonel Jack Jacobs for his years service and dedication to his country. Colonel Jacobs will be honored by the Jewish War Veterans of the United States at the Testimonial Dinner on Thursday, October 30, 2003, at the Newark Liberty Airport Wyndham in Elizabeth, New Jersey.

Colonel Jack Jacobs is a veteran of the Vietnam War, serving two tours of duty courageously. His heroism is exemplified by his numerous commendations, including two Purple Heart Medals, three Bronze Stars, two Silver Stars, and the Medal of Honor, the United States highest combat decoration. Colonel Jacobs risked his life and overcame personal injury to save the lives of 13 allied soldiers and one United States advisor. Colonel Jacobs retired from the United States Army in 1987.

Colonel Jack Jacobs serves on several boards of directors on numerous companies, and is the secretary of the Board of Directors for the Congressional Medal of Honor Foundation. Colonel Jacobs is a regular fixture on

CNBC and MSNBC as a military and foreign affairs analyst.

Colonel Jack Jacobs received his bachelor's degree from Rutgers University. During his military service, Colonel Jacobs served as a faculty member at the United States Military Academy at West Point, New York, and the National War College in Washington, DC.

Today, I ask my colleagues to join me in honoring Colonel Jack Jacobs for his outstanding leadership and courage, his 21 years of military service, and his commitment to his fellow man.

THE FEDERAL EMPLOYEE STUDENT LOAN ASSISTANCE ACT

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. EHLERS. Mr. Speaker, this legislation ensures the federal government's deep commitment to a highly-trained and diverse workforce. But we should go even further. In order to best maximize federal government resources, we should consider allowing competition within other aspects of the student loan program, including consolidation loans.

In order to ensure that we instill such competition, we should safeguard and improve existing loan consolidation opportunities. The 1998 reauthorization of the Higher Education Act has allowed Federal Family Education Loan (FFEL) student loan borrowers who hold loans from more than one underlying lender to select from those lenders when consolidating their loans. This change has enabled many recent college graduates to refinance their loans at a lower fixed-interest rate. However, student loan borrowers who hold loans through a single lender must consolidate loans through their current lender. This rule, known as the "Single Holder Rule," fosters a situation analogous to requiring homeowners to refinance their mortgages only through their current mortgage holders. We should consider repealing the single holder rule during the reauthorization of the Higher Education Act.

As we progress through this reauthorization, I am hopeful that we will preserve the existing loan consolidation provisions and also improve this important program. Allowing competition in loan consolidation encourages student loan borrowers to consolidate their loans and to further reduce their debt burden by taking advantage of historically-low, fixed-interest rates, just as other borrowers are able to do every day.

HONORING MICHAEL BERRY ON THE DEDICATION OF THE MICHAEL BERRY AMPHITHEATER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute and to honor my dear friend, Michael Berry on the occasion of the dedication of the Michael Berry Amphitheater at Henry Ford Community College in Dearborn, Michigan.

The son of Lebanese immigrants, Michael Berry came of age in Depression Era South

Dearborn. Transcending life's circumstances, Mr. Berry graduated in Fordson Junior College's (now Henry Ford Community College) inaugural class of 1940. He went on to earn a Bachelor's degree and ultimately a Juris Doctorate, becoming the first Muslim attorney in the state of Michigan in 1949.

With his law degree in hand, Mr. Berry embarked on a distinguished career in law, government and public service that continues to this day. Among his many significant accomplishments, Michael Berry served twenty years as the legal counsel to the United Auto Workers Local 600 (the UAW Local born out of the Hunger March and Battle of the Overpass, and which, at its zenith had more than 100,000 members and retirees).

Mr. Berry was also a longtime member of the Wayne County Road Commission, serving as Chairman for a period of ten years. During his tenure as Chairman, Michael Berry oversaw the completion of numerous infrastructure projects, not the least of which were substantial improvements to Detroit-Wayne County's Metropolitan Airport. Mr. Berry's contributions in this regard positioned the airport to become the national and international hub that it is today and resulted in the dedication of the Michael Berry International Terminal in 1974.

Given Mr. Berry's personal and professional accomplishments, you can understand why I consider myself extremely fortunate to have him as a close personal friend and to have benefited from his advice and insight over the years. I worked especially closely with Mr. Berry during the eight years he served as Chairman of the 16th District Democratic Party—a time that I recall fondly as being a particularly constructive and productive one.

The privilege of knowing people who are as decent and accomplished as Michael Berry is an aspect of public service that I enjoy greatly. The "Michael Berry Amphitheater" will inspire students for generations to pursue their full potential and ambitions. Mr. Speaker, I ask that all of my colleagues join me in recognizing the lifetime achievements of Michael Berry, one of Dearborn's native sons.

TRIBUTE TO EAGLE VALLEY ALLIANCE FOR SUSTAINABILITY AND THE "GREEN STAR" PROGRAM

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to the Eagle Valley Alliance for Sustainability for bringing the "Green Star" program to Vail, Colorado, and Eagle County.

In an effort to educate and encourage local residents and businesses to develop environmentally sound practices, the Green Star program is improving air and water quality, reducing energy use and waste streams and providing environmental benefits to area communities. Vail's Green Star Chapter is the tenth program initiated nationwide and the first of its kind in Colorado. It is this progressive environmental leadership that I wish to highlight today.

On October 7, The Alliance was honored by the Colorado Department of Public Health and

Environment with its Environmental Achievement Award through the Environmental Leadership Program.

Founded in 1990, the Alaska-based Green Star Program encourages business owners and private residents to reduce waste, conserve energy and prevent pollution.

Through education, technical assistance and a nationally recognized award program, Green Star helps citizens become more environmentally sensitive without jeopardizing their budgets. Green Star standards demonstrate that waste reduction is not only environmentally responsible, but can also save money and help businesses attract customers.

Green Star Awards are given when organizations meet at least 12 of the 18 standards. Awards are given for general waste reduction, air quality improvement and reduction of air pollution. Businesses participate by educating employees, improving purchasing methods, controlling litter, reducing toxic usage, promoting water conservation and monitoring utility usage.

The Air Quality Award is Green Star's newest award, unveiled in 1999, focusing on outdoor air quality improvement activities. The standard encourages the reduction of air emissions through technical improvements, behavioral changes, and outreach and education activities. Through the improvement of equipment, better vehicle maintenance, supporting alternative transportation modes and education, air standards improve for all residents in a community.

Schools can also participate in the Green Star program. Through education on pollution prevention, recycling, composting, energy efficiency, and waste reduction and prevention, students can promote programs that protect our environment. Free trainings, workshops, and onsite consultations from Green Star experts help schools set standards in their area.

Events can earn Green Star recognition by reducing waste and recycling. With a goal of reducing the overall waste stream, efficiency is increased and a wide range of materials can be recycled. Green Star loans free bins for the length of events, encouraging reuse of cans, bottles, cardboard and paper.

Green Star's eco-friendly program was launched in the town of Vail, Eagle County and in partnership with the Environmental Committee for the Vail '99 World Championships in 1998.

Eagle County residents are actively working to have their residences certified as Green Star homes. Through a \$2.50 monthly purchase of wind power, homeowners can keep thousands of pounds of pollutants from entering the atmosphere each year.

As Colorado works to preserve and protect its pristine mountain ranges, treasured forests and spectacular wilderness areas, we applaud the residents of Vail and Eagle County for setting the standard in environmental education and conservation. I have enclosed an article from the Vail Daily newspaper about this effort.

[From the Vail Daily, Oct. 18, 2003]

Local Environmental Green Star Program
Recognized by State
(By Matt Zalaznick)

Patsy Batchelder says making your home environmentally friendly isn't very hard at all—you can recycle (just about anything), buy some wind power and not drive as often, among other things.

Batchelder's home in Vail's Potato Patch neighborhood has been certified by a local conservation group as one of the most environmentally friendly homes in the valley. And those certifications, called the "Green Star" program, have now been recognized by the state health department.

"I think it's something any household can achieve easily," Batchelder says. "I would definitely like to encourage others to do it."

The "Green Star" program is spearheaded by the Eagle Valley Alliance for Sustainability, which has been awarded an Environmental Achievement Award by Colorado Department of Public Health and Environment's Environmental Leadership Program. The organization received the award at a ceremony Oct. 7 at the Denver Museum of Nature and Science.

"Every year, I look forward to learning about these exciting and innovative projects undertaken by businesses and organizations throughout Colorado," said Douglas Benevento, executive director of the Health Department. "It is a privilege to recognize them for their commitment to business practices that improve air and water quality, reduce energy use and waste streams, and provide benefit for dozens of communities."

The local Green Star program is a points-based program that encourages Eagle County homeowners to reduce waste and improve energy efficiency at home on a points basis, says Adam Palmer, of the Eagle Valley Alliance for Sustainability.

Enrollees must meet 12 of 17 requirements and they receive technical assistance, an energy audit, a video tape of a walkthrough with an infra-red camera that pinpoints heat loss areas in the home, a certificate and decals for a \$50 enrollment fee. The goal of the program is for homeowners to become more aware of the how their homes and lifestyles affect environment—and also save money, Palmer says.

"In the households we've certified so far, we've found some unexpected sources of energy loss," Palmer says. "It provides a foundation on which to guide future conservation actions, rather than wasting time and money on something that may not provide a significant return."

Matt Scherr, who owns a home in Minturn, says he joined the program because he was frequently angered by the lax environmental policies of governments and large businesses. "I first have to commit myself to things I'm wanting from others," says Scherr, whose home is going through the certification process.

The Green Star program runs the gamut from installing better insulation and windows to re-using plastic bags.

"We're avid Ziploc bag washers," Scherr says. "We also re-use plastic water bottles. I bought a case and have been using the bottles for the last year."

Scherr says he is installing additional insulation in his attic and putting in double-paned windows. He also closes off rooms he doesn't use very often and only turns on heat in those rooms when he is going to use them.

One of the Green Star program requirements is that the home gets part of its energy needs from renewable sources. Residents can take part in the Wind Power Pioneers program available from Holy Cross Energy to meet the requirement, Palmer says.

"For as little as \$2.50 per month, you can get part of your energy from the wind and keep thousands of pounds of pollution out of the air each year," says Palmer.

Eagle resident John Gitchell, who is a member of the Eagle Valley Alliance for Sustainability's board, is also getting his home Green Star certified.

"The practical piece of it is we're going to improve our energy efficiency this year,"

Gitchell says. "But this is kind of a lifestyle audit in a way."

The Green Star program also measures how much a family drives and flies, what conservations call an "ecological footprint."

"Both my wife and I work and live in the same town, so we got some points for points for that," Gitchell says.

A TRIBUTE IN HONOR OF SPC.
DONALD LAVERNE WHEELER,
JR. OF CONCORD, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor a soldier from my neighborhood who was killed in Iraq. He was at his core a true American patriot. SPC. Donald Laverne Wheeler, Jr., DJ, as he was known to his friends, made the ultimate sacrifice for this country at age 22 years.

DJ was killed in Tikrit, Iraq on October 13, 2003 when his armored vehicle, on which he was the gunner, was attacked with a rocket-propelled grenade. Wheeler was searching for a possible improvised explosive device when his unit came under attack.

DJ joined the Army in November 2001, just after the 9/11 attacks, and said he wanted to fight against the evil. He felt it was his duty as an American. He was assigned to the U.S. Army's A Company, 1st Battalion, 22nd Infantry Regiment, 4th Infantry Division, Fort Hood, TX, and was sent to Iraq in March 2003.

His family has a history of military service. He is named after his uncle killed in the Korean War. His grandfather, one of his inspirations, was a World War II veteran.

DJ graduated from Lumen Christi High School in Jackson in 1999 where he was an offensive lineman on the team that made the regional finals. His coach described him as a good, solid, hardworking kid. More than this, however, DJ's spirit would fill any room he was in. He was nicknamed "Sunshine" by one of sergeants because he towered over his friends and was always smiling. Those who knew him recalled his sense of humor, his ability to make you laugh, and his generous spirit. While in Iraq he frequently wrote home asking for dollar bills and candy to hand out to Iraqi children.

What is so admirable about this individual is his dedication and the support from his family in Concord, MI. They deserve to be honored as much as he. DJ's parents, Donald and Mary Catherine Wheeler, fully support the actions in Iraq and the President. Even when tragedy touched their own lives and the lives of DJ's three sisters and eight brothers, this family calls on us to finish the work in Iraq that DJ helped begin.

Words cannot express the gratitude of a country. I honor this man today, and his family, for the great irreplaceable gift they have given our country, our ideals and our freedom.

HONORING ZION MISSIONARY
BAPTIST CHURCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. KILDEE. Mr. Speaker, I rise before you today to bring to your attention that on September 19, 2003 the Zion Missionary Baptist Church of Saginaw, MI, celebrated their 135th year of praising and serving the Lord. The Church commemorated this milestone with a series of festivities, which included an old fashion worship service and play depicting the Church's history. The Church will conclude the celebration in December with a musical and All States Day.

Psalms 48:1-2 states "Great is the Lord, and greatly to be praised in the city of our God, in his holy mountain. Beautiful in elevation, the joy of the whole earth, is Mount Zion on the sides of the north, the city of the great King." Zion Missionary Baptist Church was organized in 1868 with a membership of fifty. The Church family has grown considerably over the last 135 years. They have been blessed with eight different pastors, each one expressing a desire to see the church grow spiritually and physically. The most noted of these leaders is Reverend Roosevelt Austin, Sr., he became pastor in 1956, at a time when the Church was experiencing financial difficulty. Through prayer and perseverance, Reverend Austin balanced the Church books, and inspired the Church members to pledge toward a new building and expanded educational facility. Reverend Austin remained Pastor of Zion for 44 years, and at retirement the Church debt was paid in full. The Lord continued to send great leaders to Zion, in May of 2001 a young minister by the name of Reverend Rodrick Smith from Shreveport, LA answered the call, he was ordained by Pleasant Hill Baptist Church in Benton, LA in 1993. Under the direction of Reverend Smith the Church is continuing to expand and build upon the name of the Lord. Zion Missionary Baptist Church currently has 650 faithful followers of Christ. The Church thrives on the premise that the Holy Spirit and the Word of God should guide them, and the Pastor and Official Staff should work together in complete harmony. This firm belief has brought this Church through many trials. Zion Missionary Baptist Church is a dynamic force for the public good. They have consistently made a difference in the Saginaw area.

The inspiration for living by Christian ideals is repeated again and again in the lives of the ministers and congregation of this Church. Mr. Speaker, as a Member of Congress, I ask that my colleagues in the 108th Congress join me in saluting Zion Missionary Baptist Church for 135 years of celebrating and spreading the word of the Lord to the community of Saginaw, MI.

FREE TRADE IS FAIR TRADE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. BEREUTER. Mr. Speaker, the following editorial from the October 19, 2003, edition of

the Omaha World-Herald expresses support for greater efforts to reach trade agreements that reduce tariffs and non-tariff barriers imposed against American exports. The phrase "fair trade" is often inaccurately counterposed against the phrase "free-trade." So-call free trade agreements should always be constructed to be fair to American business and farm enterprises and to exporters.

ADAPTING TO CHANGE

A demonstration in Lincoln last weekend expressed strong opposition to free trade. The rally was part of a national "fair trade" campaign critical of the North American Free Trade Agreement and of a planned Free Trade Area of the Americas.

The fact remains, though, that a free-enterprise economy such as the United States' functions best when it is shorn, for the most part, of artificial constraints such as tariffs and quotas. Opening up a country to trade promotes efficiency, reduces inflationary pressures and generates new opportunities in multiple directions.

A protectionist system stifles those crucial goals. Studies by the World Bank and the International Monetary Fund have long pointed out that the countries that have experienced the greatest economic growth have been those that have embraced open markets and eschewed protectionism.

The anti-free-trade claims also offer illusory promises involving job security. Protectionism tidily promises to lock in the economic status quo. Ultimately, however, it lacks the power to ward off economic disruption. (The same holds true for any trading system; change is unavoidable.)

No wonder the loss of jobs at an automotive rubber-hose plant in Lincoln (as Goodyear shifts some of its production to Mexico) spurs an outcry among some residents. It's unrealistic, though, to imagine that the "fair trade" agenda provides a solution.

The fair-trade movement stresses, for example, that it is necessary to sharply ratchet up wages in developing countries so that the differential with U.S. pay rates can be greatly narrowed. Short of waving a magic wand, though, it's hard to see how that can be accomplished.

U.S. employment in traditional industry, such as steel or textiles, has declined for decades not as the result of any malevolent free-trade conspiracy but because of productivity gains and fundamental market forces—the signals sent by the decisions of autonomous companies and consumers, as well as a serious overcapacity in supply and, in the case of steel, extraordinary pension costs.

The prescriptions of anti-free-trade organizers cannot erase those basic economic realities.

The demonstrators in Lincoln took particular aim at the North American Free Trade Agreement. Mexico, however, is establishing ever-greater economic links to Nebraska. Mexico is now the state's No. 2 foreign export market, exceeded only by Canada.

In recent years, Nebraska's exports to Mexico have increased far more than the state's exports to any other nation. In 2000, the state's exports to Mexico totaled \$266 million. In 2002, they totaled \$465 million.

Free trade does not promise an economic utopia. In fact, a free market by definition means that a society will face a certain degree of economic change—job losses, but also new opportunities. The proponents of "fair trade," in contrast, exaggerate the ability of their ideas to cocoon the U.S. economy from the marketplace.

Change is inevitable. A free-market system, bolstered by open trade, best encourages the dynamism and flexibility that enable a national economy to prosper.

ANALYSIS OF THE
COMPREHENSIVE ENERGY BILL**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. UDALL of Colorado. Mr. Speaker, I would like to insert an article in the RECORD that takes a look at the latest shape of the comprehensive energy bill. The author of the article is Ken Bossong, coordinator of the Sustainable Energy Coalition, a coalition of 60 national and state environmental, business, consumer, and energy policy organizations founded in 1992 to promote increased use of renewable energy and energy efficient technologies. The Renewable Energy and Energy Efficiency Caucus—of which I and Representative ZACH WAMP are co-chairs—works closely with the Coalition to coordinate events and briefings and to otherwise spread the word in Congress and throughout the nation about the importance of clean energy.

We're told there will be a vote on the conference agreement very soon, but few Members—even fewer on our side of the aisle—know what is in the final report. But from what has been reported in the press, it seems likely that the bad in the bill outweighs the good. By not taking into consideration opposing views, the Republicans have crafted an unbalanced bill—one that ultimately doesn't address the energy needs of this country today or into the future.

[From SolarAccess.com News, Oct. 20, 2003]

A FALTERING ENERGY BILL

(By Ken Bossong)

Barring a major train wreck—which remains within the realm of possibility—congressional conferees may have a final energy bill ready for votes in the U.S. Senate and House of Representatives by the end of this month. The final product, representing more than three years' work, will undoubtedly be described by its authors as "comprehensive" and "balanced." In reality, it will be neither.

Among the pressing issues facing the United States today are those of growing oil and natural gas imports—particularly from politically unstable regions of the world, escalating environmental and economic damage from greenhouse gas emissions that contribute to global climate change, and an electrical generation and transmission system that is unreliable and—due to its reliance on large central station facilities—insecure. Yet the emerging energy bill will do little to address any of these issues; in fact, it may very well exacerbate all three.

Among the best strategies for addressing these energy problems are greatly expanded energy efficiency initiatives and investments in decentralized renewable energy technologies. Yet the energy bill will probably offer little more than crumbs for sustainable energy while continuing and expanding federal support for the mature, polluting fossil fuels and nuclear power industries.

It is supremely ironic that completion of work on the energy bill may correspond to the thirtieth anniversary of the OPEC oil embargo that began on October 17, 1973. Over the past three decades, total U.S. oil imports have nearly doubled with imports now accounting for more than half (54 percent) of the nation's oil consumption. Yet the energy bill largely fails to address oil consumption in the transportation sector—which now accounts for more than two-thirds of U.S. oil use—by not including provisions to substan-

tially raise automobile fuel economy standards. It even fails to include the Senate bill's directive (passed by more than 90 votes) that would set a goal of reducing oil consumption by one million barrels per day by 2013 (a modest 5 percent of current consumption). Instead it opts for a "drain America first" strategy that may include drilling the Arctic National Wildlife Refuge, opening the door to expanded oil exploration in moratorium areas, and facilitating expanded development in other ecologically sensitive areas as well as subsidies for an Alaskan natural gas pipeline.

It is true that the final legislation will likely incorporate a Renewable Fuels Standard that will mandate that 5 percent of liquid fuels be derived from renewable sources which could be a boon to the domestic ethanol and biofuels industries. Yet these fuels will be burned in increasingly inefficient cars and SUVs which means they will be wasted and ultimately not reduce the nation's dependency on petroleum imports.

Similarly, natural gas imports have been inching upwards and now exceed 15 percent of total U.S. consumption with future imports increasingly likely to come in the form of expensive LNG shipments from politically unstable sources such as Algeria, Nigeria, and Oman.

Presently, more than a quarter of the natural gas used is burned in inefficient and wasteful electricity generating stations. The most environmentally-sound approaches to curbing this waste, and hence imports, include improving the efficiency of (or reducing) electricity end-uses, expanding the use of combined power and heating systems for electrical generation, and displacing natural gas generating plants with renewable electric technologies. A recent study by the American Council for an Energy-Efficient Economy shows that even modest gains in energy efficiency and renewable energy production from these kinds of policies would help reduce gas prices substantially.

Yet the energy bill provides, at best, only limited support for any of these strategies. Its efficiency title is expected to include new standards to improve the efficiency of building transformers, torchiere lighting fixtures, exit signs, traffic lights, unit heaters, and compact fluorescent bulbs, as well as directives to the U.S. Department of Energy to set new efficiency standards on several other products. Small tax incentives for combined heat and power as well as efficient new homes, commercial buildings, refrigerators, clothes washers, and fuel cells are also probable.

While steps in the right direction, they fall far short of the aggressive efficiency standards, tax incentives, and public benefits fund to support efficiency programs needed to make a serious dent in electricity consumption. That is, the bill completely lacks aggressive measures needed to moderate electricity demand that would reduce the risk of future blackouts while cutting air pollution and greenhouse gas emissions. Moreover, the tax provisions are likely to eliminate incentives for hybrid vehicles, the nation's best chance to save oil in the next twenty years.

The most important provision to expand the use of renewable electricity production and displace natural gas, a Renewable Portfolio Standard (RPS), now appears certain to end up on the conferees' cutting room floor. Even if a token RPS somehow makes it into the final bill, it is apt to be a provision significantly weaker than those already enacted by many states and far below the projected technical and cost-effective potential for electricity generated from solar, wind, geothermal, biomass, and hydropower resources (i.e., 20 percent or more by 2020).

Failure to include a strong RPS coupled with weak or non-existent energy efficiency

standards also insures that the final energy bill will do very little to address the growing problem of climate change. Indeed, a climate change title does not even exist in the bill.

Proponents of the bill suggest that it includes provisions that will help reduce greenhouse gas emissions and point to increased renewable energy authorization levels such as the \$300 million over five years to establish a solar electric (photovoltaic) energy program for the procurement and installation of solar electric systems in new and existing public buildings. Left unsaid, though, is that an "authorization" is merely permission to spend a certain amount of money if the funds can be found; an "authorization" is not an "appropriation."

In reality, federal funding levels for renewable energy programs—i.e., the appropriations—have been cut during each of the last three budget cycles, notwithstanding authorization levels that would allow for significantly higher funding. Given the massive budget deficits now being forecast as a result of the White House's tax cuts and the war in Iraq, it is extremely dubious that the recent downward funding trend will be reversed; in fact, it is highly probable that renewable energy budgets will be slashed even further regardless of the authorization levels included in the energy bill.

Moreover, the levels of federal support given to renewables in the form of direct appropriations and tax incentives are likely to be swamped by those being proposed for the fossil fuels and nuclear industries which have been estimated to total \$18 billion. These include \$1.1 billion to build a new nuclear power plant, \$400 million in loans for oil and gas development loan, guarantees to build a new coal plant that may cost \$2-\$3 billion, and \$350 million for hydrogen production from polluting sources. Not included in this figure is the extension of the Price-Anderson Act which shields nuclear utilities from most liability in the event of a major accident; the precise dollar value of this is incalculable but conservatively worth tens of billions of dollars in saved insurance costs.

Consequently, the unbalanced financial incentives provided for in the energy bill for competing energy sources may actually worsen the competitive position of renewable energy technologies in the marketplace.

That would further compound the problems with the reliability of the nation's electrical grid as highlighted by the August blackout in the Northeast and the long power outages in the mid-Atlantic following Hurricane Isabel not to mention the national security risks posed by excessive reliance on highly-centralized and large-scale power generating facilities. Distributed renewable energy electric technologies are uniquely suited to lessening these problems. However, the energy bill fails to create the regulatory framework to tap this potential and, in fact, through provisions such as the proposed revocation of the Public Utilities Regulatory Policy Act (PURPA) as well as the Public Utility Holding Company Act (PUHCA), could make the situation worse.

At the least, the energy bill should include mandatory net metering and interconnection standards to enable renewable energy generators to tie into the grid rather than the essentially optional, advisory guidelines that it now includes.

It should also include a long-term renewable energy production tax credit (PTC), including a tradable credit for public power and rural cooperatives, that benefits the cross-section of renewable energy technologies. To provide some stability and predictability in the marketplace, any such tax incentive should be enacted for at least five to ten years. By comparison, the proposed renewal of the Price-Anderson Act is 20

years. However, the energy bill now provides for only a three-year PTC extension. Such a short-term PTC threatens to continue the start-and-stop cycle that has plagued the renewable energy industry, particularly wind energy developers, for more than a decade as investments dry up when the existing PTC is set to expire and its supporters scurry around madly trying to get another extension.

Wind energy advocates may be tempted to support the pending energy bill arguing that a three-year PTC is far better than no PTC just as the solar investment tax incentives, geothermal reforms, Renewable Fuels Standard, and hydropower relicensing components are important and generally positive provisions that will benefit their respective industries. Similarly, advocates of energy efficiency can point to some gains that may come from the bill if enacted as now written. However, when weighed against the lopsided provisions to advance fossil fuels and nuclear power, it is questionable whether the end result will actually move this country closer to a sustainable energy future.

Moreover, the recent series of closed-door, Republican-dominated, conference meetings in which the House-Senate energy bill is being finalized, and which have largely excluded those Democrats who have championed the bill's efficiency and renewable energy provisions, have provided nuclear and fossil fuel lobbyists an opportunity to further skew the bill the wrong way.

Consequently, even if the Congress approves and the President ultimately signs an energy bill this year, the nation's energy policy work won't be done. The bill that is likely to emerge is one that will evade the problems of energy imports, global warming, and electric grid stability. It is also one that will fail to incorporate an adequate Renewable Portfolio Standard, auto fuel efficiency standards, aggressive appliance and industrial efficiency standards, mandatory net metering and transmission standards, and a sufficient mix of tax incentives and federally-funded R&D programs to move the nation away from its reliance on fossil fuels and nuclear power.

Under the circumstances, while many weary renewable energy and energy efficiency advocates may wince at the prospect, it would likely be far better to have no energy bill than the one that seems to be nearing completion.

A TRIBUTE TO JOANNE KONKLE ON HER RETIREMENT AS ADMINISTRATOR OF THE CALHOUN COUNTY MEDICAL CARE FACILITY

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor Joanne Konkle on her well deserved retirement following more than 30 years of dedicated service to the health and well-being of the citizens of Calhoun County, Michigan.

For the past 19 years, Joanne has served as the Administrator of the Calhoun County Medical Care Facility. In this capacity, Joanne has been responsible for the management and operation of the facility, which serves the needs of some of the county's most vulnerable senior citizens. Her leadership and sound fiscal stewardship has earned the center numer-

ous quality awards and a reputation of being one of the most outstanding medical care facilities in the State of Michigan.

Joanne's career accomplishments are notable not only because they are numerous, but also because they represent a dedicated focus on service to others. In addition to her work as a Clinical Social Worker at the V.A. Medical Center, Joanne is a member and past president of the Michigan County Medical Care Facilities Council, served three-terms as a Calhoun County commissioner, 24 years as a member of the Community Mental Health Board and, for the past 45 years, has served as a board member of the Calhoun County Association for Retarded Citizens.

She has been a staunch supporter and volunteer for organizations such as the Substance Abuse Council, Special Olympics and the Alzheimer's Association, as well as a passionate advocate on issues and legislation affecting the elderly and mentally handicapped.

While so much of her life has been dedicated to others, Joanne has never lost sight of the importance of family. She and her husband Ted have been married for 51 years, and have raised four wonderful children. In addition, seven grandchildren and five great grandchildren will undoubtedly play a major role in the Konkle's retirement plan.

I am honored to recognize Joanne Konkle for her commitment to community and her tireless and selfless service to others. I wish her and her family all the best as she embarks on a well deserved retirement.

FIRST LIEUTENANT VICTOR A. MARTIN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the courageous men and women of the Michigan State Police. Day after day, these brave individuals work together to ensure safe streets for the citizens of Michigan. On November 9, 2003, the Michigan State Police will gather to celebrate the retirement of F/Lt Victor A. Martin for 26 years of dedicated service to the force.

Victor Martin was born September 9, 1954 in Alma, Michigan. He graduated from St. Louis High School in 1972. He obtained his Law Enforcement and Police Administration degree from Ferris State University in 1976. Upon completion of college, Victor was accepted into the Michigan State Police Training Academy. In 1977 he was assigned out of the 91st recruit school to Niles Post as a Trooper. For 11½ years Victor was attached to the MSP K-9 unit as a First Dog Handler. He was charged with the duty of handling coverage for Governor conferences, Presidential and dignitary visits. In 1990 he was promoted to Sergeant at the Sandusky Post where he remained until 1993 when he was promoted to Lieutenant and assigned to the Flint Post as Assistant Post Commander. In 1998 he became the Lapeer Post F/Lt 15 (Post Commander) and then in 2001 was assigned to the Bay City and East Tawas Post where he is currently serving as F/Lt 1511 (Post Commander).

During his career, F/Lt Martin received numerous accolades for his heroism. In 1979 he

received the Lifesaving award. He maintained the status of "Trooper of the Year" Manistee Post from 1984-1986 and again for the Lansing Post from 1988-1989. He received the 1994 Professional Excellence award for coordinating a multi-agency response to an incident involving the U.S. Presidential Motorcade.

F/Lt Martin is also a faithful family man. His wife of 26 years is Christy. They have two wonderful sons, Chad and Kyle.

Mr. Speaker, as a Member of Congress, I ask my colleagues in the 108th Congress to please join me in honoring First Lieutenant Victor A. Martin and wishing him the very best in his retirement.

AND NOW, THE REST OF THE STORY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. BEREUTER. Mr. Speaker, the editorial entitled "Support for America's Iraq effort is evident" from the October 10, 2003, Norfolk Daily News highlights a recent Gallup Poll in which nearly two-thirds of Baghdad residents who were polled still support the removal of Saddam Hussein despite the personal hardships the war has created for them.

Furthermore, the editorial notes that the United States and Great Britain are by no means alone in implementing peacekeeping missions in Iraq and then correctly commends the efforts of the Czech Republic, Hungary, and Kazakhstan—countries which, like Iraq, were only fairly recently released from the bonds of tyranny.

Mr. Speaker, this Member encourages his colleagues to read this editorial for these stories are receiving far too little attention elsewhere in the American, and indeed, the world media.

[From the Norfolk Daily News, Oct. 10, 2003]

OUR VIEW

Contrary to indications left by brief news reports, the effort to bring order and self-determination to Iraq has been joined by a variety of nations. They have committed forces, and are united in the fight against tyranny. And a majority of Baghdad's residents regard Saddam's removal as worth their hardships.

SUPPORT FOR AMERICA'S IRAQI EFFORT IS EVIDENT

Two false impressions left by daily reports from Iraq are that the effort to depose Saddam Hussein had little support from the people of that nation and that America is going it alone, though with some help from its major ally, Great Britain.

Contrary information gets too little attention, for random acts of violence and controversy about the United Nations role—or lack of it—grab the headlines.

America's openness to political debate and its free press help to feed such impressions. Reading more than the headlines or listening to more than sound bites provides a more balanced view.

Of special importance was the recent Gallup Poll taken five months after occupation of Baghdad: Two-thirds of the residents of that city, home of many Saddam loyalists and hard hit despite unusually precise military targeting, indicated to the pollsters that the dictator's removal was worth the hardships forced on them.

Considering the looting that occurred before occupation forces could be effectively assembled and the inconvenience resulting from the water and power disruption, that is a remarkable result. It might even indicate that more Iraqis than Germans and French understand the evil represented by Saddam and his Baath Party.

As for the contribution to this peace-keeping effort in Iraq, the fine print in recent reports shows that while America's 140,000 force is dominant, other countries are responding in important ways. Britain has 7,400 on the scene; Italy, 3,000; Poland, 2,400; Ukraine, 1,640; The Netherlands, 1,106. Countries in between Romania's 600 troops and Latvia's 106 include Bulgaria, Denmark, Thailand, El Salvador, Honduras, Czech Republic, Hungary, Dominican Republic, the Philippines, Mongolia, Norway, Portugal and Nicaragua. Those with less than 100 include Lithuania, Slovakia, Albania, New Zealand and Kazakhstan.

So this vital campaign against tyranny finds many and diverse nations united in a vital cause, even if the United Nations has turned passive, and not as helpful as it should be if terrorists and tyrants are to be defeated.

TRIBUTE TO COLORADO REGIONAL TRANSPORTATION DISTRICT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Colorado's Regional Transportation District (RTD) for being named the best transit agency in the United States and Canada by the American Public Transportation Association (APTA).

The APTA represents 1,500 public transportation agencies nationwide. This award is given for large systems that provide more than 30 million passenger trips per year, and is based on the overall efficiency and effectiveness of the member agencies. The award measures performance over a 3-year period, and recognizes outstanding service and operations from 2000 to 2002.

Denver has been named the most congested city of its size in America and the third most congested city nationally. So, RTD's task is a big one. But it has performed admirably—keeping its operating costs competitive, increasing its ridership and delivering outstanding service to its customers. The District provided more than 81 million passenger miles last year within the seven county metropolitan Denver area, operating over 1,100 buses over 179 routes and 49 light rail vehicles. At the same time, through an aggressive accident prevention program, RTD has reduced accidents over the 3-year period by 54 percent. To date in 2003, accidents have been reduced an additional 32 percent below last year's levels, reaching another all-time record low. And, with an attentive response to Colorado's ever-growing population, RTD has continued to add rail and bus transit services and been able to reduce traffic congestion by 13 percent by providing mass transit options throughout the metropolitan area. Congestion costs have been reduced by \$220 million annually, reducing air pollution, fuel consumption, and drive times.

With its sites on the future needs of the metropolitan region, new light rail systems are

being planned and developed. A recent public-private partnership with the Colorado Department of Transportation, the Denver Regional Council of Governments, the City and County of Denver and local landowners, a development effort will renovate historic Union Station and the surrounding 19 acres to create an intermodal facility that will develop and expand transportation systems and commercial opportunities in central Denver.

RTD has been recognized for its quality, its sophisticated operations and its many safety improvements. Employees at the District benefit from General Manager, Cal Marsala's hands-on management style, and RTD has been recognized for its advancement of minority and female employees, and sensitivity to low-income and disabled customers through eco-passes and specially equipped buses. RTD's internal management has focused on strong marketing and community relations, policy development, financial management, and improved departmental and safety operations. With a concerted effort to provide innovative approaches to challenging transportation needs, Marsala has guided his 2,400 employees and 725 private service provider employees to achieving this outstanding award.

I think Mary Blue, the RTD Chairman of the Board, put it well when she commended the staff by saying "Winning APTA's highest award shows that our prudent policies and sensible fiscal approach have paid off. This is a win not only for our employees and board members, but also for our passengers and taxpayers."

The Denver metropolitan area and Colorado are fortunate to have the Regional Transportation District provided outstanding service to its residents. We applaud their performance and celebrate the well-deserved recognition they have received from the American Public Transportation Association.

IN HONOR OF LU CORBETT DALY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Ms. PELOSI. Mr. Speaker, I rise to pay my final respects to Lu Corbett Daly, who passed away on Friday. It is my privilege to work on a daily basis with Lu's wonderful son, Brendan, and it is with sadness and respect that I share with my colleagues the following words from her obituary in the Washington Post:

Lu Corbett Daly, 78, an award-winning advertising copywriter who had worked for The Washington Post and the National Geographic Society, died Oct. 24 at the Auxiliary House, a long-term care group home in Bethesda, where she had lived since May 2001. She had Alzheimer's disease.

The Direct Marketing Association of Washington named Mrs. Daly its "Professional of the Year" in 1991 for her contributions to the 1,500-member organization. She also was a member of the American Association of University Women.

Mrs. Daly graduated in 1947 from Marywood College in her native Scranton, Pa. She was president of her class for three years. She studied acting at Marywood and took summer courses at Catholic University's drama school.

After graduation, she moved with her family to the Chevy Chase section of Washington and began work in public relations for Capital Transit Co. before joining The Post as an advertising copywriter.

She starred in several amateur theater productions, through which she met her husband. Early in her marriage, while her husband was a Navy officer, Mrs. Daly moved 11 times in three years, with the family settling in the Hillmead section of Bethesda and later in Chevy Chase. Mrs. Daly was a member of the Shrine of the Most Blessed Sacrament Catholic parish, serving on its advisory council and helping establish the Second and Fourth Monday Group, which provides social activities for seniors.

In 1976, she became a vice president of Daly Communications, a family-owned consulting business. She was twice elected to the board of directors of the Washington direct marketing group, serving two years as program chair.

She was hired by the National Geographic Society in 1982. For the next dozen years, she helped produce numerous direct marketing packages, which were sent worldwide to millions of society members and prospective members. Her work to promote the 1985 book "Discovering Britain & Ireland" helped sell more than 300,000 copies—a society record. For that effort, Mrs. Daly won an ECHO Award from the national Direct Marketing Association. She retired in 1995.

Mrs. Daly was co-editor of "The Daly Greeting," dubbed "The Only Daly Paper Published Annually," which recounts the doings of her large family. Her father-in-law, John Jay Daly Sr., a former Post staff writer, began the paper in 1916.

Survivors include her husband of 51 years, John Jay Daly of Chevy Chase; her eight children, LuAnne Daly of Santa Rosa, Calif.; Deirdre Daly of Lyons, Colo.; Sean Daly of Barrington, R.I.; Maura Daly of Germantown; Kate Daly Paradis of Boulder, Colo.; Matthew Daly and Brendan Daly, both of Silver Spring, and Corbett Daly of Washington; four sisters, Gladys Quinn of Scranton, Rita Jeffers and Dorothea McIntyre, both of Bethesda, and Joyce West of Marion, Mass.; a brother, William Corbett of Reston; and 11 grandchildren.

A TRIBUTE TO THE HIGH COUNTRY CLOGGERS

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor an extraordinary group of young dancers from Northern Colorado—the High Country Cloggers.

Recently, these dancers preformed in the Junior Olympic Games in Detroit, Michigan, and won top medals. Dancers from ages 11 to 22 took home silver medals in the a cappella category, bronze in the traditional line-dance competition, and gold medals for best in age group.

Clogging is an old style of dancing, with its roots from the Appalachian region. These award winning young ladies and men are part of its recent revival. Encompassing traditional bluegrass music and dance style, these astonishing dancers are turning clogging into a style filled with country, pop, and even hip-hop.

Among the dancers performing at the Junior Olympics, I would like to honor: Jenna Jordan, Elizabeth Lopez, Dessy Benesh, Jacey

Sisneros, Cynthia Crookston, Meghan Meehleis, Amberley Meehleis, Caitlynn Meehleis, and Ashlee Meehleis.

In addition, Mr. Speaker, I wish to honor Rick and Michelle Meehleis of Fort Collins, Colorado. As the founders of the High Country Cloggers, this extraordinary couple have dedicated themselves to the success of the young dancers. At its inception, 5 years ago, the dance group held evening lessons in the Meehleis family garage.

Rick and Michelle have turned the once family hobby into a family-run business with the participation of tremendous dancers throughout the community. The clogging group now holds lessons in its own studio and performs around the nation.

In addition to performing in Detroit, over the past year they have danced in Branson, Missouri; Atlanta, Georgia; and in Oklahoma.

Mr. Speaker, I am pleased to honor the High Country Cloggers and the Meehleis before the Congress today because they are remarkable examples of dedication, strong family values, and achievement.

TRIBUTE TO BRYANT RANCH
SCHOOL

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute to Bryant Ranch School in Yorba Linda, CA, for exceeding the President's expectations in fostering a positive learning environment and building a solid foundation for our future leaders. The school recently received the coveted Blue Ribbon distinction by the U.S. Department of Education.

Bryant Ranch is more than just a school; it's the pride and joy of a community that comes together to raise and educate its children. The school has excellent teachers who go the extra mile to make a difference in the lives of their students. It has parents who are willing to get involved in school activities. It has administrators who give the teachers the flexibility and support they need to cater their curriculum to their classroom. And it has students who understand the importance of learning and the value of a proper education.

Mr. Speaker, Bryant Ranch has brought all these elements together to build a first rate educational institution. President Bush has distinguished this school as a model for others to follow, and this Congress should commend the teachers, parents, administrators and students for this accomplishment.

THE PRINCESS WORE CLEATS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an exceptional young woman from my district. Vanessa Lucero of Las Vegas, New Mexico has made quite a name for herself this month.

Vanessa is a member of the West Las Vegas High School football team. On October

12, the 5-foot-1-inch, 103-pound freshman made history in New Mexico.

Vanessa—a tailback—scored a touchdown running in for the score from the 1-yard line. She is believed to be New Mexico's first high school female player to score a touchdown in a game. Her contribution to the team has already improved the West Las Vegas Dons' record to 5–2. Amazingly, Vanessa is also on the wrestling team.

As if this accomplishment were not enough, during half-time of the same game, Vanessa was crowned Freshman Princess for homecoming, still wearing her No. 11 jersey. The gown she wore to the dance that night was green and yellow—the Dons' colors.

Since this wonderful achievement, Vanessa has received enormous attention from the New Mexico and national media. In addition to news stories chronicling her actions, she has been the subject of glowing newspaper editorials. She was also invited on NBC's Today Show and interviewed by Matt Lauer. This media interest has not only made Vanessa's family and friends proud of her, it has brought favorable attention to our great state.

What has happened in Las Vegas is larger than just an athletic accomplishment. With Vanessa's dual victories, she is helping to break down stereotypes that, unfortunately, are still common in our country. We should be happy with all of the progress we have made providing girls and women with opportunities previously denied them. However, we must continue our efforts to promote gender equality. As Vanessa is fond of saying, "It's only a guy's sport until a girl joins." Indeed.

At a time when far too many American children have sedentary lives where they do not move off the couch, and many are obese, we must support programs that lead to improved fitness and health. Adolescent female athletes are more apt than nonathletes to develop a positive body image, less likely to become pregnant, and are less at risk for developing women's diseases such as osteoporosis and breast cancer.

In addition, sports provide a safe and healthy alternative to drugs, alcohol, and tobacco, and to antisocial behavior.

Vanessa, unknowingly, has become a role model for girls everywhere. I am very proud that she and her family hail from my congressional district. Both of her accomplishments have made us so proud.

Mr. Speaker, Vanessa Lucero is a special young woman and a valued citizen of San Miguel County and the state of New Mexico. I am honored to join with my colleagues in congratulating her for all of her successes.

HONORING THE NATIONAL
GUARD'S 41ST BRIGADE COT-
TAGE GROVE, OREGON UPON
BEING DEPLOYED TO IRAQ

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. DeFAZIO. Mr. Speaker, I regret the congressional schedule keeps me from attending the deployment ceremony to honor members of the 41st Brigade. This ceremony marks just a portion of the honor and debt of gratitude that our state and our nation owe you for your

service. We also owe a debt of gratitude to your family and friends for their understanding, support, and sacrifice.

The media talks so much of high tech and secret weapons, but the enduring strength and real secret behind the military power of the United States is men and women like you who have volunteered to serve as the new citizen soldiers, highly trained and motivated. You constitute the key to the success of our total force—a military second to none in the world. You and the other 8,000 Members of the Oregon National Guard continue a long and honored tradition of service to Oregon's citizens in times of disaster, crisis, or strife, while training and preparing to defend our nation in time of need.

The mission ahead of you will be both difficult and dangerous—to bring stability and order to a ravaged nation in the midst of one of the most volatile regions on Earth. All Americans and our allies around the world will be more safe and secure if this region can be moved toward peace, but this course is not easy or certain.

I pledge to do all I can in Congress to ensure that you have the best training and equipment necessary to accomplish your mission and return home safely. I further pledge that your service and sacrifice will not be forgotten and will be reflected in the treatment and benefits you and your family receive.

From the bottom of my heart and on behalf of all the citizens of Oregon's 4th Congressional District, thank you and Godspeed.

HONORING ASHLAND, KY CITY
WORKERS FOR HEROIC FLOOD
RESCUE

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to three remarkable individuals from my home state of Kentucky. My brother-in law William Gambill, Kermit Nethercutt, and William Ott, all employees with the Ashland, Kentucky Water Department, were involved in a courageous rescue of a local woman during the heavy rains and flooding that occurred in my state last spring.

On May 5, Mrs. Mary Newmark of Ashland became stuck in mud and waist-deep water while clearing a creek near her home. For a terrifying hour, with creek waters rapidly rising around her, nobody could hear her desperate pleas for help. Gratefully, her shouts were soon detected by three city employees working on a nearby water line.

The three men responded immediately, frantically searching for Mrs. Newmark in the dense greenery surrounding the creek. Mrs. Newmark was finally able to end her ordeal by tossing a ball, that she'd earlier cleared from the swollen creek, into the air allowing the men to locate and assist her.

The joint effort of Mr. Ott, Mr. Gambill, and Mr. Nethercutt demonstrates a selfless and admirable devotion to their community. Their quick action saved a young mother from what could have been a very serious injury.

On behalf of the citizens of Ashland, I am honored to recognize William Ott, William Gambill, and Kermit Nethercutt for their Good

Samaritan spirit before this chamber of Congress today. We are fortunate to have their service.

DIETARY SUPPLEMENT ACCESS
AND AWARENESS ACT (DSAA)

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Ms. DAVIS of California. Mr. Speaker, with the support of my colleagues, Representative HENRY WAXMAN and Representative JOHN DINGELL, I rise today to introduce the Dietary Supplement Access and Awareness Act of 2003.

This legislation presents a balanced, reasonable approach to improving the safety of dietary supplements while maintaining market access for responsible supplement manufacturers.

Hallie Bechler looks almost exactly like her father. She was born in late April, almost two months after her father, Baltimore Orioles pitcher Steve Bechler, collapsed from a heatstroke during spring training. A county medical examiner linked his death to the use of a dietary supplement containing ephedra. Steve Bechler was 23 years old.

Like any person interested in losing weight, Steve Bechler may have been lured by the dietary supplement's claims of "rapid and extremely dramatic results." In fact, for an athlete like Steve Bechler, playing baseball in the Florida heat, ephedra did not cause rapid and extremely dramatic weight loss, but rather contributed to a rapid and extreme heatstroke, which killed him.

Dietary supplement use is not limited to adults. Teenagers are certainly vulnerable to pressures regarding weight and athletic expectations. Teenage athletes are especially vulnerable to these pressures. Last year, Illinois high school student Sean Riggins took an ephedra product to improve his football performance. He had a heart attack and passed away at age 16.

The ephedra crisis has raised public awareness about dietary supplements and the absence of accurate information concerning risks and benefits. Much of the confusion surrounding dietary supplements can be attributed to the changes made in 1994 by the Dietary Supplement Health and Education Act (DSHEA).

Cited as the greatest removal of FDA jurisdiction in the history of the agency, DSHEA has greatly curtailed its authority. Simply put, this legislation deregulated the supplement industry. Consequently, there has been an explosion of herbal remedies. Moreover, natural, yet risky, stimulants have also entered the market. The FDA, however, is prohibited from screening out any of these potentially dangerous dietary supplements. What if ephedra is only the tip of the dietary supplement iceberg?

Former FDA director David Kessler wrote in the New England Journal of Medicine, "Congress has put the FDA in the position of being able to act only after the fact and after substantial harm has already occurred." This is because DSHEA shifted the burden of proof from dietary supplement manufacturers to the FDA. Consumers have no way of learning about reported side effects and the FDA does

not possess the authority to require such reports. As a result, American consumers have been unwitting victims of a multibillion-dollar industry!

Today with my colleagues, Representative HENRY WAXMAN and Representative JOHN DINGELL, I am proud to introduce the Dietary Supplement Access and Awareness Act. This bill will address the gaps created by DSHEA through greater information exchange and accountability.

Our legislation contains commonsense provisions requiring dietary supplement manufacturers to provide the FDA with a list of their products and reports of all serious adverse events. These actions will alert the FDA to problematic dietary supplements and will give the FDA access to information it needs to take action more swiftly. If the FDA determines that a specific supplement may have serious health consequences, it can require the manufacturer to do a postmarket surveillance study to ensure that the product is safe.

The ephedra tragedies have shown us that proving a dietary supplement to be unsafe requires a Herculean effort and mountain of evidence. Sadly, the evidence is often a growing body count. Our legislation engages manufacturers in determining the safety of dietary supplements. By providing their studies and other related data, manufacturers and the FDA would come together to make a comprehensive and accurate decision for American consumers.

Our legislation gives the FDA the authority to prohibit sales to minors of dietary supplements that may pose significant risk. Many young athletes emulate the practices of their professional sport heroes. Their developing bodies are especially susceptible to the effect of stimulants and steroid-like products such as "andro."

Numerous supplement products have emerged in the market in the last ten years. They range from vitamins and minerals to herbals and hormones. This boom has created an uncertain situation as to the quality and safety of dietary supplements. According to Bruce Silverglade from the Center for Science in the Public Interest, "the challenge for most consumers is to determine which supplements are beneficial and which are nothing more than 21st-century snake oil—or even dangerous." That is why this legislation includes authorization of funds for physician and consumer education programs regarding adverse reactions.

Certainly, some dietary supplements offer benefits. Folic acid intake by women, for example, has been shown to reduce birth defects in unborn children. We are all familiar with the benefits of taking vitamin C and monitoring adequate calcium intake. Despite claims to the contrary, the Dietary Supplement Access and Awareness Act will not take away vitamins and minerals from consumers. In fact, my colleagues and I included language to specifically exempt them from this legislation.

The FDA has its hands tied behind its back. Limited funding and manpower has made the FDA's efforts to protect the public scattershot. The measures and education programs in this legislation will enable the FDA to gather solid data about the dangers some dietary supplements pose. With this information in hand, the FDA can make sensible, informed decisions and policies about dietary supplements. Consumers can have greater assurance than they

currently have about the safety of the products on the market. We cannot continue to stand on the sidelines and let this insidious public health threat go unchecked. The health and well being of our young people and loved ones are at risk.

I urge my colleagues to join me in supporting the Dietary Supplement Access and Awareness Act.

IN OPPOSITION TO THE FAA
CONFERENCE REPORT

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. BACA. Mr. Speaker, I rise today to urge my colleagues to recommit this privatization plan back to Conference Committee.

Privatization simply doesn't make sense. It compromises the safety of the American public and it is simply bad policy.

Studies have shown that it has no operational or economic advantages and that it can even lead to more accidents.

How does this make Americans safer?

In a post September 11th world, we must make safety a priority.

Air travel has declined over the past two years because people do not feel safe. We must not make this situation worse!

In Canada, privatization has led to an accident rate that is twice the rate here in the United States. And their air travel system is only 7% the size of ours!

I remember in 1981, President Ronald Reagan fired the federal air traffic controllers for striking. The President said that they were violating Title V and that air traffic controllers must not have the right to strike because of public safety concerns. Now, under privatization, Title V will no longer be applicable. The Republicans cannot have it both ways. Do they want to deny private employees the right to strike and collectively bargain, or do they want to keep the current system in place to ensure America's safety?

So I ask again, why are we doing this?

Is it cheaper? The answer is no.

Privatization increases costs.

The British Government had to pay \$131 million to rescue its privatized system. \$131 million! That is nearly double the price at which they sold it.

Is this good policy? The answer is no.

Privatization has failed miserably in other countries.

According to recent reports, the U.S. system is 74 percent more efficient and 79 percent more productive than the privatized European system.

The U.S. air traffic control system is the safest and most sophisticated in the world. So why do we want to change it?

It handles over half of the world's air traffic and cargo.

Approximately 20,000 hard-working men and women of the FAA ensure the safety of more than one million passengers each day. And we should trust them to continue to do their jobs.

These are the same federal air traffic controllers that landed nearly 700 planes on September 11th and completely cleared the air space in two hours.

When the FAA needed to respond because of an emergency, they were able to do so quickly and efficiently.

Why do we want to privatize these jobs and risk putting anyone out of work right now?

Unemployment is well over 6% right now. For Hispanics it is nearly 9% and for African Americans it is nearly 11%. We must not pass legislation that will put more people out of work and simply hurt more working families.

This is a system that is not broke—so why does it need to be fixed?

The safety and security of the American people should not be the responsibility of the lowest bidder.

It is a core responsibility of our Government.

Mr. Speaker, I urge my colleagues to recommit this conference report and any further efforts to privatize our air traffic control system.

WALL STREET JOURNAL ARTICLE ON EFFECTS OF SYRIA AC- COUNTABILITY ACT ON IRAQI ECONOMY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. RAHALL. Mr. Speaker, amid the U.S. Coalition Provisional Authority's push for a free and democratic society in Iraq, this House has been constructing a dangerous wall threatening Syria. The recently passed legislation, H.R. 1828, will not help alleviate the incessant attacks that our soldiers are facing daily in Iraq, as an integral part in ensuring their safety is an immediate boost to provide Iraqis with jobs and prospects for prosperity. But the SAA will only prove to upset these efforts. Hugh Pope elaborates on this point in the article "Iraq Adds Complexity for U.S., Syria," which appeared in the October 20th issue of the Wall Street Journal. I recommend the following article to all of my colleagues, Democrats and Republicans alike, and to the administration.

[From the Wall Street Journal, Oct. 20, 2003]

IRAQ ADDS COMPLEXITY FOR U.S., SYRIA

AS WASHINGTON SANCTIONS DAMASCUS, AMERICAN TROOPS SEEK SYRIAN TRADE PARTNERS

(By Hugh Pope)

MOSUL, IRAQ.—While the House of Representatives was voting to adopt a new raft of Syrian sanctions in Washington last week, here in northern Iraq the 101st Airborne Division was doing everything in its power to burnish economic relations with Syria.

"It's the freest trade there has ever been here," said Gen. David H. Petraeus, commander of the 101st Airborne's 22,000 troops, in an Oct. 10 war room briefing for U.S. visitors involved in the campaign to promote American achievements in Iraq. He proudly called for the next slide, an image from the day the Iraq-Syria frontier post opened for business. It featured a Syrian border monument with a huge picture of that nation's late president, Hafez al-Assad.

Mr. Assad's son Bashar is now Syria's head of state, and the sanctions, headed for the Senate, are meant to punish Damascus until the U.S. says it has stopped sponsoring terrorism.

But the burgeoning relationship between Syria and American-controlled northern Iraq illustrates a divergence of interests between

Middle Eastern priorities in Washington and the more immediate, on-the-ground needs of the U.S. occupation forces in Iraq, who seek to bring Iraqis the jobs and prosperity they view as a key step in ending attacks on U.S. forces.

"Our No. 1 problem is unemployment," said Gen. Petraeus, who has noted a falling-off in supplies of discretionary funds that his officers use to keep projects going forward in his area of responsibility. He has spent \$28 million so far and says he needs more. "The north has the military forces it needs," he said. "All we need is money."

Spurring the local economy is a critical element in Gen. Petraeus's campaign, and he has used his funds to restart a long-dormant asphalt factory, uncap local oil wells and work to bring irrigation to a new area of wheat fields.

Gen. Petraeus didn't say whether he had had friction with the civilian U.S. Coalition Provisional Authority in Baghdad over his relationship with the Syrians. An officer of the 101st said its general practice was not to confront the CPA but to do what they thought best and "apologize later rather than seek permission first." CPA officials said they had no comment on the wider question of trade with Syria, which also takes place elsewhere in Iraq, since no new U.S. sanctions were yet in force.

But trade is vital to this city of 1.7 million and the surrounding region, and one of Gen. Petraeus's first priorities upon taking control of the north was to open the Turkish and Syrian borders. Now, he said, some 500 to 700 trucks arrive from Syria each day, paying a toll of \$10 for a pickup and \$20 for a bigger rig. He has also pioneered easy, visa-free travel between Mosul province, home to about 12% of Iraq's 25 million people, and the neighboring Syrian region.

To help Iraq cope with its huge electricity deficit, the general dreamed up a scheme to buy power from Syria in return for Iraqi oil. Speeding the process with his fleet of helicopters, he brought together officials from Damascus, men from the new ministries in Baghdad and the best of the 60 lawyers in his own force to hammer out a deal.

Negotiations dragged on, and the general feared they would collapse over bureaucratic details. To break the logjam, he proposed that his engineers swing open the valves on the Iraqi oil-export pipeline, the Syrians switch on the power lines, and the haggling proceed at leisure over the exact final price. Everyone agreed.

Six weeks later, the informal arrangement appears to be working well, Gen. Petraeus said, even if the power from Syria represents well under 10% of local production.

Security hasn't been neglected. Some 800 border guards have been retrained and set up at the old border post to keep an eye out for Islamist and other Arab fighters, some of them Syrian, who have been slipping over the border to attack U.S. troops. But on the tables of Mosul, breakfast now includes Syrian apricot jam.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. OWENS. Mr. Speaker, because of an emergency in my district, I missed rollcall vote #354, #355, #356, #357 and #359. If I were present I would have voted "nay" on rollcall vote #356, #358 and "yea" on rollcall vote #354, #355, #357 and #359.

RECOGNIZING NAVY DAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. HOYER. Mr. Speaker, I rise today to recognize "Navy Day," observed on October 27th, and to pay tribute to the impressive work done at the naval bases in my district, Patuxent River Naval Surface Warfare Center, Indian Head Surface Warfare Center and St. Inigoes. The Fifth Congressional District's naval bases are critical facilities that help our nation meet the threats and challenges of a new century, and their geographic proximity to the nation's capital also makes them valuable homeland security assets as well. I would like to take the observation of "Navy Day" to salute their efforts and to acknowledge the vital roles and important military capabilities performed at these three facilities.

Navy Day was established on October 27, 1922 by the Navy League of the United States. October 27 was suggested by the Navy League to recognize Theodore Roosevelt's birthday. Roosevelt had been an Assistant Secretary of the Navy and supported a strong Navy as well as the idea of Navy Day. In addition, October 27 was the anniversary of a 1775 report issued by a special committee of the Continental Congress favoring the purchase of merchant ships as the foundation of an American Navy.

As a community, we owe special thanks to the members of the naval family that sacrifice their own safety to protect our nation. They define the spirit of public service and we are grateful for their past and present services. Over the past several months, in Iraq and around the world, their purpose has been the protection and security of our people, and the promotion of peace, stability and the rule of law in Iraq, the Middle East and the international community, and they should know that a grateful nation supports their service and sacrifice.

We celebrate Navy Day in commemoration of past and present servicemen and women of the Navy as they have fought the enemies of freedom and prevailed. Their courage and resolve is fundamental to our security and way of life. Navy Day gives us the opportunity to appreciate their achievements and gain inspiration from their bravery. They succeed because they are dedicated to the values of this country and to its national security in the face of global terrorism.

The Navy plays a key role in the lives of thousands of Maryland residents, and thus I continue to place the future of the Navy in Maryland as one of my highest priorities. As the Department of Defense, the White House and Congress prepare for the next round of base closings in 2005, I am certain that the overwhelming support of the community, the important three-way partnership between federal, state, and local officials necessary to protect this powerful economic engine for the state, and the valuable homeland security assets of these bases prove the important contributions to our nation's defense and prosperity of Southern Maryland's defense installations.

May God continue to bless our country and may God continue to bless the men and women of the fifth districts Naval bases.

INTRODUCTION OF THE CRIME
VICTIMS ASSISTANCE ACT OF 2003

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Ms. NORTON. Mr. Speaker, I am pleased to introduce the Crime Victims Assistance Act of 2003 to benefit victims of crime here and throughout the country during a period when crime has increased as well as to help the police resolve more crimes. I commend the authors of the original bill introduced in the Senate by Judiciary Committee Ranking Member PATRICK LEAHY, Minority Leader TOM DASCHLE, and Senators JON CORZINE, DICK DURBIN, RUSS FEINGOLD, TIM JOHNSON, EDWARD KENNEDY, JOHN KERRY, PATTY MURRAY and CHARLES SCHUMER. The bill will provide enhanced rights and protections for victims of federal crimes and will assist victims of state crimes with grant programs designed to promote compliance with state victims rights laws. The bill requires that victims concerns be incorporated into decision-making throughout the proceedings. I have changed the Senate bill only to assure the safety of those who have a personal relationship (family or other) with the victim.

This bill is an alternative to the constitutional amendment approach proposed by some in the Congress. As a lawyer who specialized in constitutional matters early in my legal career, I am confident that the improved rights and benefits that victims justifiably seek are well within existing congressional authority to grant through the legislative process. The protracted constitutional process simply puts the most arduous, lengthy and, in this case, unnecessary process in the path toward the rights and funds crime victims need now.

The bill would be particularly valuable in the District and in other jurisdictions where many crimes, including state crimes are processed through the federal courts. Among the provisions that would benefit the District and many other jurisdictions is a section that protects victims from repeat offenders. The bill requires consultation with a victim prior to a detention hearing in order to obtain information that can be presented to the court on the issue of any threat that the suspected offender may pose to the safety of the victim. The bill also requires greater notification to the victim in case of the release, escape, parole or furlough of the offender.

There have been many reports of victim reluctance to testify out of fear of harm to a victim or her family. Understandable reluctance by a victim to expose herself to further victimization must be met with strong laws, concrete assistance and services, or crime will not be deterred.

I urge my colleagues to quickly bring relief and reassurance to victims of federal and state crimes by enacting the Crime Victims Assistance Act of 2003.

NO CHILD LEFT BEHIND ACT

HON. ROBERT E. ANDREWS

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. ANDREWS. Mr. Speaker I would like to include, for the RECORD, two written state-

ments on the No Child Left Behind Act. The first of these is an opinion piece detailing problems with the implementation of the NCLB, by Ms. Gail Cohen, a leader in the education community in southern New Jersey. The second piece is an opinion piece I wrote highlighting many of the same issues. The implementation of the NCLB Act has become a significant concern to our schools and our communities, and must be addressed immediately by the federal Department of Education.

ON THE NO CHILD LEFT BEHIND ACT
(By Gail Cohen)

How did 75% of New Jersey's public high schools—including some of the highest performing schools in the state—find themselves on an early warning list for not making "adequate yearly progress" toward certain student achievement benchmarks? Welcome to public education in the era of the No Child Left Behind Act—the well-intended but poorly conceived federal legislation that actually has very little to do with individual student achievement.

NCLB requires that all students meet proficiency levels on state tests by 2014. To reach 100% proficiency, states have set incremental benchmarks to determine Adequate Yearly Progress (AYP). These targets establish the percentage of students in each school—and the percentage of students in each of several subgroups within that school—who must score "proficient" or higher on state assessments.

No educator could argue with the objective of raising achievement for all students. That's the focus of every decision made in good school districts. No educator could argue with a plan that says student progress should be assessed and schools should be held accountable for that progress. In good school districts, assessments are used to inform instruction and direct professional development. However, the NCLB pegs the success of a school to the performance of students in disaggregated subgroups on a single state-developed standardized test—a test itself which has been questioned.

The federal government would have us use the industrial model of stamping out kids on a conveyor and assessing each in exactly the same way. Even Mother Nature has never achieved creation of two identical objects in this universe. All children can learn and, when given the appropriate supports, will demonstrate growth from year to year. For some students, measuring that growth may require an assessment different from the HSPA or other state standardized test. For example, a state-developed standardized assessment does not measure the progress of the autistic student who comes to school in September speaking just a few words and ends the year speaking complete sentences and developing social relationships. Has the school failed this student? Ask the student. What message are we sending to this child? Ask the parent, or the doctor who predicted the student would never get this far.

Imagine being a teenager having moved to this country just over a year ago. Aside from all of the issues associated with adapting to a new country, culture, school and language, you are expected to pass the same test as the teenager who has grown up in the community his whole life. You may be proficient in mathematics—you may, in fact, excel at it. Should we expect the student to be fluent enough in the language after one year to pass the same test as his/her peers who were born in this country? Could our students pass these same requirements in another country?

Clearly, the one-size-fits-all approach to assessment, as mandated by the NCLB, is un-

fair. Also unfair is the fact that the law paints an inaccurate picture of public education in our country. The legislation leaves its implementation details up to each individual state. So, for example, each state establishes its own benchmarks for Adequate Yearly Progress. Each state determines the number of students that must be in a subgroup in order for that subgroup's results to be counted. These variations make state-to-state comparisons nearly impossible.

In New Jersey a sub-group's test results will only count toward adequate yearly progress if there are 20 or more students in that group. The schools that are not on the state's early warning list appear to be mostly smaller schools with fewer than 20 students in that group. In Pennsylvania, there have to be 40 students in a sub group to count.

The reporting requirements of NCLB may cause communities to point to subgroups of students—our special education children, our children of poverty, our children of color—and say, "You're the reason our schools are failing."

How lucky we are in Cherry Hill to attract kids from neighboring urban areas, kids whose families are thrilled with the educational opportunities that our district provides. We know that the longer students are in Cherry Hill, the better they achieve. Under NCLB, after just a year in our district, those kids are expected to achieve proficiency, without regard to their background or the growth they have demonstrated since they arrived.

The intent behind the "No Child Left Behind" legislation is good. However, if legislators and educators are truly interested in all students achieving, if we are truly interested in improving education, then we need to assess individual student progress over time using multiple measures.

OP-ED ON NO CHILD LEFT BEHIND

(By Rep. Robert E. Andrews)

The federal Department of Education is seriously abusing New Jersey's schools. The Department just released an early warning list of New Jersey schools that are "failing" federal standards, according to the No Child Left Behind Act (NCLB). As anyone who lives in South Jersey knows, there is something seriously wrong with any such list when it includes top-notch middle schools, such as Haddonfield, Washington Township, Medford and Evesham.

The No Child Left Behind Act is a law with great potential to help children. But the Department of Education's implementation of the law fails to help anyone. There are two primary reasons for this failure. First, the Education Department has burdened school districts around the country with a "one size fits all approach." Local communities know best how to run their school districts, and they should be left alone, when successful, to do their jobs.

The second reason is a bias against public schools in some corners of the Bush Administration. By torturing the intent of the federal law, the Administration has been able to twist "objective" measures of progress into evidence of rapid decline. In so doing, the Administration has thrown public schools on the defensive. By making public schools appear unsuccessful, the Administration creates more rationale, and more momentum behind their anti-public school, pro-voucher agenda.

The Department of Education has badly misinterpreted the law. The Department has made a lot of very good schools look very bad by insisting that schools test and evaluate children in programs for special education and English as a Second Language using the same tests as those taken by mainstream students. These students' test scores

are included in the overall proficiency standards. We must help every child realize his or her potential, but these tests are not appropriate for these students. The law simply requires states to use appropriate standards for every child. The Department of Education can, and should, easily make this correction.

The No Child Left Behind Act was intended to ensure high standards for our teachers. However, the law was not intended to interfere with successful state standards, such as we have in New Jersey. The correct interpretation of the bill, as intended by Congress, is to allow teachers, in states with high standards, to continue to be certified by their state. Again, the Federal Department of Education has wrongly implementing the law by demanding that our very best teachers meet a different set of federal standards. At a time of severe teacher shortages, this policy seems driven by an anti-public school bias, designed to discourage advancement in the profession, and to encourage the retirement of our longest serving public school teachers.

The final problem with the No Child Left Behind Act is simply one of dollars and cents. When the law was passed, the Bush Administration agreed to provide adequate funding for education in exchange for strong accountability laws and tough standards. But in 2004, the Administration underfunds our schools by \$8 billion, and then plans to impose strict sanctions on schools that don't meet the strict federal standards. Without adequate federal resources, South Jersey will likely experience an upward pressure on local property taxes, or face a public school system in chaos.

In May, I met with educational leaders from around the State of New Jersey to discuss the problems of funding and federal implementation of the No Child Left Behind Act. Since then, these problems have become even more evident. I have called on the Bush Administration to correct these problems through the regulatory process. If no action is taken by the Department of Education to fix these problems, I am committed to correcting these faults through legislation. I have already spoken with the Chairman of the House Education and the Workforce Committee, and he has acknowledged the problem.

The No Child Left Behind Act has the potential to help students around the country. But unless the Department of Education infuses some badly-needed common sense into its rules, and unless the Bush Administration provides the money it has promised to our local schools, too many children will be left behind.

NATIONAL BREAST CANCER AWARENESS

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. SABO. Mr. Speaker, in keeping with National Breast Cancer Awareness Month, I rise to honor Barbra Wiener, the founder of the Women's Cancer Resource Center (WCRC) in Minneapolis, Minnesota.

Barbra founded WCRC in 1993 with the vision of providing free support and advocacy to women affected by cancer and to promote cancer prevention through environmental awareness and activism. Ms. Wiener was inspired to launch WCRC after the loss of both her mother and sister to breast cancer and her own battle with thyroid cancer.

WCRC serves as an information, support, and advocacy center for women with cancer. Information services include treatment referrals, guest speakers, and a comprehensive health library. In addition, WCRC offers support groups, one-on-one support programs, therapeutic massages, and a mentoring service that matches volunteers to clients with a similar cancer diagnosis. WCRC also holds public health forums on environmental issues related to health and facilitates outreach programs that focus on cancer prevention. All of these services are provided free of charge to women with cancer.

Ms. Wiener has been acknowledged for her work with several awards including the Helen Caldecott Leadership Award, an international award recognizing leadership on behalf of women. Further, the Ford Foundation recognized her and her colleagues at WCRC as finalists for the Leadership for a Changing World Award. In addition, Barbra currently serves on the boards of the Headwaters Foundation for Justice, Women's Environmental Institute, and the Minnesota Interplay Community. She is also a member of Alliance for Accountability in Breast Cancer, a national coalition of cancer activists.

Mr. Speaker, it is a privilege and honor to represent a woman who has turned personal tragedy into an invaluable service that helps women affected by all types of cancer. It is during National Breast Cancer Awareness Month that I ask that my House colleagues pay tribute to the life work of Barbra Wiener.

JOBS AND THE ECONOMY

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. RAHALL. Mr. Speaker, the deafening silence we hear tonight is the silence of the Republican leadership and its lack of support for unemployment benefits to millions of Americans thrown out of work during the Republican reign of ruinous indifference to families and livelihoods.

Mr. Speaker, where oh where have the jobs gone? A crisis of epic economic proportions is upon us.

Since the Administration has taken control, this Nation has lost 3.2 million private sector jobs, and those are the ones we are able to count. Who knows how many more are out there uncounted? This fact alone is bad enough, but under this Administration it gets much, much worse.

According to a study in the August issue of Current Issues in Economics and Finance reviewed by Charlie Cook in this morning's Congress Daily AM, almost 80% of the jobs that have been lost since the President took office are permanent. A figure that is drastically worse than had been the case in previous economic downturns of the mid-1970's and early 1980's. I include in the record Mr. Cook's thoughtful comments on this important study.

This finding should shock every business and every worker in the Nation, Mr. Speaker.

A NEW KIND OF JOB LOSS

(By Charlie Cook)

When we get the first look Thursday at economic growth numbers for the third quarter of this year, those gross domestic prod-

uct figures may well show impressive economic growth: a sign that President Bush's tax cut-oriented, economic growth package did in fact stimulate the economy. History has shown that economic growth through the second quarter of the election year usually results in re-election for incumbent presidents. But the question today is whether that relationship will remain as strong in 2004 as it has been in the past.

Despite the fact that the economic downturn "officially" began in March 2001 and ended in November 2001, a net loss of 2.6 million jobs has occurred since Bush took office, giving weight to the term "jobless recovery." A recent paper by two economists with the Federal Reserve Board of New York shows quite clearly the most recent economic downturn and recovery are very different from past ones. Furthermore, it suggests economic growth figures in the near term might not be accompanied by the same kind of net job growth in the future.

Writing in the August issue of an FRBNY publication, "Current Issues in Economics and Finance," Erica Groshen and Simon Potter looked at the pattern of layoffs and job creation during and after the past six economic downturns. Observing that "recessions mix cyclical (temporary) and structural (permanent) adjustments," Groshen and Potter found, for example, in the economic downturns of both the mid-1970s and the early 1980s, 49 percent of the job losses were cyclical. These are temporary layoffs, whereby an employer "suspends" an employee's job because of reduced demand for goods or services, then recalls that employee when the economy turns around, fueling fast payroll growth.

In those two downturns, the other 51 percent of job losses were more structural or permanent, as when an employee's job is simply eliminated and the laid-off employee is forced to seek a new job. Given new job creation takes much longer than recalling former workers, structural losses are far more serious than cyclical ones.

That 49 percent-cyclical/51 percent-structural loss mix of the 1970s and 1980s changed to 43 percent-cyclical/57 percent-structural in the economic downturn of the early 1990s, as more jobs were completely eliminated or relocated to other countries. For the most part, this shift went unnoticed.

It became much more pronounced in the current economic downturn and recovery, with Groshen and Potter finding 79 percent of job losses were structural and only 21 percent temporary. During this most recent downturn and recovery, jobs in the fields of electronic equipment securities and commodities brokerage and communications were largely eliminated. Indeed, the only field that has truly prospered through this period is in the standard industrial code "nondepository institutions," a group that notably includes mortgage brokers, who have benefited greatly from historically low interest rates and strong home buying and refinancing.

Equally alarming, but more anecdotal than quantitative, are stories of more and more high-technology or other "knowledge-based" jobs shifting abroad, whether to call centers handling customer service and even technical support or in computer programming and other highly skilled fields I recently heard of some corporate legal departments shifting more rudimentary legal work—drafting contracts and the like—to India, an English-speaking country that uses the same English common-law system as the United States.

No doubt some of these structural job losses are the result of the impressive productivity gains that American corporations have enjoyed in recent years as a result of

automation and more efficient processes. But it is also clear many of these losses were confined largely to relatively low-skilled manufacturing jobs, many thought this was an unfortunate but inevitable shift. Low-skilled jobs like producing pencils could be done abroad more cheaply and efficiently than by higher-paid Americans under more strict environmental and safety standards. But as the job losses have shifted from lower-skilled to higher-skilled—the very jobs that displaced workers were told they should re-train for—this has become a far more serious problem.

While few believe the solution to job losses is to construct trade barriers in this country, it is a far different and greater problem than we experienced in the past. And it isn't just an economic or trade problem; it is also a political problem. Sooner or later, voters will demand solutions from their elected officials or candidates for Congress and president.

INCREASING THE MILITARY DEATH GRATUITY

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Ms. WATERS. Mr. Speaker, I rise to urge my colleagues to support and pass Congressman MCGOVERN's bill, HR 3365, which would increase the military death gratuity from \$6,000 to \$12,000 and make the entire benefit tax exempt. I am proud to be a cosponsor of this bill and hope that Congress will act swiftly to pass it.

It is wrong that one-half of the military death benefit is currently subject to taxation. Families of patriots should not be penalized by being taxed on a benefit meant to show the nation's gratitude for their family member's sacrifice. We must restore the original intent of this benefit and not unduly burden families with an unexpected tax bill. The death benefit paid to the survivor of a military member has historically been exempt from taxation. An oversight in the tax code after the gratuity was

increased to \$6,000 in 1991 left half of this payment subject to taxation. Only the passage of H.R. 3566 or H.R. 3019 will remedy this unfair taxation problem for our military families.

Mr. Speaker, as a nation and as Members of Congress, we need to do all that we can for the families of the brave men and women who have made the ultimate sacrifice for our country's freedom.

The death benefit was designed to assist survivors of deceased members of the military with their financial needs during the period following the soldier's death and before other survivor benefits become available. For many families of active duty military personnel, the current benefit is not enough to cover necessary immediate family expenses. This is due, in part, to the payment now being subject to taxation, and to families' financial distress due to longer and longer deployments. The latter is especially true in the case of our National Guard and Reserves, whose military salaries rarely match their civilian incomes. For these reasons, it is essential to provide a substantial increase in the death benefit and return it to its tax-exempt status.

The bill is retroactive to September 11, 2001 because the families of all those who sacrificed their lives in the War on Terrorism deserve these enhanced benefits. H.R. 3566 and H.R. 3019 are retroactive for military deaths occurring on or after September 11, 2001 so that these enhanced benefits are provided to all who have sacrificed their lives in the war on terrorism.

Mr. Speaker, the Republicans recognize that they are on the wrong side of many critical veterans issues. They are now working overtime in order to get back into favor with veterans groups by having Mr. Renzi offer a bill that is identical to the McGovern bill. But Mr. Speaker, the American people will see through these election year ploys. Having a Republican offer a Democratic bill will not obscure the fact that the Republicans in this Congress and this Administration are not meeting the needs of our veterans.

Mr. Speaker, the President campaigned for his office claiming to be a friend of veterans.

In fact, at the beginning of his term, he said "Veterans are a priority for this Administration . . . and that priority is reflected in my budget." Let's look at the record.

This is an Administration that has starved veterans programs—and other domestic programs—in favor of massive tax cuts that few people benefit from.

The Fiscal Year 2004 budget was the highlight of the Republican effort to strip veterans programs in order to make room for tax cuts. During the debate of this bill, the Republicans attempted to cut \$25 billion from veterans programs at a time when the Department of Veterans Affairs was already severely underfunded.

Every facet of the VA would have been affected by these cuts. Funding for healthcare, disability compensation, pension, education and survivors benefits, just to name a few, all would have been reduced. In the face of stiff Democratic opposition, this funding was largely restored, but there is still a significant gap between what the VA needs and what the Republican party is willing to provide.

The Democrats have been fighting to fully fund veterans programs and provide the benefits that they have earned and deserve. H.R. 3365, Congressman MCGOVERN's bill, is the latest in a long line of Democratic efforts to improve the quality of life for our veterans. Whether we are talking about ending the disabled veterans tax, fully funding veterans health care programs, or increasing Montgomery GI Bill educational benefits, Democrats have been at the forefront of helping Veterans.

Mr. Speaker, Congress should have acted long ago to correct the legislative oversight that resulted in subjecting part of the military death benefit to taxes, and to increase the benefit. An enhanced, tax-free death gratuity is a key benefit for the families of soldiers who died fighting on our behalf.

I know that my colleagues will join me in supporting this important bill. It is long overdue. I thank Representative MCGOVERN for introducing this important legislation.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S13325–S13422

Measures Introduced: Eight bills and two resolutions were introduced, as follows: S. 1786–1793, S. Con. Res. 76–77. **Page S13377**

Measures Reported:

S. 1757, to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, with an amendment. (S. Rept. No. 108–174) **Page S13377**

Measures Passed:

Harmful Algal Bloom and Hypoxia Research and Control Amendments Act: Senate passed S. 247, to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, after agreeing to the committee amendment in the nature of a substitute. **Pages S13420–22**

Foreign Operations Appropriations Act: Senate continued consideration of H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, taking action on the following amendments proposed thereto: **Pages S13340–72**

Adopted:

McConnell Amendment No. 1978, to provide funding to protect and promote media freedoms in Russia. **Page S13344**

McConnell Amendment No. 1979, to provide authority to use economic assistance appropriations for “Transition Initiatives”. **Page S13344**

McConnell Amendment No. 1980, to permit USAID to modify the terms of guaranteed loans. **Page S13344**

McConnell (for Brownback) Amendment No. 1981, to require a report on the admission of refugees. **Page S13344**

Leahy Amendment No. 1982, of a technical nature. **Page S13344**

Leahy Amendment No. 1983, of a technical nature. **Page S13344**

Leahy Amendment No. 1984, of a technical nature. **Page S13344**

Leahy Amendment No. 1985, of a technical nature. **Page S13344**

Leahy Amendment No. 1986, to make available funds for administrative expenses of the United States Agency for International Development. **Page S13344**

Leahy Amendment No. 1987, to make funds available for the United Nations Office of the High Commissioner for Human Rights in Colombia. **Page S13344**

Leahy (for Schumer/Clinton) Amendment No. 1988, to withhold funds for foreign assistance for nations that refuse to pay diplomatic parking tickets. **Page S13344**

McConnell (for Craig/Leahy) Amendment No. 1989, to facilitate a reforestation program in Afghanistan. **Pages S13345–46**

McConnell (for Domenici) Amendment No. 1990, to make available funds for construction and completion of a new facility. **Page S13346**

McConnell/Leahy Amendment No. 1991, to provide assistance for the Ibn Khaldun Center for Development in Egypt. **Page S13346**

Sessions/Leahy Amendment No. 1993, to require that a portion of the funds appropriated for the Global AIDS Initiative shall be made available for injection safety and blood safety programs. **Pages S13346–47**

Reid (for Leahy) Amendment No. 2001, to make funds available for a United States contribution to UNAIDS. **Page S13365**

McConnell (for Voinovich) Amendment No. 2002, to require the Annual Report on International Religious Freedom to include a section on anti-Semitism and other religious intolerance. **Page S13365**

Reid (for Dodd) Amendment No. 2003, to provide assistance for the OAS Special Mission in Haiti to implement OAS Resolution 822 to restore security and hold elections. **Pages S13365–66**

Allard Further Modified Amendment No. 1995, to limit international military education and training funds from being made available for Indonesia. **Pages S13357–58, S13366**

Reid (for Feingold) Amendment No. 2004, to encourage the Government of Indonesia to meet the

conditions necessary for the normalization of military relations with the United States. **Pages S13366, S13368**

McConnell (for Lugar) Amendment No. 2005, to increase the maximum rate of post differentials and danger pay allowances for civilian employees of the United States Agency for International Development. **Page S13366**

Reid (for Daschle) Amendment No. 2006, to state the sense of Congress on the use of small, locally-owned air transport providers to provide for the delivery by air of assistance under the bill. **Page S13366**

McConnell (for McCain) Amendment No. 1973, to express the sense of Congress on the October 15, 2003 election in Azerbaijan and require a report on an investigation in Azerbaijan. **Page S13366**

Reid (for Feingold) Amendment No. 2007, to require a report on a USAID mission in Sierra Leone. **Pages S13366–67**

Reid (for Biden) Amendment No. 2008, to provide a clarification with respect to the availability of funds for a voluntary contribution to the International Atomic Energy Agency. **Page S13367**

McConnell (for Feingold) Amendment No. 2009, to require a report on a strategy for promoting stability and improving the quality of life in Somalia. **Page S13367**

McConnell (for Lugar) Amendment No. 2010, to provide for the designation of the Global Fund to Fight AIDS, Tuberculosis and Malaria under the International Organizations Immunities Act. **Page S13367**

Reid (for Inouye) Amendment No. 2011, to provide funding for the Carter Center's Guinea Worm Eradication Program. **Page S13367**

Reid (for Harkin) Amendment No. 2012, to clarify the criteria to be considered in determining eligibility for Millennium Challenge assistance. **Page S13367**

McConnell (for Allen) Amendment No. 2013, to fund enhanced enforcement of intellectual property rights in foreign countries. **Page S13367**

McConnell (for Brownback) Amendment No. 2014, to set aside an amount for grants to media organizations to support broadcasting that promotes human rights and democracy in Iran. **Page S13367**

McConnell (for Brownback) Amendment No. 2015, to express the sense of the Senate on the development of democracy in Iran. **Page S13367**

Landrieu Modified Amendment No. 1998, to ensure that women and children have access to basic protection and assistance services in complex humanitarian emergencies. **Pages S13358–60**

Reid (for Dodd) Amendment No. 2016, to obtain assurances and a timetable for payments of U.S. contractors by the Egyptian Government. **Page S13367**

McConnell (for Lugar) Amendment No. 2017, to provide foreign assistance through a Millennium Challenge Account. **Page S13367**

McConnell (for Ensign) Amendment No. 2018, to make available funds to support democracy-building efforts for Cuba. **Pages S13367–68**

Reid (for Leahy) Amendment No. 2019, to make available funds for the World Health Organization's HIV/AIDS, Tuberculosis and Malaria Cluster. **Page S13368**

McConnell (for Feingold) Amendment No. 2020, to provide funds to support the development of responsible justice and reconciliation mechanisms in central Africa. **Page S13368**

McConnell (for Brownback/Feinstein) Amendment No. 2021, to provide for the use of not less than \$3,000,000 by the Bridge Fund for certain programs in Tibet. **Page S13372**

Reid (for Leahy) Amendment No. 2022, of a technical nature. **Page S13372**

Reid (for Kennedy) Amendment No. 2023, to provide for the disclosure of prices paid for HIV/AIDS medicines in developing countries. **Page S13372**

McConnell (for Frist) Amendment No. 2024, to modify provisions relating to activities for the prevention, treatment, and control of HIV/AIDS. **Page S13372**

Rejected:

By 44 yeas to 53 nays (Vote No. 414), Byrd Amendment No. 1969, to require that the Administrator of the Coalition Provisional Authority be an officer who is appointed by the President, by and with the advice and consent of the Senate. **Pages S13360–64**

Pending:

DeWine Amendment No. 1966, to increase assistance to combat HIV/AIDS. **Pages S13340, S13347–49, S13368–72**

McConnell Amendment No. 1970, to express the sense of the Senate on Burma. **Page S13340**

Feinstein Amendment No. 1977, to clarify the definition of HIV/AIDS prevention for purposes of providing funds for therapeutic medical care. **Pages S13341–44**

During consideration of this measure today, Senate also took the follow action:

Chair sustained a point of order that Dorgan Amendment No. 1994, to urge the President to release information regarding sources of foreign support for the 9–11 hijackers, was not germane to the bill, and the amendment thus fell. **Pages S13349–52**

By 40 yeas to 57 nays (Vote No. 413), two-thirds of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion

suspend Rule XVI, with respect to Lugar Amendment No. 1974, to authorize appropriations for Foreign Relations and for Foreign Assistance, and to authorize Millennium Challenge Assistance. Subsequently, the point of order that the amendment was in violation of Rule XVI, was sustained, and the amendment thus falls. **Pages S13352–57**

A unanimous-consent agreement was reached providing for further consideration of the bill on Wednesday, October 29, 2003, where Senator Dorgan will be recognized to offer an amendment relative to the September 11th Commission, with 40 minutes equally divided on the amendment; following which, Senator McConnell, or his designee, be recognized to make a point of order against the amendment and that Senator Dorgan then be recognized to move to suspend Rule XVI of the Standing Rules of the Senate with respect to his amendment, with a vote on the motion to suspend to occur at approximately 10:40 a.m. **Page S13422**

Notice of Intent: A notice of intent was provided to suspend Rule XVI of the Standing Rules of the Senate for Dorgan Amendment No. 2000 to H.R. 2800, Foreign Operations Appropriations Act (listed above). **Page S13375**

National Consumer Credit Reporting System Improvement Act—Agreement: A unanimous-consent agreement was reached providing that at a time determined by the Majority Leader, after consultation with the Democratic Leader, but not before Monday, November 3, 2003, the Senate may proceed to the consideration of S. 1753, to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, providing for certain first-degree amendments and relevant second-degree amendments; that upon the disposition of the amendments the bill be read a third time and H.R. 2622, House companion measure, be discharged from the Committee on Banking, Housing, and Urban Affairs, and the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 1753, as amended, be substituted in lieu thereof; that the House bill be read a third time and the Senate vote on final passage of the bill with the preceding occurring without any intervening action or debate; that upon the disposition of H.R. 2622, S. 1753, be returned to the Senate calendar. **Page S13419**

Healthy Forests Restoration Act—Agreement: A unanimous-consent agreement was reached providing that upon disposition of the vote on the motion to

suspend Rule XVI with respect to the Dorgan amendment to H.R. 2800, Senate proceed to the consideration of H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape. **Page S13419**

Nomination Considered: Senate began consideration of the nomination of Charles W. Pickering, Sr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit **Page S13420**

A motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, October 30, 2003. **Page S13420**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following protocol: Protocol Amending Tax Convention with Sri Lanka (Treaty Doc. No. 108–9)

The protocol was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Page S13422**

Nominations Confirmed: Senate confirmed the following nomination:

By 88 yeas 8 nays (Vote No. Ex. 412), Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency. **Pages S13326–40, S13422**

Messages From the House: **Page S13377**

Measures Referred: **Page S13377**

Enrolled Bills Presented: **Page S13377**

Additional Cosponsors: **Pages S13377–78**

Statements on Introduced Bills/Resolutions: **Pages S13378–S13409**

Additional Statements: **Pages S13376–77**

Amendments Submitted: **Pages S13409–18**

Authority for Committees to Meet: **Page S13418**

Privilege of the Floor: **Pages S13418–19**

Record Votes: Three record votes were taken today. (Total—414) **Pages S13340, S13356, S13363–64**

Adjournment: Senate met at 9:30 a.m., and adjourned at 9:22 p.m., until 9:30 a.m., on Wednesday, October 29, 2003. (For Senate's program, see

the remarks of the Acting Majority Leader in today's Record on page S13422.)

Committee Meetings

(Committees not listed did not meet)

DIETARY SUPPLEMENTS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing on dietary supplements, focusing on current regulations to protect American consumers from potential adverse health risks associated with the use of certain supplements, after receiving testimony from Senators Hatch and Durbin; John M. Taylor, Associate Commissioner for Regulatory Affairs, Food and Drug Administration, Department of Health and Human Services; Howard Beales, Director, Bureau of Consumer Protection, Federal Trade Commission; Terry Madden, United States Anti-Doping Agency, Colorado Springs, Colorado; David Seckman, National Nutritional Foods Association, and Charles W.F. Bell, Consumers Union, both of Washington, D.C.; Arthur Grollman, State University of New York at Stony Brook, New York; and Greg Davis, San Diego, California.

IRAN: SECURITY THREATS

Committee on Foreign Relations: Committee concluded a hearing to examine security threats and U.S. policy in relation to Iran, focusing on nuclear issues, Iraq, the Israeli-Palestinian conflict, Hezbollah, Al Qaeda, the range of possible Iranian threats, and the European initiative, after receiving testimony from Rich-

ard L. Armitage, Deputy Secretary of State; William H. Luers, United Nations Association of the United States of America, and Nasser Hadian, Columbia University, both of New York, New York; and Anthony H. Cordesman and Robert J. Einhorn, both of the Center for Strategic and International Studies, Washington, D.C.

NOMINATIONS:

Committee on the Judiciary: Committee concluded a hearing on the nominations of Claude A. Allen, of Virginia, to be United States Circuit Judge for the Fourth Circuit, who was introduced by Senators Warner and Allen, and Mark R. Filip, to be United States District Judge for the Northern District of Illinois, who was introduced by Senators Fitzgerald and Durbin, after each nominee testified and answered questions in their own behalf. Testimony was also received from Senators Sarbanes and Mikulski.

NOMINATIONS:

Committee on Rules and Administration: Committee concluded a hearing on the nominations of Paul S. DeGregorio, of Missouri, who was introduced by Senator Bond, Gracia M. Hillman, of the District of Columbia, who was introduced by District of Columbia Delegate Norton, Raymundo Martinez III, of Texas, who was introduced by Representative Reyes, and Deforest B. Soaries, Jr., of New Jersey, who was introduced by Senator Corzine, each to be a Member of the Election Assistance Commission, after each nominee testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Measures Introduced: 11 public bills, H.R. 3374–3384; and 8 resolutions, H.J. Res. 75; H. Con. Res. 311–313, and H. Res. 414, 415, 419, and 420, were introduced.

Page H9981

Additional Cosponsors:

Pages H9981–83

Reports Filed: Reports were filed today as follows:

Supplemental report on H.R. 2359, to extend the basic pilot program for employment eligibility verification (H. Rept. 108–304, Pt. 2);

H. Con. Res. 268, expressing the sense of the Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas and that are threatening the continued viability of United States commercial and recreational fisheries (H. Rept. 108–327);

H.R. 313, to modify requirements relating to allocation of interest that accrues to the Abandoned Mine Reclamation Fund (H. Rept. 108–328);

H.R. 2766, to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado, amended (H. Rept. 108–329);

Conference report on H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004 (H. Rept. 108–330);

H. Res. 416, providing for consideration of H.R. 2443, to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard (H. Rept. 108–331);

H. Res. 417, providing for consideration of H.J. Res. 75, making further continuing appropriations for the fiscal year 2004 (H. Rept. 108–332); and

H. Res. 418, waiving points of order against the conference report to accompany H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004 (H. Rept. 108–333).

Page H9980

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Aderholt to act as Speaker Pro Tempore for today.

Page H9821

Recess: The House recessed at 12:46 p.m. and reconvened at 2 p.m.

Page H9823

Suspensions: The House agreed to suspend the rules and pass the following measures:

Reauthorizing certain school lunch and child nutrition programs: H.R. 3232, amended, to reauthorize certain school lunch and child nutrition programs for fiscal year 2004;

Pages H9824–26

Agreed to amend the title so as to read, “a bill to reauthorize certain school lunch and child nutrition programs through March 31, 2004”. Page H9826

Recognizing Independent 529 Plan on the prepaid tuition plan for private higher education institutions: H. Res. 378, amended, recognizing Independent 529 Plan for launching a prepaid tuition plan that will benefit our Nation’s families who want to send their children to private colleges and universities;

Pages H9826–30

Agreed to amend the title so as to read, “a resolution recognizing the more than 200 independent colleges and universities that together have addressed the need to help families pay for the increasing cost of attending college by creating the first nationwide prepaid tuition plan”.

Page H9830

Supporting National Chemistry Week: H. Res. 395, recognizing the importance of chemistry to our everyday lives and supporting the goals and ideals of National Chemistry Week;

Pages H9830–32

Recognizing the significance of the anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship program: H. Con. Res. 279, recognizing the significance of the anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program, and reaffirming the commitment to support the use of science in governmental decision making through such Program;

Pages H9832–35

Federal Employee Student Loan Assistance Act: S. 926, to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies—clearing the measure for the President;

Pages H9835–36

David Bybee Post Office Building Designation Act: H.R. 2744, to designate the facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, as the “David Bybee Post Office Building”;

Pages H9836–37

Richard D. Watkins Post Office Building Designation Act: H.R. 3175, to designate the facility of the United States Postal Service located at 2650

Cleveland Avenue, NW in Canton, Ohio, as the “Richard D. Watkins Post Office Building”;

Pages H9837–38

Ben R. Gerow Post Office Building Designation Act: H.R. 3234, to designate the facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, as the “Ben R. Gerow Post Office Building”;

Pages H9838–39

Extending the authority for the construction of a memorial to Martin Luther King, Jr.: S. 470, to extend the authority for the construction of a memorial to Martin Luther King, Jr.—clearing the measure for the President;

Pages H9841–43

Sense of Congress concerning nations that violate the measures adopted by ICCAT: H. Con. Res. 268, amended, expressing the sense of the Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas and that are threatening the continued viability of United States commercial and recreational fisheries;

Pages H9843–46

Extending the term of the Forest Counties Payments Committee: H.R. 3249, to extend the term of the Forest Counties Payments Committee;

Pages H9846–47

Martin Luther King, Jr. National Historic Site Land Exchange Act: H.R. 1616, to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia; and

Pages H9847–48

Compact of Free Association Amendments Act of 2003: H.J. Res. 63, amended, to approve the “Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia,” and the “Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands,” and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99–239 for fiscal years ending on or before September 30, 2023.

Pages H9848–93

Suspensions Postponed: The House completed debate on the following motions to suspend the rules. Further proceedings were postponed until Wednesday, October 29:

Expressing gratitude to the members of the U.S. Armed Forces who were deployed in Somalia in 1993: H. Con. Res. 291, expressing deep gratitude for the valor and commitment of the members of the

United States Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993; and

Pages H9839–41

Repudiating the anti-Semitic sentiments expressed by Dr. Mahathir Mohamad: H. Res. 409, repudiating the recent anti-Semitic sentiments expressed by Dr. Mahathir Mohamad, the outgoing prime minister of Malaysia, which makes peace in the Middle East and around the world more elusive.

Pages H9888–93

Suspension Failed—Basic Pilot Extension Act of 2003: The House failed to suspend the rules and pass H.R. 2359, amended, to extend the basic pilot program for employment eligibility verification by a 2/3 yeas and nays vote of 231 yeas to 170 nays, Roll No. 570.

Pages H9893–98, H9965

Labor/HHS Appropriations—Motion to Instruct Conferees: Representative Obey announced his intention to offer a motion to instruct conferees on H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004.

Page H9841

Flight 100—Century of Aviation Reauthorization Act—Conference Report: The House passed H. Res. 377, the rule providing for the recommittal of the conference report on H.R. 2115, to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, to the conference committee by a yeas-and-nays vote of 407 yeas with none voting “nay”, Roll No. 569.

Pages H9959–64

Energy Policy Act of 2003: The House agreed to the Markey motion to instruct conferees on H.R. 6, to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people by a yeas-and-nays vote of 346 yeas to 59 nays, Roll No. 571.

Pages H9965–66

Later Representative Eddie Bernice Johnson of Texas announced her intention to offer a motion to instruct conferees on the bill.

Page H9967

Tax Relief, Simplification, and Equity Act of 2003: The House rejected the Woolsey motion to instruct conferees on H.R. 1308, to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit by a yeas-and-nays vote of 197 yeas to 208 nays, Roll No. 572.

Page H9966

Medicare Prescription Drug and Modernization Act of 2003: The House rejected the Brown of Ohio motion to instruct conferees on H.R. 1, to amend title XVIII of the Social Security Act to provide for

a voluntary prescription drug benefit under the medicare program and to strengthen and improve the medicare program by a yea-and-nay vote of 194 yeas to 209 nays, Roll No. 573. **Page H9967**

Later Representative Miller of Florida announced his intention to offer a motion to instruct conferees on the bill. **Page H9967**

Senate Message: Message received from the Senate today appears on page H9821.

Senate Referrals: S. 1194 was referred to the Committee on the Judiciary, S. 1768 was referred to the Committee on Financial Services, and S. 1146 was referred to the Committee on Resources and the Committee on Energy and Commerce. **Page H9978**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H9983–84.

Adjournment: The House met at 12:30 p.m. and adjourned at 9:28 p.m.

Committee Meetings

FINANCIAL LITERACY EDUCATION

Committee on Education and the Workforce: Subcommittee on Education Reform held a hearing entitled “Financial Literacy Education: What Do Students Need To Know To Plan For The Future?” Testimony was heard from Dan Ianniciola, Jr., Deputy Assistant Secretary, Financial Education, Office of Financial Institutions, Department of the Treasury; and public witnesses.

COAST GUARD AND MARITIME TRANSPORTATION ACT

Committee on Rules: Granted, by voice vote, an open rule providing one hour of general debate on H.R. 2443, Coast Guard and Maritime Transportation Act of 2003, equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule provides that the bill shall be considered for amendment under the five-minute rule. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill shall be considered as an original bill for the purpose of amendment, and shall be considered as read. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Manzullo and Oberstar.

CONFERENCE REPORT—INTERIOR AND RELATED AGENCIES APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004 and against its consideration. The rule provides that the conference report shall be considered as read.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Committee on Rules: Granted, by voice vote, a close rule providing one hour of debate in the House on H.J. Res. 75, making further continuing appropriations for the fiscal year 2004, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution. Finally, the rule provides one motion to recommit.

AMERICAN JOBS CREATION ACT; RAIL INFRASTRUCTURE DEVELOPMENT AND EXPANSION ACT FOR THE 21ST CENTURY

Committee on Ways and Means: Ordered reported, as amended, H.R. 2896, American Jobs Creation Act of 2003.

The Committee also reported, as amended, without recommendation H.R. 2571, Rail Infrastructure Development and Expansion Act for the 21st Century.

GLOBAL WAR ON TERRORISM

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Global War on Terrorism. Testimony was heard from departmental witnesses.

Joint Meetings

EMERGENCY SUPPLEMENTAL, IRAQ AND AFGHANISTAN APPROPRIATIONS ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 3289, making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, but did not complete action thereon, and will meet again on Wednesday, October 29, 2003.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D 1122)

H.R. 1474, to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system. Signed on October 28, 2003. (Public Law 108–100).

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 29, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: to hold hearings to examine the future of the National Aeronautics and Space Administration, 9:30 a.m., SR–253.

Subcommittee on Science, Technology, and Space, to hold hearings to examine the International Space Station, 2 p.m., SR–253.

Committee on Foreign Relations: to hold hearings to examine the nominations of Margaret DeBardeleben Tutwiler, of Alabama, to be Under Secretary of State for Public Diplomacy, Zalmay Khalilzad, of Maryland, to be Ambassador to Afghanistan, and Louise V. Oliver, of the District of Columbia, for the rank of Ambassador during her tenure of service as the United States Permanent Representative to the United Nations Educational, Scientific, Cultural Organization, and to be U.S. Representative to the 32nd and General Conference of UNESCO, 9:30 a.m., SD–419.

Full Committee, to hold hearings to examine challenges for U.S. policy toward Colombia, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 423, to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities, S. 1172, to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, proposed Head Start Improvement and School Readiness Act, proposed Human Services Reauthorization Act, proposed Pension Stability Act, proposed Health Care Safety Net Amendments Technical Corrections Act, and the nominations of Robert Lerner, of Maryland, to be Commissioner of Education Statistics, Leslie Silverman, of Virginia, to be a Member of the Equal Employment Opportunity Commission, and Stuart Ishimaru, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission, 10 a.m., SD–430.

Full Committee, to hold hearings to examine intellectual diversity on America's college campuses, 2 p.m., SD–430.

Committee on Indian Affairs: business meeting to consider pending calendar business; to be immediately followed by a hearing on S. 1770, to establish a voluntary

alternative claims resolution process to reach a settlement of pending class action litigation, 10 a.m., SD–106.

Committee on the Judiciary: to hold hearings to examine competitive and economic effects of the Bowl Championship series on and off the field, 10 a.m., SD–226.

Full Committee, to hold hearings to examine the nomination of James B. Comey, of New York, to be Deputy Attorney General, 2 p.m., SD–226.

House

Committee on Agriculture, to consider the following measures: H.J. Res. 74, recognizing the Agricultural Research Service of the Department of Agriculture on the occasion of its 50th anniversary for the important service it provides for the Nation; H.R. 1367, National Veterinary Medical Services Act; H.R. 2304, to resolve boundary conflicts in the vicinity of the Mark Twain National Forest in Barry and Stone Counties, Missouri, that resulted from private landowner reliance on a subsequent Federal survey; H.R. 3157, to provide for the designation of a Department of Agriculture disaster liaison to assist State and local employees of the Department in coordination with other disaster agencies in response to a federally declared disaster area as a result of a disaster; and H.R. 3217, to provide for the conveyance of several small parcels of National Forest System land in the Apalachicola National Forest, Florida, to resolve boundary discrepancies involving the Mt. Trial Primitive Baptist Church of Wakulla County, Florida, 10 a.m., 1300 Longworth.

Committee on Armed Services, hearing on Iraq Reconstruction and Stability Operations: The Way Forward, 10 a.m., 2118 Rayburn.

Committee on Education and the Workforce, hearing on "The Pension Underfunding Crisis: How Effective Have Funding Reforms Been?" 10:30 a.m., 2175 Rayburn.

Committee on Financial Services, Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, hearing on World Bank lending to Iran, 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Civil Service and Agency Organization, oversight hearing entitled "Decision Time: A New Human Resources Management System at the Department of Homeland Security," 10 a.m., 2154 Rayburn.

Subcommittee on Government Efficiency and Financial Management, oversight hearing entitled "Agency Compliance with FFMIA—Private Sector Views," 2:30 p.m., 2203 Rayburn.

Subcommittee on Human Rights and Wellness, hearing entitled "The Ongoing Tragedy of International Slavery and Human Trafficking: An Overview," 2 p.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Asia and the Pacific and the Subcommittee on International Terrorism, Nonproliferation and Human Rights, joint hearing on the Challenge of Terrorism in Asia and the Pacific, 1:30 p.m., 2172 Rayburn.

Subcommittee on Europe, to mark up H. Res. 390, recognizing the continued importance of the transatlantic

relationship and promoting stronger relations with Europe by reaffirming the need for a continued and meaningful dialogue between the United States and Europe, 1 p.m., 2200 Rayburn.

Subcommittee on the Middle East and Central Asia, hearing on Central Asia: Terrorism, Religious Extremism, and Regional Stability, 10 a.m., 2172 Rayburn.

Committee on Resources, to mark up the following measures: H. Con. Res. 237, honoring the late Rick Lupe, lead forestry technician for the Bureau of Indian Affairs Fort Apache Agency, for his dedication and service to the United States and for his essential service in fighting wildfires and protecting the environment and communities of Arizona; H.R. 154, to exclude certain properties from the John H. Chafee Coastal Barrier Resources; H.R. 265, Mount Rainier National Park Boundary Adjustment Act of 2003; H.R. 280, National Aviation Heritage Act; H.R. 421, Environmental Policy and Conflict Resolution Advancement Act of 2003; H.R. 506, Galisteo Basin Archaeological Sites Protection Act; H.R. 958, Hydrographic Services Amendments of 2003; H.R. 1058, to provide for an exchange of certain private property in Colorado and certain Federal property in Utah; H.R. 1594, St. Croix National Heritage Area Study Act; H.R. 1618, Arabia Mountain National Heritage Area Act; H.R. 1629, Upper Missouri River Breaks Boundary Clarification Act; H.R. 1648, Carpinteria and Montecito Water Distribution Systems Conveyance Act of 2003; H.R. 1732, Williamson County Water Recycling Act of 2003; H.R. 1862, Oil Region National Heritage Area Act; H.R. 1964, Highlands Stewardship Act; H.R. 2408, National Wildlife Refuge Volunteer Act of 2003; H.R. 2425, Quinalt Permanent Fisheries Fund Act; H.R. 2489, Cowlitz Indian Tribe Distribution of Judgment

Funds Act; H.R. 2584, to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship; H.R. 2693, Marine Mammal Protection Act Amendments of 2003; H.R. 2707, Salt Cedar and Russian Olive Control Demonstration Act; H.R. 2715, to provide for necessary improvements to facilities at Yosemite National Park; H.R. 2907, Northern Arizona National Forest Land Exchange Act of 2003; H.R. 3209, to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project; S. 523, Native American Technical Corrections Act of 2003; S. 625, Tualatin River Basin Water Supply Enhancement Act of 2003; S. 677, Black Canyon of the Gunnison Boundary Revision Act of 2003; S. 924, to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior; and S. 1233, National Great Black Americans Commemoration Act of 2003, 10 a.m.; and to hold a hearing on H.R. 2010, to protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, 2 p.m., 1324 Longworth.

Committee on Science, hearing on NASA's Organizational and Management Challenges in the Wake of the Columbia Disaster, 10 a.m., 2318 Rayburn.

Joint Meetings

Conference: meeting of conferees on H.R. 3289, making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, 11 a.m., HC-5, Capitol.

Next Meeting of the SENATE

9:30 a.m., Wednesday, October 29

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will continue consideration of H.R. 2800, Foreign Operations Appropriations Act, with a vote on the motion to suspend Rule XVI of the Standing Rules of the Senate relative to the Dorgan Amendment on the September 11th Commission to occur at approximately 10:40 a.m.; following which, Senate will begin consideration of H.R. 1904, Healthy Forests Restoration Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, October 29

House Chamber

Program for Wednesday: Consideration of Suspensions:

(1) H.R. 1720, Veterans Health Care Facilities Capital Improvement Act;
(2) H.R. 1516, National Cemetery Expansion Act of 2003; and

(3) H.R. 3365, Fallen Patriots Tax Relief Act.

Consideration of motion to go to conference on H.R. 2989, Transportation and Treasury Departments Appropriations Act for FY 2004.

Consideration of H.J. Res. 75, making further continuing appropriations for fiscal year 2004 (closed rule, one hour of general debate).

Consideration of the conference report on H.R. 2691, Interior Department Appropriations Act for FY 2004.

Rolled vote on H. Con. Res. 291, expressing deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993.

Rolled vote on H. Res. 409, repudiating the recent anti-Semitic sentiments expressed by Dr. Mahathir Mohamad, the outgoing prime minister of Malaysia, which makes peace in the Middle East and around the world more elusive.

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