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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. RENZI).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 4, 2003.

I hereby appoint the Honorable RICK RENZI 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. 2800. An act making appropriations for foreign operations, export financing, and related programs 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. 2800) ''An Act making appropriations for foreign operations, export financing, and related programs 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. MCCONNELL, Mr. SPECTER, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. CAMPBELL, Mr. BOND, Mr. DEWINE, Mr. STEVENS, Mr. LEAHY, Mr. INOUYE, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed bills and a joint resolution and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 269. An act to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

S. 1132. An act to amend title 38, United States Code, to improve and enhance certain benefits for survivors of veterans, and for other purposes.

S. 1210. An act to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries.

S. 1400. An act to develop a system that provides for ocean and coastal observations, to implement a research and development program to enhance security at United States ports, to implement a data and information system required by all components of an integrated ocean observing system and related research, and for other purposes.

S. 1757. An act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts.

S.J. Res. 22. Joint resolution recognizing the Agricultural Research Service of the Department of Agriculture for 50 years of outstanding service to the Nation through agricultural research.

S. Con. Res. 58. Concurrent resolution raising awareness and encouraging prevention of stalking by urging the establishment of January 2004 as National Stalking Awareness Month.

S. Con. Res. 76. Concurrent resolution recognizing that November 2, 2003, shall be dedicated to ''A Tribute to Survivors'' at the United States Holocaust Memorial Museum.

The message also announced that pursuant to Public Law 105–83, the Chair, on behalf of the Majority Leader, announces the appointment of the following Senator to serve as a member of the National Council of the Arts: The Senator from Utah (Mr. BENNETT), in lieu of the Senator from Alabama (Mr. SESSIONS).

The message also announced that pursuant to Public Law 105–83, the Chair, on behalf of the Majority Leader, announces the appointment of the following Senator to serve as a member of the National Council of the Arts.

The Senator from Ohio (Mr. DEWINE).

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

NOTICE

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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 Oregon (Mr. BLUMENAUER) for 5 minutes.

POST OFFICE COMMUNITY PARTNERSHIP ACT

Mr. BLUMENAUER. Mr. Speaker, I came to Congress to help the Federal Government be a better partner with local communities, to make them liveable, to make our families safe, healthy and economically secure. The simplest way to achieve that objective does not require new laws, regulations, fees or massive outlays of Federal dollars driving us even deeper into debt.

The simplest way is simply for the Federal Government to merely obey the rules that it sets for others. One of the best illustrations of this principle has been realized in massive grass roots support across America for the postal service to obey the rules in locating its facilities.

We have had support from the National Association of Home Builders, the Sierra Club, the Trust for Historic Preservation, realtors, landscape architects, the American Planning Association. Good government organizations across the country have joined with local officials, mayors and Governors, to understand that the over 37,000 postal facilities are not just remote outposts of Federal activities. They can, often are and always should be the centers of community activity.

As a local official, I had my own experiences where the postal service was sadly indifferent to the impacts of its operations on local communities. When putting in a new facility they refused, for example, to pave the sidewalks, to integrate the facility into the local fabric and make them accessible to citizens. I had experiences where the postal service would not work with us to promote orderly traffic flow.

In Florida there was a post office where they were going to put in a parking lot by paving a flood plain. If a private developer had tried to do that, people would have demanded that they be put in jail.

These experiences from around the country were the inspiration for the Post Office Community Partnership Act on which we have been working the last several Congresses. The bill outlines minimum community involvement that the United States Postal Service must pursue to significantly change any post office. More important, the bill requires the postal service to fully comply with local zoning, planning and other land use laws, to play by the same rules as everyone else.

In the past, we have had a majority of the House cosponsor this legislation. Once it even passed the Senate, but so far it has been the victim of politics of postal reform. In recent sessions, all of the major efforts of more comprehensive legislation have included some variation of this bill as an enticement for passage.

The pressure from our legislation has, in fact, encouraged the postal service to make significant progress, and I have been encouraged by meetings I have had with members of the Board of Governors, the Postal Rate Commissioners, and recent Postmaster Generals. They have made progress. Outstanding examples exist from coast to coast.

In Fairview, Oregon, in my district, working with the developers in the community, the post office was the first civic building in a new development, enacted as an anchor for what has developed into a retail street. By centrally locating the post office as the developers proposed, the residents can easily walk or drive to the post office from anywhere in this village.

In Castine, Maine, the postal service first proposed moving the oldest operating post office in the country, an historic landmark, from its downtown location out to the suburbs. After a public outcry, the postal service and the town worked together to find a way to expand the existing location and keep the post office in its historic downtown location.

It is time, however, to make this relationship something that every community can count on. It should not be the exception. It should not require luck or extraordinary political action. There should be no variation in the commitment of the post office to be part of each and every community.

The recent report from the President's Commission on Postal Service is going to prompt more discussion and analysis of operations. If the recommendations are implemented from the Commission to streamline the postal service, it will result in closure of rural and innercity of post offices. Additionally, opportunities for public response and hearings will be cut, and the role will shrink to giving written complaints to the regulatory board after the decisions are made.

Now is the time to act. I urge my colleagues to sponsor the Post Office Community Partnership Act to guarantee that the postal service is a better partner and to set the tone for the Federal Government to lead by example in the livability of our communities, so that our families are safer, healthier and more economically secure.

WE WILL NOT RUN

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. DELAY) is recognized during morning hour debates for such time as he may consume.

Mr. DELAY. Mr. Speaker, 2 days ago in Iraq, the United States lost 16 soldiers in a missile attack on an Army CH–47 Chinook helicopter. Twenty more American servicemen and women were wounded. All on board were headed to Baghdad, on the way to the airport and a well-deserved break from combat service.

Today, we all mourn their loss and offer our heartfelt prayers for the victims and, most especially, their families. But, Mr. Speaker, we will not run. The United States will stay in Iraq, along with our coalition partners, until the work there is done.

Until innocent Iraqis are no longer threatened by thuggish holdovers from the old regime; until state-sponsored murderers from neighboring counties no longer enter Iraq to terrorize its people; until the citizens of Iraq have a democratic government to set their own course among the free nations of the Earth; and until the nexus of the weapons of mass destruction, international terrorism, and outlaw regimes can no longer threaten the United States from Iraq.

These things, these long overdue and wonderful things, are going to happen. Let there be no mistaking in this or any capital around the globe, justice is coming to the Middle East with hope and freedom riding close behind.

We all have always known that delivering these basic human rights to a region unfamiliar with them will be hard, but that is our mission, and one worth the sacrifice.

Just as it has been since we began debating the removal of Saddam Hussein from Iraq, this war remains a test of America's moral leadership in the world.

Are we serious about destroying international terrorism? Are we serious about holding outlaw regimes accountable for their sponsorship of it? Are we resolved to see our mission through to the end, despite the disproportionate costs and risks we must assume? And finally, is human freedom worth fighting for?

The answers to all of these, of course, is yes. And so we will not run. No matter how perilous our journey, we will stand and fight and humanity will win. Iraq will be free. Terrorism will fall. Evil will be turned back. And the Chinook 16, Mr. Speaker, will not have died in vain.

AMERICA WILL NOT RETREAT

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

Mr. COBLE. Mr. Speaker, I voted in favor of the resolution to remove the poisonous, snake-infested Iraqi regime because I believe it was the appropriate response.

Do I approve of the manner in which the postcombat peacekeeping effort is developing? No.

It appears to me that we should be beneficiary of more precise intelligence gathering from our Iraqi allies on the ground. We must insist upon better, more timely intelligence. These ruthless murderers who kill and wound our servicemen and women, who bomb and destroy hotels and other facilities must

be identified and apprehended before they subsequently kill and destroy. Granted, the borders are porous and terrorists enter at will, but I believe that better surveillance can be effected, and we must insist upon it.

Some Members of Congress, Mr. Speaker, have accused President Bush of practicing political opportunism by dispatching troops into Iraq. They should be ashamed. Common sense clearly concludes the safe political course would have been to have done nothing. President Bush acted presidential. The approval ratings of President Bush and Prime Minister Blair would be far more favorable had they turned blind eyes to Iraq. Great risk was assumed in going forward, but they responded as able leaders.

Approximately 18 months ago, an Iraqi citizen said to me, the U.S. must take out Saddam. We are afraid of him because we know what punishment and torture he is capable of inflicting. The U.S. must remove him. The world is not safe as long as he remains in power, he concluded.

I then asked him, If we remove this evil regime, will the Iraqi people embrace us or reject us?

The gentleman was silent. I repeated my question, and he reluctantly replied, I do not know. I said, Neither do I and that concerns me.

It continues to concern me. It concerns me, as well, that we have become the Rodney Dangerfield in the world of diplomacy to some; no respect for what we have done. Oh, yes, Mr. Speaker, the great majority wanted Saddam gone, but they did not want to become involved. Let someone else do the heavy lifting. Let others expose themselves to danger.

We were given warnings. The first attack on the World Trade Center in the nineties; our two embassies subsequently attacked; the attack upon the USS *Cole*, and we did virtually nothing in response. No surprise that the terrorists concluded these Americans have no backbone. They have no will to respond. We can attack them with impunity. Then 9/11. Some insist we should have delayed our efforts to remove Saddam.

Delay for what? The U.N. was indecisive. The U.N. observed Saddam's violation of one agreement after another without reprimand, and all the while Saddam operated as he pleased. Surely, Saddam must have viewed the U.N. as his own personal dancing bear.

Some insist that our responding to the 9/11 attack was a mistake, implying that had we done nothing in response, that terrorists would simply have gone away. That gang does not simply go away.

Finally, weapons of mass destruction. There is ample evidence voiced by Democrats and Republicans alike that Iraq and Saddam did possess, in fact, weapons of mass destruction. They have not been detected, but do we then conclude that these weapons do not exist? Neither have Saddam nor Osama bin Laden been detected, so applying this logic, I suppose they do not exist.

We are at war. And war has a way, Mr. Speaker, of frustrating timetables, good intentions notwithstanding; I cite Bosnia.

I know we in the Congress are appreciative to the countries around the world that are assisting us in this effort and to our servicemen and women as well. If we prevail, the world will be better for it, but we must be strong. As we know from the outset, it will not be a quick fix. Many have compared Saddam and Osama bin Laden and their fellow terrorists with Adolf Hitler, but there is a salient distinction, Mr. Speaker. Hitler and his gang wanted to conquer the world. Saddam and Osama bin Laden and their thugs are not averse to destroying the world. Therein lies a distinction, Mr. Speaker, that makes our task far more formidable.

As the majority leader just said earlier, to retreat at this juncture would be ill-advised.

GOOD ECONOMIC NEWS

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, last week brought the American taxpayers some good news. Whether it was in the USA Today newspaper, Associated Press stories, the New York Times or the Washington Post, they all said pretty much the same thing. The U.S. economy grew at a rapid pace of 7.2 percent during the third quarter of this year.

□ 1245

Mr. Speaker, this is an accomplishment that has not been seen in 19 years, or since 1984, when Ronald Reagan was President of the United States. Most economic analysts were expecting just a 6 percent gain. In addition, the growth rate accelerated from a 3.3 percent rate in the second quarter. This must come as quite a surprise to those who have been hoping for bad economic news.

I would like to greet the economic detractors with even more positive news: the value of U.S. stock markets has increased with shareholder wealth up $2.9 trillion, an increase of 22 percent since October 2002; and the 10,000 mark in the Dow Jones is well within reach. Disposable income is up 5.8 percent at an annual rate in 2003.

This is very interesting. U.S. homeownership in the United States was 68.4 percent in the third quarter. Now this is the highest level it has ever been.

Productivity growth remains strong, which has bolstered business profits. Orders of manufacturing goods have been increasing since earlier this year, and shipments of durable goods have increased since this summer after, of course, a period of decline and stagnation.

Consumer confidence has increased and consumer spending has increased on food and clothes by 7.9 percent, and this is the best increase since 1976.

Business spending on equipment and business software has increased 15.4 percent, the largest increase since 2001.

Mr. Speaker, these economic facts are evidence that what President Bush proposed and Congress passed was right in passing the Jobs Growth and Tax Relief package, that is, the tax cuts. It has given the economy the shot it needed from the recession that started at the end of the Clinton administration; and with higher economic activity, American workers obtain better wages and living standards.

While this significant growth is encouraging, we must strive to ensure that our economy continues on this positive track. Of course, we cannot logically expect that the economy will continue to grow at this rate as it did in the third quarter, but most private forecasters predict the economy will be above the historical average.

Of course, one thing a good economy must do is create jobs; 57,000 new jobs were created in September, the first gain in nonfarm payroll employment since January. This is positive news, and we are seeing signs that the labor market is improving. Initial claims for unemployment insurance have declined by more than 10 percent, and the 4-week moving average has stayed below 400,000 claims for 4 straight weeks.

As the economy has recovered, the U.S. has become more productive. With higher productivity, fewer people are needed to do the same job. Because of this, there has not been a corresponding job increase in the national economic growth.

Of course, I think there is more we need to do to continue these progrowth policies. I would offer one caveat this afternoon. Part of a progrowth economic policy is to reduce spending. Federal Government spending increased by 1.4 percent in the third quarter alone. 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. If we continue to follow an alarming increase in Federal spending, the government will be faced with more and more difficult choices, none of which will help our economic recovery and economic growth.

We have a healthy economy to look forward to today. Let us keep it that way. Let us control government spending.

RECESS

The SPEAKER pro tempore (Mr. RENZI). 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 49 minutes p.m.), the House stood in recess until 2 p.m. today.

□ 1400

AFTER RECESS

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

PRAYER

The Reverend Johnny L. Green, Senior Pastor, Bethel Assembly of God, Savage, Maryland, offered the following prayer:

O Lord, I stand before You this afternoon in this prestigious place; a place where decisions are made and honor is given; a place where discussions and debates are challenged and recommendations are forwarded; yes, Lord, in this place. In this home of the free and land of the brave, Your Word tells us to ''make prayers, intercession, and thanksgiving for those in authority, for this pleases You.'' I offer that prayer today. For this opportunity to pray for our Nation, its leaders, and our people, I give You thanks. For each man and woman chosen to lead in the directing of this Nation, would You provide wisdom and guidance for them to perform it? May each Representative here truly acknowledge and seek Your grace in every decision they make. For it is by Your grace that I stand here today and proclaim ''How Great Thou Art.'' Lord, please bless America. 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 Illinois (Mr. DAVIS) come forward and lead the House in the Pledge of Allegiance.

Mr. DAVIS of Illinois 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.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. TURNER of Ohio. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

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

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 3, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 3, 2003 at 11:40 a.m.

That the Senate passed without amendment H.R. 3288.

That the Senate passed without amendment H. Con. Res. 159.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 3, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 3, 2003 at 6:26 p.m.

That the Senate agreed to conference report H.R. 2691.

That the Senate agreed to conference report H.R. 3289.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

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.

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

JOHN G. DOW POST OFFICE BUILDING

Mr. TURNER of Ohio. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3166) to designate the facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, as the ''John G. Dow Post Office Building.''

The Clerk read as follows:

H.R. 3166

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

SECTION 1. JOHN G. DOW POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, shall be known and designated as the ''John G. Dow 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 John G. Dow Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TURNER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. TURNER of Ohio. 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 gentleman from Ohio?

There was no objection.

Mr. TURNER of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3166, introduced by the gentleman from New York (Mr. ENGEL), designates this U.S. Postal Service facility in Tappan, New York as the ''John G. Dow Post Office Building.'' The entire New York State delegation has cosponsored this legislation.

Congressman John Dow was elected to a seat in this House from the people of New York's Hudson Valley in 1964. He dutifully served three terms in this body during the height of the Vietnam War. He was known for his strong opposition to the war during that tumultuous period in American history.

Congressman Dow passed away on March 11th of this year at the age of 97. He was a principled, poised, and passionate representative of the people of New York.

Along with the gentleman from New York (Mr. ENGEL), I certainly want to extend the best wishes of this House to the family of John Dow. The post office in Tappan will be a deserved commemoration of his public service. Mr. Speaker, I urge all Members to support the passage of H.R. 3166, and I congratulate the gentleman from New York for having his bill considered by the whole House.

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, as a member of the House Committee on Government Reform, I rise in support of H.R. 3166, legislation naming a postal facility located at 57 Old Tappan Road in Tappan, New York, after John G. Dow. H.R. 3166, introduced by the gentleman from New York (Mr. ENGEL) 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 New York State delegation.

Mr. John G. Dow was a former Member of Congress and a staunchly liberal New York Democrat from the lower Hudson Valley. One of the earliest congressional opponents of the Vietnam War, he died in March of this year at the age of 97. John Dow was born in New York City in 1905 and grew up in New Jersey. His family later moved to Kennebunkport, Maine. He graduated from Harvard University, became a businessman and began dabbling in local politics, serving as chairman of the Zoning and Appeals Board.

In 1964, Mr. Dow won election to Congress, representing Rockland County, New York. Representative John Dow served two terms before he was defeated. He later ran again and won his seat back, serving one term before being defeated by Representative Benjamin Gilman.

Mr. Speaker I commend my colleagues for seeking to honor the memory of the late Representative John Dow by naming a postal facility after him, and I urge swift adoption of this bill.

Mr. ENGEL. Mr. Speaker, I rise in support of H.R. 3166, legislation to name the United States Postal Facility at 57 Old Tappan Road in Tappan, New York after former Congressman John G. Dow. The House of Representatives lost a member of its family on March 11th of this year when John Dow passed on at the age of 97. After living a storied life dedicated to serving the propel of Rockland County and the State of New York, it is a privilege to honor this great man on the floor of the House of Representatives.

Born and bred in New York, John Dow earned a bachelor's degree from Harvard University and later a master's from Columbia University. In 1954 he began his career in public service holding the post of Civil Defense Director in Grandview, NY and later Chairman of the Grand View Zoning Board of Appeals. John Dow then stepped onto the national political scene, winning a seat in Congress in 1965 in the 22nd Congressional District, which encompassed Rockland County.

John Dow served just six years in Congress but his imprint on this body was far greater than his tenure. He was one of the few Members of Congress that openly questioned and opposed the U.S. involvement in the Vietnam War. Despite popular opinion, he spoke out against laws that would ban flag burning and fiercely defended the civil rights movements, even marching in the south to show his support for equal rights. He was an independent thinker that did not always take the popular stand but fought for what he felt was right for Rockland County, for New York, and for the United States.

John Dow upheld the great values of this country at a time when we most needed it. He was considered a voice of dissent in the Congress against the Vietnam War even though it was a President of the same party leading us into that war. John Dow's warnings and cautions would ring true in later years as the reality of the Vietnam War set in. His principled stance eventually cost him the opportunity to continue serving in Congress but that did not deter him. As the political winds shifted, John Dow was swept out of office in 1968. He would return for another term, winning election in 1970, but would lose his seat for good two years later. However, John Dow would continue serving the people of New York and Rockland County until his death.

Mr. Speaker, I am a life-long New Yorker and I am proud of that fact. I am proud to serve the people of my district and the Rocklanders that John Dow once represented. It is a tribute to his service and his memory that every Member of the New York delegation, Democrat and Republican alike cosponsored this legislation to honor one of our own. I want to thank Chairman DAVIS and Congressman WAXMAN for expediting this legislation so that we can honor Congressman Dow and his service to this great nation.

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

Mr. TURNER of Ohio. Mr. Speaker, I urge passage of H.R. 3166. 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 Ohio (Mr. TURNER) that the House suspend the rules and pass the bill, H.R. 3166.

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.

S. TRUETT CATHY POST OFFICE BUILDING

Mr. TURNER of Ohio. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3029) to designate the facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, as the ''S. Truett Cathy Post Office Building''.

The Clerk read as follows:

H.R. 3029

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

SECTION 1. S. TRUETT CATHY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, shall be known and designated as the S. Truett Cathy 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 S. Truett Cathy Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TURNER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. TURNER of Ohio. 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 gentleman from Ohio?

There was no objection.

Mr. TURNER of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3029, introduced by the distinguished gentleman from the State of Georgia (Mr. SCOTT) designates the U.S. Postal Service facility in Jonesboro, Georgia, as the ''S. Truett Cathy Post Office Building.'' All members of the Georgia State delegation have signed on to this legislation.

Mr. Speaker, this legislation honors a wonderful American entrepreneur, S. Truett Cathy. The respected founder of the Chik-Fil-A restaurant chain, Mr. Cathy has developed one of the most successful privately-owned restaurant chains in the United States. S. Truett Cathy lived the American Dream by spending just a few thousand dollars to open a tiny diner with his brother, Ben, in the Atlanta suburb of Hapeville, Georgia, in 1946. It was almost 20 years later, in 1967, before Mr. Cathy opened his first Chik-Fil-A restaurant in an Atlanta shopping mall. Today there are over 1,000 Chik-Fil-A restaurants from coast to coast.

Many people know that Chik-Fil-A restaurants are not open on Sundays. This has been true ever since the first restaurant opened in 1967. Mr. Cathy makes no exceptions for his ''closed-on-Sunday'' policy, ensuring that all Chik-Fil-A employees have a chance to worship, spend time with their families and friends, and simply relax 1 day a week. On his day off, Mr. Cathy has taught Sunday school classes for nearly 50 years.

Mr. Cathy also should be recognized for his work in offering educational scholarships. He has established the Chik-Fil-A Team Member Scholarship that awards a $1,000 scholarship to 25 Chik-Fil-A employees each year, encouraging them to pursue advanced educations. Chik-Fil-A has generously given away nearly $18 million to its employees through this program. Mr. Cathy has also created the WinShape Centre Foundation that annually grants dozens of $24,000 scholarships to students wishing to attend Berry College in Rome, Georgia. Chik-Fil-A has also provided $25,000 in general scholarship funds to each of the universities who participate in the Chik-Fil-A Peach Bowl football game in late December.

Mr. Speaker, for all these reasons, I commend the gentleman from Georgia for his meaningful work on H.R. 3029 that honors S. Truett Cathy. S. Truett Cathy's success as an entrepreneur and charity as a philanthropist are truly worthy of commendation by this House.

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, I am pleased to join with the gentleman from Ohio (Mr.

TURNER) in support of H.R. 3029, legislation naming a Postal Service facility located at 255 North Main Street in Jonesboro, Georgia, after S. Truett Cathy. H.R. 3029 was introduced by the gentleman from Georgia (Mr. SCOTT) on September 5, 2003. The bill has met the Committee on Government Reform policy and has the support and cosponsorship of the entire Georgia delegation.

S. Truett Cathy is the founder and chairman of the third largest fast-food chicken chain in the United States. The first restaurant opened in 1967 in Atlanta, Georgia. As of February, 2003, there are more than 1,000 restaurants in 36 States and Washington, D.C.

Not content to be just a successful businessman, Mr. Cathy continues to give back to his community. He provides leadership scholarships to employees, scholarships to young people to attend college, sponsors long-term care for foster children, and a summer camp program to build self-esteem. He also sponsors golf and football sporting events.

□ 1415

Mr. Speaker, naming a postal facility after Mr. S. Truett Cathy continues the tradition of honoring dedicated and committed individuals who make a difference in their community and in our Nation. I am pleased to join in urging swift adoption of H.R. 3029.

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

Mr. TURNER of Ohio. 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 Georgia (Mr. SCOTT), the proud Georgian sponsor of this legislation.

Mr. SCOTT of Georgia. Mr. Speaker, I thank the distinguished gentleman from Illinois (Mr. DAVIS) and the gentleman from Ohio (Mr. TURNER) for their excellent remarks.

Mr. Speaker, as the sponsor of this legislation today, I am pleased to speak on the House floor regarding H.R. 3029. This legislation honors a Georgia entrepreneur and restaurateur and a great American, S. Truett Cathy, the founder, chairman and CEO of Chick-Fil-A, Incorporated. This legislation designates the post office in Jonesboro, Georgia, in my district, as the S. Truett Cathy Post Office Building. I appreciate the support of the entire Georgia congressional delegation, which has cosponsored this important legislation.

The Chick-Fil-A story began in 1946 when Truett and his younger brother, Ben, spent $10,000 to open a tiny 24-hour restaurant called the Dwarf Grill in Hapeville, Georgia; and the Dwarf Grill still stands in Hapeville, Georgia. In 1967, Mr. Cathy opened his first Chick-Fil-A restaurant at Atlanta's Greenbriar Mall, which established the in-mall fast-food quick-service restaurant concept in this Nation. Today, Chick-Fil-A is the third largest quick-service chicken restaurant chain in the entire United States based on annual sales. Currently, there are more than 1,080 restaurants in 36 States and in Washington, D.C.

Truett Cathy is a devoted religious man who built his life and his business based upon hard work, humanity, humility, and Biblical principles. Based on these principles, all of Chick-Fil-A's restaurants operate with a closed-on-Sunday policy, without exception, to allow the employees of Chick-Fil-A to attend services on Sunday. When not managing his company, Cathy donates his time to community efforts and teaches a Sunday school class to 13-year-old boys, as he has done for more than 45 straight years.

Chick-Fil-A's official statement of corporate purpose says that it exists ''to glorify God by being a faithful steward of all that is entrusted to us and to have a positive influence on all who come in contact with Chick-Fil-A.'' That is why Mr. Cathy invests in scholarships, character-building programs for kids, foster homes and other community services.

Mr. Cathy has established the WinShape Centre Foundation, the Leadership Scholarship Program, and the WinShape Homes Program. The WinShape Center Foundation annually awards 20 to 30 students wishing to attend Berry College in Georgia with $24,000 scholarships that are jointly funded by the Rome, Georgia, institution. Through its Leadership Scholarship Program, the Chick-Fil-A chain has given over $17.5 million in $1,000 scholarships to Chick-Fil-A restaurant employees since 1973. As part of his WinShape Homes Program, a long-term care program for foster children, 13 foster care homes have been started in Georgia, Alabama, Tennessee, and even in Brazil. They are operated by Cathy and the WinShape Foundation.

S. Truett Cathy is a dedicated husband and family man. He is a father and grandfather. Cathy and his wife, Jeanette, have 12 grandchildren and more than 125 foster grandchildren. Due to inspiring his life story and his dedication to community service, I am pleased to honor this great Georgian and his legacy in this manner.

I especially would like to thank my colleagues from Georgia, the gentleman from Georgia (Mr. KINGSTON), the gentleman from Georgia (Mr. BISHOP), the gentleman from Georgia (Mr. MARSHALL), the gentlewoman from Georgia (Ms. MAJETTE), the gentleman from Georgia (Mr. LEWIS), the gentleman from Georgia (Mr. ISAKSON), the gentleman from Georgia (Mr. LINDER), the gentleman from Georgia (Mr. COLLINS), the gentleman from Georgia (Mr. NORWOOD), the gentleman from Georgia (Mr. DEAL), the gentleman from Georgia (Mr. GINGREY), and the gentleman from Georgia (Mr. BURNS) for their support in joining me as sponsors of this legislation.

In addition, I would like to thank the members of the Committee on Government Reform and the committee staff for including my bill in the list of suspension bills today. I would especially like to thank my good friend, the gentleman from Illinois (Mr. DAVIS), for managing this bill on the floor, and the gentleman from Georgia (Mr. DEAL) for all his efforts as a member of the committee on behalf of my legislation.

I encourage all of my colleagues to support this legislation and pass this bill in the House today. I look forward to working with Senator MILLER and Senator CHAMBLISS and the Senate Governmental Affairs Committee and the entire Senate in order to gain quick passage of this bill in the Senate.

What an outstanding story, what an outstanding life, what an outstanding man is S. Truett Cathy. We humbly honor this great servant of God by naming this post office in Jonesboro, Georgia, after him.

Mr. TURNER of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Speaker, I rise today in support of H.R. 3029, renaming the post office in Jonesboro, Georgia, for S. Truett Cathy. I join my distinguished colleague, the gentleman from Georgia (Mr. SCOTT), in recognizing this man's great achievement in our State, in our community, and in our Nation. Truett Cathy is truly a leader and truly a friend, and I am very honored to call him a friend of not only Georgia, but of the Nation.

Certainly at his opening of that first small restaurant called the Dwarf Grill back in the 1940s, no one could have imagined the impact that he has had on our communities throughout the Nation. He developed a keen art of both marketing and culinary skills and developed what we all know as the Chick-Fil-A sandwich. I will tell you one of the things I enjoy most when I have the opportunity is to visit one of his restaurants. Begun in 1967, it is now the third largest chicken quick-serve establishment in the world.

The most interesting thing about Mr. Cathy is he has been true to his principles. As the gentleman from Georgia (Mr. SCOTT) pointed out, he chooses not to operate his business on Sunday so that his employees can worship their God and enjoy their families. He is a member and deacon of the First Baptist Church in Jonesboro.

I got to know Truett Cathy through his involvement in education, not only at Berry College, but at multiple universities around the State. At the university that I had an opportunity to be on the faculty of at Georgia Southern, he was one of our strongest supporters. We have a Chick-Fil-A Room in our university where we teach marketing. His son Dan is a graduate of Georgia Southern; and he continues to be very, very active in education throughout our State and throughout our Nation.

As the gentleman from Georgia (Mr. SCOTT) pointed out, he has the WinShape Foundation that operates long-term care programs for foster

children. He provides scholarships to Berry College, and he provides scholarships to employees of Chick-Fil-A, over $17 million worth of development and education scholarships. He believes in the youth of America. He believes that our future is in those individuals that will shape and mold and become the future leaders that we so desperately need.

I am indeed privileged to join the gentleman from Georgia (Mr. SCOTT) and to join the rest of the Georgia delegation as we provide a tribute to the life and the accomplishments of S. Truett Cathy. I urge my colleagues in this body to join us as we vote today on H.R. 3029.

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

Mr. Speaker, it is clear that Mr. Cathy is indeed a remarkable man. I congratulate the gentleman from Georgia (Mr. SCOTT) and the Georgia delegation. I urge swift passage of this legislation.

Ms. MAJETTE. Mr. Speaker, I rise today to honor S. Truett Cathy. Guided by his ability, dedication, and faith, Mr. Cathy took a small restaurant in Atlanta, Georgia, and built Chik-Fil-A, Inc., the third largest fast food chicken restaurant in America, with more than 1,080 restaurants nationwide.

This is in itself a great enterprise. Yet Mr. Cathy, through his success in business and exemplary community service, has come to serve as a paradigm of excellence. In 1984, Mr. Cathy founded the WinShape Center Foundation, designed to ''shape winners'' by helping young people succeed in life through scholarships and other youth-support programs.

Like Mr. Cathy, the foundation he began is the epitome of responsible citizenry. The foundation annually joins Berry College in Rome, Georgia to award 20 to 30 students with $24,000 scholarships. In addition, through its Leadership Scholarship Program, the Chick-Fil-A chain has awarded more than $17.5 million in $1,000 scholarships to Chick-Fil-A restaurant employees since 1973. Chik-Fil-A's partnerships with the LPGA and college football's Peach Bowl have resulted in more than $1.25 million for WinShape homes and other charities in 2002 alone.

Mr. Cathy's philanthropic endeavors extend to children as well. As part of his WinShape Homes program—a long-term care program for foster children—Mr. Cathy launched and operates 13 foster care homes in Georgia, Alabama, Tennessee, and Brazil. These homes, accommodating up to 12 children with two full-time foster parents, provide long-term care for foster children with a positive family environment. In addition, more than 1,600 young campers from throughout the country attend annual sessions at Camp WinShape. An initiative of the WinShape Center Foundation, this camp offers a series of two-week summer programs to help boys and girls build self-esteem through physical and spiritual activities.

Mr. Cathy is a devoutly religious man who built his life and business on hard work, humanity and biblical principles. Based on his strong faith and sense of purpose, all of Chik-Fil-A's restaurants operate with a ''closed-on-Sunday'' policy, allowing employees to practice their faith and spend time with their families. Mr. Cathy spends his day off teaching a Sunday school class to 13-year-old boys, as he has done for more than 45 years.

S. Truett Cathy represents the best that Georgia and this country has to offer. I am proud to be a co-sponsor of H.R. 3029, designating the post office of Jonesboro, Georgia as the ''S. Truett Cathy Post Office Building.''

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

Mr. TURNER of Ohio. Mr. Speaker, I have no other speakers. I urge passage of H.R. 3029, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and pass the bill, H.R. 3029.

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.

MAJOR HENRY A. COMMISKEY, SR. POST OFFICE BUILDING

Mr. TURNER of Ohio. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2438) to designate the facility of the United States Postal Service located at 115 West Pine Street in Hattiesburg, Mississippi, as the ''Major Henry A. Commiskey, Sr. Post Office Building''.

The Clerk read as follows:

H.R. 2438

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

SECTION 1. MAJOR HENRY A. COMMISKEY, SR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 115 West Pine Street in Hattiesburg, Mississippi, shall be known and designated as the ''Major Henry A. Commiskey, Sr. 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 Major Henry A. Commiskey, Sr. Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TURNER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. TURNER of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2438.

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

There was no objection.

Mr. TURNER of Ohio. 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. 2438. This post office designation bill, introduced by the gentleman from Mississippi (Mr. TAYLOR), honors the service of Major Henry A. Commiskey, Sr.

Major Commiskey earned the Medal of Honor and a Purple Heart for his service to our Nation in the U.S. Marine Corps. Born on January 10, 1927, in Hattiesburg, Mississippi, he enlisted in the Marines at age 17. He ultimately served in the Pacific Theater during World War II. Major Commiskey earned the Purple Heart for his valor during the invasion of Iwo Jima in 1945.

After World War II ended, he returned safely home and continued to serve in the Marine Corps. He advanced to the rank of staff sergeant and became a drill instructor at Parris Island, South Carolina. When war broke out in Korea, he was shipped overseas again. For his tremendous efforts during the conflict in Korea, he earned the Medal of Honor.

Mr. Speaker, we owe so much to members of our Armed Forces who have fought for democracy and freedom throughout our Nation's history. Major Commiskey deserves all our thanks and praise, and this legislation is a way for the Members of this House to honor his brave legacy.

Mr. Speaker, I urge support for H.R. 2438 that names a post office after the late Major Henry A. Commiskey, Sr.

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, I rise in support of H.R. 2438, legislation naming a postal facility located at 115 West Pine Street in Hattiesburg, Mississippi, after Major Henry A. Commiskey, Sr. H.R. 2438, introduced by the gentleman from Mississippi (Mr. TAYLOR) on June 11, 2003, was unanimously approved by our committee on July 10, 2003. The measure has met the Committee on Government Reform policy and has the support and cosponsorship of the entire Mississippi State congressional delegation.

Mr. Speaker, Henry A. Commiskey was born in Hattiesburg, Mississippi, in 1927. He enlisted in the Marine Corps at age 17 during World War II and participated in the 1945 invasion of Iwo Jima, where he earned the Purple Heart. He remained in the corps after the war, rose to the rank of staff sergeant to become a drill instructor at Parris Island, and then graduated from Officer Candidate School in 1949.

Henry volunteered for combat service at the outbreak of the Korean War and was presented the distinguished Medal of Honor by President Truman in 1951 for leading a charge up Hill 85 in North Korea and killing seven enemy soldiers in hand-to-hand combat on September 20, 1950.

Henry A. Commiskey obtained the rank of major before retiring from the corps.

Last year, the Hattiesburg City Council and the Board of Supervisors for Forrest County, Mississippi, passed official resolutions requesting the assistance of the gentleman from Mississippi (Mr. TAYLOR) in renaming the city's downtown post office after the late Major Henry A. Commiskey, Sr., a long-time resident of the community and Medal of Honor recipient from the Korean War.

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I want to thank the gentleman from Virginia (Chairman DAVIS) and the gentleman from California (Ranking Member WAXMAN) and the House majority and minority leadership for moving this bill to the floor so expeditiously. I also commend my colleague, the gentleman from Mississippi (Mr. TAYLOR) for seeking to honor the tremendous sacrifice of Major Commiskey.

Mr. Speaker, I know that the gentleman from Mississippi (Mr. TAYLOR) has been trying to get here, but he has been traveling from Mississippi and has not made it yet. He wanted to be here to speak in favor of this legislation. Unfortunately, he did not make it. So I will insert his statement in the RECORD at the appropriate place, and I urge swift passage of this bill.

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

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

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and pass the bill, H.R. 2438.

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 THE SENSE OF CONGRESS IN SUPPORT OF THE NATIONAL ANTHEM ''SINGAMERICA'' PROJECT

Mr. TURNER of Ohio. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 262) expressing the sense of the Congress in support of the National Anthem ''SingAmerica'' project.

The Clerk read as follows:

H. CON. RES. 262

Whereas the performance and singing of traditional, patriotic music has served as a vital instrument for the recruitment and retention of members of the armed forces of the United States, has been a catalyst for the development of public support for a common defense policy, and has united Americans of all backgrounds throughout the history of the United States as an inspirational expression of the national purpose of freedom;

Whereas the national anthem, the Star Spangled Banner, holds a special place in the hearts and minds of the American people as a symbol of national unity, resolve, and willingness to sacrifice in order to preserve the nation's sacred heritage of freedom;

Whereas the members of the MENC: the National Association for Music Education, the officers of the Smithsonian Institution, and the members of the American Sportscasters Association have joined in the National Anthem ''SingAmerica'' project to restore the original Star Spangled Banner flag and to renew national awareness of the patriotic musical traditions of the United States; and

Whereas this dynamic national initiative promises to invigorate and inspire the American people to have a greater appreciation of their patriotic musical heritage and the preeminent role that heritage has in promoting national defense efforts, motivating public and military service, infusing national pride, encouraging good citizenship practices, and teaching American history: Now, therefore, be it

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

(1) commends the MENC: The National Association for Music Education, the Smithsonian Institution, the American Sportscasters Association, and all those involved in the National Anthem ''SingAmerica'' project for their initiative to promote national awareness of the patriotic musical heritage of the United States; and

(2) urges all Americans to assist, enjoy, and participate in the National Anthem ''SingAmerica'' project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TURNER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. TURNER of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

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

There was no objection.

Mr. TURNER of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 262, introduced by the distinguished chairman of the Committee on Government Reform, the gentleman from Virginia (Mr. DAVIS), expresses support for the National Anthem ''SingAmerica'' project.

Mr. Speaker, the ''SingAmerica'' project is an ongoing patriotic effort about which most Americans may not be aware. ''SingAmerica'' is a collaboration between the Smithsonian National Museum of American History and the National Association for Music Education, along with a great deal of support from the American Sportscasters Association. The project aims to remind all Americans of the importance of our magnificent National Anthem.

The project has begun this fall during the National Football League season by encouraging the singing of the National Anthem before all games. Other professional sports leagues will also take part in the project over the next few years, including the National Basketball Association, the Women's National Basketball Association, and Major League Baseball.

The culminating event of the ''SingAmerica'' project will be here in Washington, D.C. on June 14, 2006. This event will be called ''A Star Spangled Celebration'' and will feature the President and First Lady, celebrity musicians, and literally thousands of bands from across the country. These artists will join together for the largest performance of the National Anthem in history.

Mr. Speaker, on behalf of the gentleman from Virginia (Chairman DAVIS), I urge all Americans to enjoy and participate in the National Anthem ''SingAmerica'' project. I also urge all Members to support the adoption of House Concurrent Resolution 262.

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, the members of the National Association for Music Education, the offices of the Smithsonian Institute, and the members of the American Sportscasters Association have joined in the National Anthem ''SingAmerica'' project.

The ''SingAmerica'' project aims to restore the original Star Spangled Banner Flag and to renew national awareness of the patriotic musical traditions of the United States. The performance and singing tradition of patriotic music has served as a vital instrument for the recruitment and retention of the Armed Forces of the United States. Such patriotic music can be found on the SingAmerica! Patriotic Collection CD, which marks the first time all of the U.S. military bands: Army, Marine Corps, Navy, Air Force, and Coast Guard have been recorded on a single album.

The National Anthem and the Star Spangled Banner hold a special place in the hearts and minds of the American people as symbols of national unity, resolve, and willingness to sacrifice in order to preserve the Nation's sacred heritage of freedom. This resolution urges all Americans to assist, enjoy, and participate in the National Anthem ''SingAmerica'' project.

Sometimes, when you are listening to just the song, you can imagine that you see Francis Scott Key as he looked out and saw that the flag was still waving in the pitch of battle and was inspired to write the words ''Oh, say can you see by the dawn's early light. What so proudly we hailed at the twilight's last gleaming.''

Or, you think of other patriotic songs like ''America, The Beautiful'' and ''God bless America.'' All of those symbolize what America has been, but also what America has the potential of being.

Mr. Speaker, this is an excellent project, and I would urge passage of this resolution.

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

Mr. TURNER. Mr. Speaker, I have no other speakers. I urge all Members to support the adoption of House Concurrent Resolution 262. I thank the gentleman from Virginia (Chairman DAVIS) for introducing this patriotic measure.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 262.

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. TURNER of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RECOGNIZING AND SUPPORTING FINANCIAL PLANNING WEEK

Mr. TURNER of Ohio. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 176) supporting the goals and ideals of Financial Planning Week, recognizing the significant impact of sound financial planning on achieving life's goals, and honoring American families and the financial planning profession for their adherence and dedication to the financial planning process.

The Clerk read as follows:

H. CON. RES. 176

Whereas the financial planning process can play a vital role in helping American workers achieve financial independence by empowering them to identify and manage realistic financial objectives and negotiate the financial challenges that arise at every stage of life;

Whereas all Americans can improve their quality of life by securing competent, objective, and comprehensive financial advice to assist them in attaining their financial goals;

Whereas, in the past year, proclamations have been issued in numerous States and the District of Columbia recognizing the importance of the financial planning process in meeting the goal of financial independence and other long-term financial objectives;

Whereas widespread adherence to a financial planning process can help reduce the burdens and obligations of the public and private sectors in providing a financial safety net for less fortunate Americans; and

Whereas the Financial Planning Association has designated the week beginning October 6, 2003, as ''Financial Planning Week'': Now, therefore, be it

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

(1) supports the goals and ideals of ''Financial Planning Week'';

(2) recognizes the significant impact that sound financial planning can have on securing financial independence and achieving life's goals and dreams;

(3) acknowledges and commends the millions of American families across the United States, as well as the financial planning profession, for their adherence and dedication to the financial planning process; and

(4) encourages the American people to observe ''Financial Planning week'' with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TURNER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. TURNER of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

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

There was no objection.

Mr. TURNER of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 176 supports the goals and ideals of Financial Planning Week. This resolution, introduced by the gentleman from Pennsylvania (Mr. PLATTS), the chairman of the Committee on Government Reform Subcommittee on Government Efficiency and Financial Management, aims to make all Americans aware of the importance of effective financial planning to prepare for all stages of life.

Mr. Speaker, all Americans were happy to learn last week that the gross domestic product for the third quarter of fiscal year 2003 grew at a rate of 7.2 percent, the highest rate since the 1980s. Clearly, that is good news about the direction our economy is headed and, hopefully, that will translate into increased job growth and more income for all Americans.

However, smart financial planning is a timeless and invaluable way for all of us to help ensure a secure financial future. American families are working harder today than perhaps at any other time in our Nation's history, but it is imperative that we all accompany our hard work with thoughtful, personal financial planning.

I want to cite the third resolved clause of the resolution that states that ''Congress acknowledges and commends the millions of American families across the United States for their adherence and dedication to the financial planning process.'' No one takes time out to recognize the millions of Americans who are working, spending wisely, and prudently saving for their own and their family's future. This resolution attempts to acknowledge these people.

Mr. Speaker, I commend the chairman of the Subcommittee on Government Efficiency and Financial Management for introducing this important legislation, and I support the adoption of House Concurrent Resolution 176.

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, as a young child, I was taught that he or she who fails to plan, plans to fail. Therefore, Mr. Speaker, this resolution is very timely, given the sluggish economy and loss of jobs.

H. Con. Res. 176 supports the goals and ideals of Financial Planning Week. The financial planning process allows individuals to achieve their dreams by empowering themselves to identify and manage realistic financial goals, and to negotiate the financial barriers that arise at every stage of life.

Everyone can benefit from knowing about the value of financial planning and where to turn for objective financial advice. The Financial Planning Association designated the week beginning October 6, 2003 as Financial Planning Week, and with good reason.

Saving money has steadily declined in this country over the past 50 years, while borrowing has increased. In 1950, savings averaged 12.3 percent of national output. By the 1960s, it was down to 8.5 percent. By the 1980s it was down to 4.7 percent. In the early 1990s, it was only 2.4 percent. Americans need to work to achieve financial independence, and financial planning is crucial to that process.

Determining what you have, determining what resources you need for living, and setting goals are all part of the financial planning process. Experts suggest setting aside a goal to pay ourselves first, to plan and to manage our spending so that we will be able to save. We then should gradually increase the percentage of our income that we save. Over time, Americans should try to set aside enough savings to meet each of the following needs: Day-to-day living expenses, including debt repayment; common emergencies; large recurrent expenses; short-term goals; long-term goals; and special opportunities that would require substantial sums in the future.

We as individuals are responsible for becoming well-informed and for making thoughtful decisions that improve our prospects for financial security. H. Con. Res. 176 serves as a reminder of how important it is for us to save and to have a financial plan, so that we can improve not only our individual quality of life, but so that we can have a better outlook for our Nation and improve the quality of life for all Americans.

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

Mr. TURNER of Ohio. Mr. Speaker, I strongly support the adoption of House Concurrent Resolution 176, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 176.

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. TURNER of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

ORVILLE WRIGHT FEDERAL BUILDING AND WILBUR WRIGHT FEDERAL BUILDING

Mrs. CAPITO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3118) to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

The Clerk read as follows:

H.R. 3118

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

SECTION 1. ORVILLE WRIGHT FEDERAL BUILDING.

(a) DESIGNATION.—The Federal building located at 800 Independence Avenue, Southwest, in Washington, District of Columbia, shall be known and designated as the ''Orville Wright Federal Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the ''Orville Wright Federal Building''.

SEC. 2. WILBUR WRIGHT FEDERAL BUILDING.

(a) DESIGNATION.—The Federal building located at 600 Independence Avenue, Southwest, in Washington, District of Columbia, shall be known and designated as the ''Wilbur Wright Federal Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the ''Wilbur Wright Federal Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentlewoman from West Virginia (Mrs. CAPITO).

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

Mr. Speaker, H.R. 3118, offered by the gentleman from North Carolina (Mr. HAYES), designates the building located at 800 Independence Avenue, Southeast as the ''Orville Wright Federal Building,'' and the building located at 600 Independence Avenue, Southeast as the ''Wilbur Wright Federal building.''

Recognized as the fathers of aviation, Orville and Wilbur Wright were raised in Dayton, Ohio, the sons of Bishop Milton Wright and Susan Catherine Wright. The two brothers were raised in a home where education was important and creativeness was encouraged. At an early age, the boys showed an aptitude for mechanics, a skill that was useful in their early career making and selling bicycles.

In 1901, the boys built their first aircraft. Not much more than a glider and flown like a big kite, this initial step was critical in determining the aerodynamics of flight. The brothers tried various designs in their quest for flight and 2 years later, on December 17, 1903, they flew the world's first powered airplane.

Planes are still using the aeronautics developed by the Wright brothers. Their design of the propeller and wing are still the basic shapes we use today. They truly are the fathers of modern aviation.

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It is fitting that we grant the Wright brothers this important honor at this time. This December will mark 100 years since the Wright brothers took their Wright Flyer aircraft on to the dunes of Kitty Hawk, North Carolina, and ushered in the age of flight. It is doubly fitting that we grant this honor as the buildings in question are in use by the Federal Aviation Administration.

Mr. Speaker, I support this legislation and encourage my colleagues to do the same.

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

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

Mr. Speaker, I too rise in support of this legislation. It is appropriate for us to designate the Federal Government building located down on Independence Avenue as the Orville Wright Federal Building. As the gentlewoman from West Virginia (Mrs. CAPITO) pointed out, we are approaching the centennial of the birth of flight. I only wish that we had available on the floor the repartee that we had in committee, Mr. Speaker, between our colleagues from Ohio and North Carolina about what State is the true birth place of flight.

Orville and Wilbur were from Ohio. That is where their bicycle shop was located; that is where they did the engineering and the research. There were some, I would not say unkind, but pointed comments from some of our colleagues that they had to go to North Carolina to get the hot air for the lift for the initial flight, although our friend, the gentleman from North Carolina (Mr. HAYES), I think had an interesting rejoinder.

Suffice it to say, this has been an important designation for our country. Aviation has played a critical part in the development of our industry in terms of the United States military might. In terms of today, it is one of the leading employers in our country still. Despite the travail of the industry and the economy, there are still more than 600,000 employees and the United States is the leading aviation country in the world with over 600 million passenger flights, including a number of people in this Chamber whose lives would not be possible in two States were it not for aviation.

It is fitting that we honor the matchless contributions of the Wright brothers, not only to American history but to the world.

Mr. Speaker, I support the legislation and urge its passage, but do point out as Chair of the Bicycle Caucus that this is yet another American innovation in infrastructure that owes its founding to the genius behind the cycling community.

Mrs. CAPITO. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, as a pilot of 35 years of experience, I appreciate the work that was done by Wilbur and Orville Wright, and I am pleased to sponsor H.R. 3118, which will honor the memory and achievements of Orville and Wilbur Wright by naming the Department of Transportation building, which houses the Federal Aviation Administration in Washington in their honor. It is a fitting tribute to men with a vision and determination to fly.

The first 12 seconds of flight started America down the path to such accomplishments as passing the speed of sound, achieving low-Earth orbit, developing reusable manned space vehicles, and even landing on the moon.

Today the U.S. aviation system is the busiest, safest system in the world, and in large measure we have the Wright brothers to thank for this. To commemorate the 100th anniversary of the milestone event, two celebrations in North Carolina deserve special recognition. This past May, Fayetteville, North Carolina held the Festival of Flight Celebration, and in December the State of North Carolina will present the First Flight Centennial Celebration to take place at the National Park in Kitty Hawk, North Carolina, not in Dayton, Ohio, where the Wright brothers first flew. A monument to the brothers was placed on the dunes of Kitty Hawk.

As we approach the 100th anniversary of the birth of aviation at Kitty Hawk, North Carolina, it is indeed fitting to recognize these two aviation pioneers by naming the Federal buildings at 600 and 800 Independence Avenue in their honor. I thank the Wright brothers.

Mr. TURNER. Mr. Speaker, the designation of two Federal Aviation Administration buildings in Washington, DC, in honor of Wilbur and Orville Wright's contribution to history with their invention of powered flight, is a fitting tribute to their conviction and courage.

I am fortunate to represent the hometown of the Wright Brothers, a place where they studied and tinkered over their design for an airplane. The lessons they learned from their failures, over time became the key to their successes.

In a little over a month, the world will celebrate the 100th anniversary of powered flight, one of the human race's greatest achievements. The contributions of powered flight to the world are immeasurable and have pushed the human race forward in countless ways.

Wilbur and Orville Wright dreamt of searing and sweeping across the sky, of far away places and thrilling adventures. They were crazy enough to believe that their dream of flight was within their grasp. On December 17, 1903, by making the dream of flight a reality, the Brothers gave us one of our hearts great desires, they gave us wings.

The Wilbur and Orville Wright Federal Buildings, located in Washington, DC, follows the long line of history makers that have left an indelible impression on the city and the country. Earlier this year, the Dayton community celebrated the Centennial of Flight and the shared aviation heritage of Dayton, OH and Kitty Hawk, NC. As a cosponsor of H.R. 3118, I am pleased to offer my support and to commend my good friend and colleague Representative ROBIN HAYES for his leadership.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 3118, a bill to designate the Federal Building located at 800 Independence Avenue as the Orville Wright Federal Building, and the Federal building located at 600 Independence Avenue as the Wilbur Wright Federal Building. Fittingly, these buildings house the headquarters of the Federal Aviation Administration.

Wilbur Wright was born on a farm near Millville, Indiana, in 1867, and his younger brother Orville was born in Dayton, Ohio, in 1871. Both boys were excellent students with a love for invention. As young men in Dayton, the Wright brothers owned a now-famous bicycle shop where they sold and repaired bicycles. In a few short years the shop was a huge success, and the men earned a reputation as talented mechanics. The profits from their bicycle shop were put toward their aviation experiments, providing the seeds of what would become our modern aviation industry.

Between 1899 and 1903 the brothers had developed five experimental airplanes, including the 1899 Wright Kite and the 1902 Glider. Then, in 1903, with a flight of 120 feet lasting a total of 12 seconds, the Wright brothers launched the world into the age of aviation. These daring experiments laid the groundwork for the American aviation industry, which in 2002 employed 621,000 people, had more than 9 million departures, carried 612,000,000 passengers, flew 25 billion miles, included 5,000 passenger jets, 1,000 cargo jets, and over several hundred propeller planes.

The Wright brothers' personal history and amazing achievements are the stuff of American legend. This designation honors the contributions they made to American history.

As we approach the 100th anniversary of the Wright brothers' historic flight at Kitty Hawk on December 17, 1903, it is a just and fitting tribute to name the Federal Aviation Administration Headquarters Buildings after the ''Fathers of Aviation''.

I urge my colleagues to honor the Wright brothers and to support H.R. 3118.

Mr. HOBSON. Mr. Speaker, I rise today in support of H.R. 3118, legislation to name the Federal office buildings at 600 and 800 Independence Avenue, SW., in Washington, DC in honor of Wilbur and Orville Wright. I thank my colleague and friend from North Carolina, Robin Hayes, for introducing this bill, and I was pleased to add my name as an original co-sponsor.

This legislation is an appropriate honor for the Wright Brothers for two reasons. First, the office buildings currently house the main offices of the Federal Aviation Administration, which was made possible by the development of manned flight. Second, these two buildings are literally across the street from the original Wright 1903 Flyer, which is maintained in its place of honor at the National Air and Space Museum.

It is also appropriate that this action will take place this year, on the centennial of the Wright Brothers' great achievement. We have already seen an amazing series of events in the Dayton, Ohio area commemorating this landmark year, and we look forward to the 100th anniversary this December, where the first flight will be appropriately commemorated at Kitty Hawk in North Carolina.

As air travel continues to change our world, there has been a growing appreciation and public interest in the earliest days of manned flight. The past few years has seen the establishment in Ohio of the Dayton Aviation Heritage National Historical Park encompassing the Wright Cycle Shop; Huffman Prairie Flying Field; the John W. Berry, Sr. Wright Brothers Aviation Center; and the Paul Laurence Dunbar State Memorial. Additionally, a new interpretive center was recently opened at Huffman Prairie at Wright-Patterson Air Force Base in my district, where the Wright Brothers perfected the techniques they first used at Kitty Hawk.

As an Ohioan, I am proud to reside in the same state as the two brothers whose invention changed the world. I appreciate Representative HAYES authoring this legislation to provide a visible and appropriate commemoration of the lives of Wilbur and Orville Wright in our Nation's Capital, and urge its approval by the House of Representatives.

Mrs. CAPITO. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentlewoman from West Virginia (Mrs. CAPITO) that the House suspend the rules and pass the bill, H.R. 3118.

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.

RECOGNIZING THE AMERICAN CONCRETE INSTITUTE

Mrs. CAPITO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 394) recognizing the American Concrete Institute's 100-year contribution as the standards development organization of the concrete industry and for the safe and technologically current construction activity it has enabled, which contributes to the economic stability, quality of life, durability of infrastructure, and international competitiveness of the United States.

The Clerk read as follows:

H. RES. 394

Whereas concrete is the world's most consumed man-made material and second only to water of all materials consumed;

Whereas production of concrete exceeded 3,500,000,000 cubic yards worldwide in 2002, more than a half cubic yard for every person on the planet;

Whereas production of concrete exceeded 500,000,000 cubic yards domestically in 2002, approximately two cubic yards for every person in the United States;

Whereas the ready mixed component alone of total concrete production in the United States in 2002 was enough to build a continuous road ten feet wide and four inches thick encircling the globe at the equator nearly 51 times;

Whereas concrete construction provided 2,000,000 jobs in the United States in 2002 during a time of economic recession;

Whereas the concrete industry provides employment to numerous skilled employees, including batchers, truck drivers, ironworkers, laborers, carpenters, finishers, equipment operators, and testing technicians, as well as professional engineers, architects, surveyors, and inspectors;

Whereas concrete was the predominant material of choice in a construction industry that built $843,000,000,000 of construction in 2001, being used in virtually every construction project;

Whereas concrete has an estimated $200,000,000 annual impact on Gross Domestic Product;

Whereas the concrete industry is a significant contributor to the economy of every Congressional district in the United States;

Whereas the many agencies of the Federal Government rely upon the American Concrete Institute, the technical society for the concrete industry, as a major standards developing organization for concrete design, construction, and repair;

Whereas the American Concrete Institute has, through its 18,000-member network of private and public sector volunteer citizens, developed and operated a review system that has provided concrete standards and guides for durable, safe, and uniform construction in the United States; and

Whereas the American Concrete Institute celebrates its 100th anniversary of service in advancing the technology of concrete for educational and scientific purposes in order to increase the knowledge and understanding of concrete materials and to support programs that improve concrete design and construction for the common good: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the American Concrete Institute—

(A) for 100 years of service to the people of the United States as the technical society for the concrete industry; and

(B) for the economic stability, quality of life, durability of infrastructure, and international competitiveness that the Institute has made possible to the United States; and

(2) encourages and supports the designation of an appropriate day as ACI Centennial Day in recognition of 100 years of service by the American Concrete Institute to the people of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentlewoman from West Virginia (Mrs. CAPITO).

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

Mr. Speaker, House Resolution 394 recognizes the American Concrete Institute's 100-year contribution as the standards development organization of the concrete industry. ACI has made a valuable and lasting contribution to our Nation's infrastructure and economy and improved the quality of life for all our citizens.

Concrete is the world's most consumed man-made material and is the predominant material of choice in a construction industry that built $843 billion of construction in the year 2001. Virtually every construction project uses concrete, from roads and bridges to homes and skyscrapers.

Major concrete operations continually function in every congressional district, creating well-paying jobs and boosting local economies. In 2002, concrete construction provided 2 million jobs in the United States. The concrete industry provides employment for numerous skilled employees, including batchers, truck drivers, iron workers, laborers, carpenters, finishers, equipment operators, and testing technicians, as well as professional engineers, architects, surveyors, and inspectors.

The American Concrete Institute has, through its 18,000-member network of public and private sector volunteer citizens, developed and operated a review system that has provided concrete standards and guides for durable, safe, and uniform construction in the United States. ACI's achievements over the past 100 years have strengthened our Nation both structurally and economically.

I commend the American Concrete Institute for 100 years of service to the people of the United States as the technical society for the concrete industry and look forward to working with them in the future to help improve our Nation's infrastructure.

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

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

Mr. Speaker, I too rise in support of this resolution. As has been pointed out, concrete is ubiquitous in terms of our daily life. Life as we experience it in the United States, and, indeed, increasingly in any developed country would be impossible without the use of this product. It does, in fact, touch every community. It is a backbone in terms of economic development for organized labor, for skilled building trades. It touches a wide array of people who are actually making the built environment.

The work that has been done by the Concrete Institute is critical. We have seen across the world examples of what happens when we rely on concrete that is not properly made, where the standards are not observed. It is a serious matter in terms of destruction where in the case of an earthquake or other natural disaster we have seen lives lost and commerce disrupted.

Here in this country, as a result of the work of the institute and the thousands of companies and professionals who are associated with it, we have been able to extend the use of concrete in creative and innovative ways, protecting the environment, enhancing the built environment.

Mr. Speaker, I congratulate the American Concrete Institute as it celebrates its 100th anniversary, advancing the technology of concrete for educational and scientific purposes in order to increase the knowledge, understanding of the materials, and the safety of our communities.

Mr. BISHOP of New York. Mr. Speaker, I rise in strong support of two resolutions under consideration in the House today: H. Con. Res. 280, which honors the 100th Anniversary of the National Stone, Sand and Gravel Association, and H. Res. 394, which recognizes the 100th Anniversary of the American Concrete Institute.

These resolutions come before us at a particularly appropriate time, as we continue working to reauthorize our Nation's primary transportation law. We all know that transportation investment yields tremendous economic dividends. For each $1 billion invested in our infrastructure, we create 47,500 jobs and generate $6.2 billion in economic activity. Of course, we could not accomplish any of this growth without the materials needed to pave new roads, build news mass transit systems, repair sidewalks and rehabilitate aging bridges.

Since coming to Congress and joining the House Transportation and Infrastructure Committee, I have had the privilege of learning more about the valuable contribution that these industries make in our communities and in the course of daily lives. If it weren't for the producers we are honoring today none of us could have flown to our Nation's capital, driven to this building or walked in this great building.

For 100 years, the National Stone, Sand and Gravel Association has represented producers of construction aggregates in this country and around the world. Their products have been the crucial building blocks in countless projects, from constructing the interstate highway system to building local hospitals for veterans. As this resolution notes, the Association has worked tirelessly to improve its products to save taxpayers money, and to further the professional development of industry employees to improve employee safety and health at workplaces.

The concrete industry has also contributed immensely to the development of our Nation. Production of concrete exceeded 3,500,000,000 cubic yards worldwide in 2002, with 500,000,000 cubic yards produced in our Nation alone. H. Res. 394 honors the American Concrete Industry's 100 years of service to the people of the United States as the technical society for the concrete industry and as an engine behind the extraordinary economic progress and prosperity that we have enjoyed as a Nation.

Mr. Speaker, I strongly support both of these resolutions, which honor great service to the American people and to the transportation community in particular. I urge my colleagues to do the same.

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

Mrs. CAPITO. Mr. 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 gentlewoman from West Virginia (Mrs. CAPITO) that the House suspend the rules and agree to the resolution, H. Res. 394.

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 NATIONAL STONE, SAND & GRAVEL ASSOCIATION

Mrs. CAPITO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 280) recognizing the National Stone, Sand & Gravel Association for reaching its 100th Anniversary, and for the many vital contributions of its members to the Nation's economy and to improving the quality of life through the constantly expanding roles stone, sand, and gravel serve in the Nation's everyday life.

The Clerk read as follows:

H. CON. RES. 280

Whereas the National Quarry Owners Association, the precursor of the National Stone, Sand & Gravel Association, was founded on May 19, 1903, and represents approximately 800 members with more than 10,000 operations across North America;

Whereas the National Stone, Sand & Gravel Association, an international trade association with members throughout the United States, Canada, Mexico and throughout the world, represents producers of construction aggregates—sand, gravel, and crushed stone—and by product volume is the largest mining trade association in the world;

Whereas the National Stone, Sand & Gravel Association has advocated tirelessly for a strong infrastructure and transportation system that serves the Nation's needs and interests;

Whereas the National Stone, Sand & Gravel Association is a key member of the Transportation Construction Coalition and a founding member of Americans for Transportation Mobility whose objective is to improve the Nation's roads, bridges, mass transit systems, waterways, airports, and water and wastewater system that are the backbone of the Nation's economy;

Whereas the National Stone, Sand & Gravel Association invests valuable resources into improving the professional development of industry employees by sponsoring educational seminars, and advocates that members maintain a strong and unwavering commitment to safety and health at workplaces;

Whereas the National Stone, Sand & Gravel Association believes all legislation and regulations should be based on sound science and encourages members to meet all established environmental, safety, and health regulatory requirements, and where possible to do better than the law or regulation requires;

Whereas among the environmental benefits of the use of aggregates are erosion and flood control, reclaimed land and water improvements, wildlife and habitat creation and enhancement, water and sewage treatment plant construction, flue gas desulfurization,

acid neutralization, and storm water runoff prevention;

Whereas the research and development supported by the National Stone, Sand & Gravel Association is creating increasingly superior asphalt and concrete products that are cost-effective, easier to maintain, and have a longer life span, resulting in significant savings for taxpayers;

Whereas 400 tons of aggregate is used on average per home and aggregate composes 80 percent of concrete and 94 percent of asphalt, making stone, sand, and gravel quarries essential members of communities as the product contributes to both the development and continued growth of neighborhoods;

Whereas the multi-modal transportation system, homes, skyscrapers, schools, hospitals, and many other structures created through the use of stone, sand, and gravel have made the economy of the United States the largest and strongest in the world providing an un-matched quality of life;

Whereas pulverized aggregates are used in the manufacture of such varied household items as paper, paint, plastics, roofing materials, cosmetics, pharmaceuticals, toothpaste, and cleansers that are important to the Nation's culture and quality of life; and

Whereas the leaders in the aggregates industry are continuously demonstrating their willingness and desire to act and operate responsibly in serving the construction needs of the country by respecting and observing the well-being and the environmental sensibilities of the communities of which they are an important part: Now, therefore, be it

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

(1) acknowledges the achievements of the National Stone, Sand & Gravel Association and celebrates this 100th anniversary milestone;

(2) recognizes the grand impact the National Stone, Sand & Gravel Association and its members have had on the business, social, and cultural landscape by helping create an unparalleled quality of life in the United States; and

(3) congratulates the National Stone, Sand & Gravel Association for this achievement and challenges the association and its members to continue its tradition of excellence, increase research and development for the benefit of consumers, and to continue its vital advocacy in support of a strong transportation system for the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentlewoman from West Virginia (Mrs. CAPITO).

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

Mr. Speaker, House Concurrent Resolution 280 recognizes the National Stone, Sand, & Gravel Association for reaching its 100th anniversary and for the many vital contributions that its members make to the Nation's economy.

The National Stone, Sand, & Gravel Association is an international trade association representing approximately 800 members with more than 10,000 operations across North America. Its members are producers of construction aggregates, sand, gravel, and crushed stone. And by product volume this association is the largest mining trade association in the world.

The National Stone, Sand, & Gravel Association is a key member of the Transportation Construction Coalition and a founding member of Americans for Transportation Mobility, whose objective is to improve the Nation's roads, bridges, mass transit systems, waterways, airports, and water and waste water treatment that are the backbone of this Nation's economy.

This association has advocated tirelessly for a strong infrastructure and a comprehensive transportation system that serves the Nation's needs and interests. I commend them for their achievements, and I look forward to working with them as we move forward with the reauthorization of the aviation, water, infrastructure, and surface transportation infrastructure programs.

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

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

Mr. Speaker, I too rise in support of our resolution today recognizing the National Stone, Sand, and Gravel Association. Again, Mr. Speaker, this is a part of the infrastructure that so many people take for granted, but they should not. This is an area that is absolutely vital to the way that we conduct our industry today. It employs well over 100,000 men and women, and the amounts of material that are moved are staggering: 2¾ billion metric tons of crushed stone, sand, and gravel.

And it is not just the dollar value that approaches $15 billion. It is the way that it fits throughout how we run our economy today. For a typical home, there are about 400 tons of crushed stone, sand, and gravel that are used in the overall construction process. For a mile of interstate highway, it is 78 million pounds of aggregate.

Without aggregate we would not have the transportation infrastructure that we depend upon, whether for sidewalks, roads, airport runways, or railroad beds. They are so essential to human activity that virtually every county in the United States of any size has at least one of these facilities. I count in my State over two dozen active quarries, and eight companies just in my congressional district.

At times this produces a little heartburn for neighbors and local officials. But having the materials from a local quarry or sand or gravel mine significantly reduces the cost to the community in terms of residential, commercial, and industrial construction. It also reduces the wear and tear on other infrastructure transporting it and it saves energy.

We are learning today how many of these aggregate operation sites, can be reclaimed and converted to further beneficial use for the community. In some cases it is residential or commercial; in other cases office parks, golf courses, parks, storm water management facilities, or even farm land.

In my community we are watching a major reclamation effort taking place with Ross Island Sand and Gravel that has had a facility for years adjacent to and, in fact, in the Willamette River. As a result of the work with our State and local authorities, the company, and its owner Dr. Robert Pamplin, Jr., we are accelerating the reclamation of 118 acres of forest, 22 acres of wetlands, 14 additional acres of shallow water habitat. There is a commitment to make it a model in our community. It is going to be a jewel that for years has provided important materials but is going to be giving back to our community for generations to come.

There are other environmental benefits from the aggregates in terms of natural filtration, aggregates used in sewage control, waste water control, the purification of drinking water, wildlife protection. In many areas there are buffers around aggregate operations that can be used for wildlife habitat.

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In terms of flue gas desulfurization, aggregates like limestone are used in the reduction of sulphur dioxide from industrial smokestacks, the treatment of landfill leachate, and landfill construction to precipitate heavy metals from discharges and to line or cap landfills.

It is not easy having these facilities in and around our communities, but they are absolutely essential and can work in harmony with the environment.

There is also work that is being undertaken now how to recycle many of these materials. The benefit economically goes far beyond just the actual output, and the estimate is that it is a multiplier effect of more than 1½ times the output of the aggregate. For each million dollars expended on aggregate, we create almost 20 jobs.

Mr. Speaker, I am pleased today that the House is taking a moment to reflect on this often invisible top. It was valuable to remind the members of the Committee on Transportation and Infrastructure of the critical role these basic materials play and the progress that has been made to continue this essential supply on into the future in ways that not only advance the built environment, but protect the natural environment as well.

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

Mrs. CAPITO. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I rise today in strong support of H. Con. Res. 280, honoring 100 years of contributions by the National Stone, Sand, and Gravel Association to the growth, strength, and prosperity and jobs in the United States. As a cosponsor, I am proud to work with members of this distinguished association on infrastructure projects that are vital to local, State, and national interests.

Members of this association play a crucial role in the economic development and job creation across the United States. A typical example can be found in my hometown of Concord, North Carolina, where Vulcan Materials Company is working cooperatively with Concord Regional Airport on expansion projects. Vulcan is supplying the airport with excess material that will be used to help extend the runway and provide areas for future hangar construction.

The new, longer runway and additional hangar space are important components in recruiting new businesses and industry to relocate to the area. The increased business investment will improve the economic opportunities and outlook for the citizens of Cabarrus County.

As we look to the future, members of this influential association will play a leading role in providing necessary infrastructure, upgrades, and improvements that will increase the productivity, efficiency, and safety, and also reliability of our transportation system for the 21st century.

As the National Sand, Stone, and Gravel Association begins its second century of service, and as a former highway contractor, I urge my colleagues and thank my colleagues for supporting this bill.

Mr. CARSON of Oklahoma. Mr. Speaker, today, I rise to acknowledge the achievements of the National Stone, Sand and Gravel Association. I commend the association for its work in creating an unparalleled quality of life in the United States, and I challenge its members to continue this standard of excellence.

The National Stone, Sand and Gravel Association, previously the National Quarry Owners Association, was founded in 1903 and today we celebrate its 100th anniversary. In the course of these 100 years, the National Stone, Sand and Gravel Association has worked tirelessly to ensure a strong infrastructure and transportation system for this nation. An international trade association, the National Stone, Sand and Gravel Association represents producers of construction aggregates and, measured by product volume, is the largest mining trade association in the world.

The National Stone, Sand and Gravel Association has made a vital contribution to the nation's economy. The transportation system, as well as homes, office buildings, schools, and hospitals, all have been created and maintained through the use of aggregates. This extraordinary contribution to the nation's economy has created an unprecedented quality of life for our citizens, helping to make the United States economy the largest and strongest in the world.

The use of sand, stone, and gravel aggregates provides many environmental benefits. Providing control of erosion and floods, improving reclaimed land and water, creating and enhancing wildlife habitats, and constructing water and sewage treatment plants are only a few benefits of aggregates. In addition, the association has sponsored numerous educational seminars and encouraged its members in an unwavering commitment to safety in the workplace.

Therefore, I rise today to congratulate the National Stone, Sand and Gravel Association on the occasion of this 100th milestone. I challenge this organization to continue its commitment to the tradition of excellence born a century ago by increasing its research and development for the benefit of our citizens and by continuing to support a strong transportation infrastructure in this great nation.

Mr. BISHOP of New York. I rise in strong support of two resolutions under consideration in the House today: H. Con. Res. 280, which honors the 100th Anniversary of the National Stone, Sand and Gravel Association, and H. Res. 394, which recognizes the 100th Anniversary of the American Concrete Institute.

These resolutions come before us at a particularly appropriate time, as we continue working to reauthorize our nation's primary transportation law. We all know that transportation investment yields tremendous economic dividends. For each $1 billion invested in our infrastructure, we create 47,500 jobs and generate $6.2 billion in economic activity. Of course, we could not accomplish any of this growth without the materials needed to pave new roads, build new mass transit systems, repair sidewalks and rehabilitate aging bridges.

Since coming to Congress and joining the House Transportation and Infrastructure Committee, I have had the privilege of learning more about the valuable contribution that these industries make in our communities and in the course of daily lives. If it weren't for the producers we are honoring today none of us could have flown to our nation's capital, driven to this building or walked in this great building.

For 100 years, the National Stone, Sand and Gravel Association has represented producers of construction aggregates in this country and around the world. Their products have been the crucial building blocks in countless projects, from constructing the interstate highway system to building local hospitals for veterans. As this resolution notes, the Association has worked tirelessly to improve its products to save taxpayers money, and to further the professional development of industry employees to improve employee safety and health at workplaces.

The Concrete industry has also contributed immensely to the development of our nation. Production of concrete exceeded 3,500,000,000 cubic yards worldwide in 2002, with 500,000,000 cubic yards produced in our nation alone. H. Res. 394 honors the American Concrete Industry's 100 years of service to the people of the United States as the technical society for the concrete industry and as an engine behind the extraordinary economic progress and prosperity that we have enjoyed as a nation.

Mr. Speaker, I strongly support both of these resolutions, which honor great service to the American people and to the transportation community in particular. I urge my colleagues to do the same.

Mr. HOLDEN. Mr. Speaker, I rise in support of H. Con. Res. 280 and congratulate my friends at the National Stone, Sand and Gravel Association on the occasion of reaching their 100th anniversary.

For 100 years, the National Stone, Sand and Gravel Association and its 800 members have made vital contributions to the Nation's economy and to improving the quality of life through the constantly expanding roles stone, sand, and gravel serve in the Nation's everyday life.

Mr. Speaker, each man, woman and child across the nation ''uses'' about 10 tons of aggregate (crushed stone, sand and gravel) each year. These aggregates are so essential to human activity that there is a quarry or sand and gravel pit in almost every county in the Nation.

Four hundred tons of crushed stone, sand and gravel are used in the construction of the average home, 38,000 tons of aggregate go into each mile of interstate highway. Pulverized minerals from rock are used in the manufacture of paint, paper, plastics, vinyl, pharmaceuticals, toothpaste, chewing gum, glass, cleansers and dozens of other everyday household items.

Without aggregates, there would be no paved streets, roads, sidewalks, airport runways or railroad beds. In fact, more than 94 percent of asphalt pavement and more than 80 percent of a concrete sidewalk is aggregate.

The National Stone, Sand and Gravel Association is a key member of the Transportation Construction Coalition and a founding member of Americans for Transportation Mobility, whose objective is to improve the Nation's roads, bridges, mass transit systems, waterways, airports, and water and wastewater system that are the backbone of the Nation's economy.

The association invests valuable resources in improving the professional development of industry employees by sponsoring educational seminars, and advocates that members maintain a strong and unwavering commitment to safety and health at workplaces.

Research and development supported by the National Stone, Sand and Gravel Association is creating increasingly superior asphalt and concrete products that are cost-effective, easier to maintain, and have a longer life span, resulting in significant savings for taxpayers.

The leaders in the aggregates industry are continuously demonstrating their willingness and desire to act and operate responsibly in serving the construction needs of the country by respecting and observing the well-being and the environmental sensibilities of the communities of which they are an important part.

Mr. Speaker, I am proud to stand in support of this resolution and give recognition to the 100th anniversary of the National Stone, Sand and Gravel Association. I strongly urge you to vote aye on H. Con. Res. 280.

Mr. PETRI. Mr. Speaker, I want to express my support for this resolution which recognizes the 100th Anniversary of the National Stone, Sand and Gravel Association. As a member of the Transportation and Infrastructure Committee, I know first hand the valuable role that the Association and all its many member companies play in building infrastructure around the country. This has a very direct impact on our quality of life and helps to maintain our transportation network that is so vital to our economic prosperity.

First founded as the National Quarry Owners Association one hundred years ago, the Association now represents about 800 members across North America. The Association devotes energy and resources to encouraging the professional development of its members, promoting safe workplaces, and conducting research to improve the quality and longevity of asphalt and concrete products.

Aggregates are one of the building blocks of our nation's infrastructure, composing 80 percent of concrete and 90 percent of asphalt. And in terms of building structures, about 400 tons of aggregate is used on the average home. The work of this industry can be seen all around us. And yet, most of us probably take for granted the contributions of this industry as we drive on roads, learn in schools, and even brush our teeth at night with toothpaste—all of which are created by aggregates in one form or another.

On the occasion of its 100th Anniversary, I want to recognize the efforts of the National Stone, Sand and Gravel Association and the many contributions its members make to our nation every day.

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

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentlewoman from West Virginia (Mrs. CAPITO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 280.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3118, H. Res. 394, and H. Con. Res. 280.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2559, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2004

Mr. YOUNG of Florida (during consideration of H. Con. Res. 280) submitted the following conference report and statement on the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes:

CONFERENCE REPORT (H. REPT. 108–342)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2559) ''making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes,'' 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 military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2004, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,448,239,000, to remain available until September 30, 2008: Provided, That of this amount, not to exceed $126,833,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for ''Military Construction, Army'' under Public Law 107–249, $137,850,000 are rescinded: Provided further, That of the funds appropriated for ''Military Construction, Army'' under Public Law 107–64, $24,000,000 are rescinded: Provided further, That of the funds appropriated for ''Military Construction, Army'' under Public Law 106–246, $17,415,000 are rescinded: Provided further, That of the funds appropriated for ''Military Construction, Army'' under Public Law 106–52, $4,350,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,238,458,000, to remain available until September 30, 2008: Provided, That of this amount, not to exceed $71,001,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for ''Military Construction, Navy'' under Public Law 107–249, $27,213,000 are rescinded: Provided further, That of the funds appropriated for ''Military Construction, Navy'' under Public Law 107–64, $18,409,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,067,751,000, to remain available until September 30, 2008: Provided, That of this amount, not to exceed $95,778,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for ''Military Construction, Air Force'' in Public Law 107–249, $23,000,000 are rescinded.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $773,471,000, to remain available until September 30, 2008: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $65,130,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for ''Military Construction, Defense-wide'' under Public Law 107–249, $72,309,000 are rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $311,592,000, to remain available until September 30, 2008.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $222,908,000, to remain available until September 30, 2008.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $88,451,000, to remain available until September 30, 2008.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $45,498,000, to remain available until September 30, 2008.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $62,032,000, to remain available until September 30, 2008.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

(INCLUDING RESCISSION)

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization

Acts and section 2806 of title 10, United States Code, $169,300,000, to remain available until expended: Provided, That of the funds appropriated for ''North Atlantic Treaty Organization Security Investment Program'' under Public Law 107–249, $8,000,000 are rescinded.

FAMILY HOUSING CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, $383,591,000, to remain available until September 30, 2008: Provided, That of the funds appropriated for ''Family Housing Construction, Army'' under Public Law 107–249, $94,151,000 are rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $1,033,026,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

(INCLUDING RESCISSION)

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, $184,193,000, to remain available until September 30, 2008: Provided, That of the funds appropriated for ''Family Housing Construction, Navy and Marine Corps'' under Public Law 107–249, $40,508,000 are rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $835,078,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION)

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, $657,065,000, to remain available until September 30, 2008: Provided, That of the funds appropriated for ''Family Housing Construction, Air Force'' under Public Law 107–249, $19,347,000 are rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $816,074,000.

FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, $350,000, to remain available until September 30, 2008.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $49,440,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

(INCLUDING RESCISSION)

For the Department of Defense Family Housing Improvement Fund, $300,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities: Provided, That of funds available in the ''Family Housing Improvement Fund'', $9,692,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $370,427,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'' to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Sea to assume a greater

share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

(TRANSFER OF FUNDS)

SEC. 121. Subject to 30 days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 122. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 123. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term ''congressional defense committees'' means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

SEC. 124. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 125. Notwithstanding this or any other provision of law, funds appropriated in Military Construction Appropriations Acts for operations and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance prior notification to the appropriate committees of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations all operations and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 126. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 127. No funds appropriated in this Act under the heading ''North Atlantic Treaty Organization Security Investment Program'', and no funds appropriated for any fiscal year before fiscal year 2004 for that program that remain available for obligation, may be obligated or expended for the conduct of studies of missile defense.

SEC. 128. (a) COMMISSION ON REVIEW OF OVERSEAS MILITARY FACILITY STRUCTURE OF THE UNITED STATES.—(1) There is established the Commission on the Review of the Overseas Military Facility Structure of the United States (in this section referred to as the ''Commission'').

(2)(A) The Commission shall be composed of eight members of whom—

(i) two shall be appointed by the Majority Leader of the Senate;

(ii) two shall be appointed by the Minority Leader of the Senate;

(iii) two shall be appointed by the Speaker of the House of Representatives; and

(iv) two shall be appointed by the Minority Leader of the House of Representatives.

(B) Individuals appointed to the Commission shall have significant experience in the national security or foreign policy of the United States.

(C) Appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(3) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(5) The Commission shall meet at the call of the Chairman.

(6) A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) The Commission shall select a Chairman and Vice Chairman from among its members.

(b) DUTIES.—(1) The Commission shall conduct a thorough study of matters relating to the military facility structure of the United States overseas.

(2) In conducting the study, the Commission shall—

(A) assess the number of forces required to be forward based outside the United States;

(B) examine the current state of the military facilities and training ranges of the United States overseas for all permanent stations and deployed locations, including the condition of land and improvements at such facilities and ranges and the availability of additional land, if required, for such facilities and ranges;

(C) identify the amounts received by the United States, whether in direct payments, in-kind contributions, or otherwise, from foreign countries by reason of military facilities of the United States overseas;

(D) assess whether or not the current military basing and training range structure of the United States overseas is adequate to meet the current and future mission of the Department of Defense, including contingency, mobilization, and future force requirements;

(E) assess the feasibility and advisability of the closure or realignment of military facilities of the United States overseas, or of the establishment of new military facilities of the United States overseas; and

(F) consider or assess any other issue relating to military facilities of the United States overseas that the Commission considers appropriate.

(3)(A) Not later than December 31, 2004, the Commission shall submit to the President and Congress a report which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(B) In addition to the matters specified in subparagraph (A), the report shall also include a proposal by the Commission for an overseas basing strategy for the Department of Defense in order to meet the current and future mission of the Department.

(c) POWERS.—(1) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) Upon request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support necessary for the Commission to carry out its duties under this section.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(5) The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) PERSONNEL MATTERS.—(1) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission under this section. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2)(A) Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission under this section.

(B) Members and staff of the Commission may receive transportation on military aircraft to and from the United States, and overseas, for purposes of the performance of the duties of the Commission to the extent that such transportation will not interfere with the requirements of military operations.

(3)(A) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as

may be necessary to enable the Commission to perform its duties under this section. The employment of an executive director shall be subject to confirmation by the Commission.

(B) The Commission may employ a staff to assist the Commission in carrying out its duties. The total number of the staff of the Commission, including an executive director under subparagraph (A), may not exceed 12.

(C) The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Any employee of the Department of Defense, the Department of State, or the General Accounting Office may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) The Chairman of the Commission 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.

(e) SECURITY.—(1) Members and staff of the Commission, and any experts and consultants to the Commission, shall possess security clearances appropriate for their duties with the Commission under this section.

(2) The Secretary of Defense shall assume responsibility for the handling and disposition of any information relating to the national security of the United States that is received, considered, or used by the Commission under this section.

(f) TERMINATION.—The Commission shall terminate 45 days after the date on which the Commission submits its report under subsection (b).

(g) FUNDING.—(1) Of the amount appropriated by this Act, $3,000,000 shall be available to the Commission to carry out this section.

(2) The amount made available by paragraph (1) shall remain available, without fiscal year limitation, until September 2005.

This Act may be cited as the ''Military Construction Appropriations Act, 2004''.

And the Senate agree to the same.

JOE KNOLLENBERG,
JAMES T. WALSH,
ROBERT B. ADERHOLT,
KAY GRANGER,
VIRGIL GOODE,
DAVID VITTER,
JACK KINGSTON,
ANDER CRENSHAW,
BILL YOUNG,
CHET EDWARDS,
SAM FARR,
ALLEN BOYD,
SANFORD D. BISHOP, Jr.,
NORMAN DICKS,
DAVID OBEY,
Managers on the Part of the House.

KAY BAILEY HUTCHISON,
CONRAD BURNS,
LARRY E. CRAIG,
MIKE DEWINE,
SAM BROWNBACK,
TED STEVENS,
DIANNE FEINSTEIN,
DANIEL K. INOUYE,
TIM JOHNSON,
MARY LANDRIEU,
ROBERT C. BYRD,
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. 2559) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, submit the following joint statement to the House of Representatives and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill (S. 1357). The conference agreement includes a revised bill.

ITEMS OF GENERAL INTEREST

Matters Addressed by Only One Committee.—The language and allocations set forth in House Report 108–173 and Senate Report 108–82 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not changed by the report of the Senate or the conference, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where the House or the Senate have directed the submission of a report from the Department of Defense, such report is to be submitted to both House and Senate Committees on Appropriations.

Army National Guard and Reserve Mobilization Facilities.—The conferees are concerned about the growing demand being placed upon mobilization facilities required to support Army National Guard and Reserve personnel. The conferees, therefore, direct the Chief of Staff of the Army to submit a report no later than April 15, 2004, which assesses the current status of Army National Guard and Reserve mobilization facilities and describes their adequacy to house, train, prepare, mobilize and demobilize soldiers. In particular the report should assess and make recommendations regarding mobilization centers' capacity to billet soldiers held for extended periods of time including for medical care and evaluation purposes. Likewise, the report should evaluate and make recommendations to improve the management of billeting resources that support mobilization.

Audit Trail Documents.—The conferees direct the Department to reinstate, beginning in March 2004, the semi-annual submission of audit trail documents as directed in House Report 99–275. These reports shall include line item detail on projects as budgeted in the Construction Annex and also include line item detail on projects funded under Minor Construction and Family Housing Improvements. The semi-annual reports shall include, but not be limited to, the following: (a) project amount (appropriation); (b) changes due to formal and below threshold reprogrammings; and (c) the current working estimate for each project. The audit trail documents shall reflect projects from fiscal year 2000 forward.

Barracks Privatization.—The conferees agree that the Department should implement without delay the recommendations in General Accounting Office (GAO) report ''Military Housing: Opportunities That Should Be Explored to Improve Housing and Reduce Costs for Unmarried Junior Service members, GAO–03–602, June 10, 2003.'' One of the findings of the GAO report is that the Department of Defense (DoD) and the services had not fully explored barracks privatization to determine whether the concept could provide a better economic value to the government than the use of military construction financing. As indicated in the FY 2003 Conference Report, the conferees continue to support the barracks privatization initiative and look forward to the Department of Navy report on lessons learned after implementation of three pilot projects (one in Norfolk, Virginia, and one each in San Diego and Camp Pendleton, California). The conferees continue to be concerned about the unknown consequences of commingling barracks privatization funds with family housing funds and the resulting integrity of the fiscal audit trail. Specifically, the conferees are concerned that the DoD and Congress must be able to clearly identify and track the financial advantages of privatizing unaccompanied barracks versus the traditional military construction approach. Merging the family housing and unaccompanied housing accounts cannot be endorsed by the conferees until further clarification of the project scope, debt structure, and impact on funding requirements can be presented.

Family Housing Operation and Maintenance: Financial Management.—The conferees agree to continue the restriction on the transfer of funds among subaccounts in the family housing operation and maintenance accounts. The limitation is ten percent to all primary accounts and subaccounts. Such transfers are to be reported to the appropriate Committees within thirty days of such action.

Family Housing Operation and Maintenance Reductions.—The conferees are concerned that the assumptions and methods underlying the budget request for family housing operation and maintenance accounts are not adequately explained by the service components. To better evaluate the efficacy of these estimates, and to more fully understand this account and its subaccounts, the conferees direct the GAO to conduct a study on the assumptions and methods utilized by each service component to develop their respective estimates, and to report to Congress no later than April 15, 2004.

Because of apparent miscalculations in estimating requirements, the conferees agree to reduce $10,000,000 each from the Army and Air Force operation and maintenance accounts. In addition, the conferees agree to reduce $17,700,000 from the Navy account, of which $7,700,000 is from the management account. Unlike the other service components, the Navy failed to adequately account for the reduction in housing units due to the public/private venture initiative.

The conferees are extremely concerned about transfers between the various family housing operation and maintenance subaccounts. Therefore, in addition to the above GAO study, the conferees direct GAO to review the transfer of funds between these accounts, including amounts over and under the established threshold and to report to Congress no later than April 15, 2004.

Housing Privatization: Rescission of Funds and Notification Requirements of Reductions in Funding.—The conferees agree to rescind $48,099,000 from Family Housing Construction accounts to reflect savings from projects where estimated equity contributions were unnecessary. Section 2853 of Title 10, United States Code, requires congressional notification of intent to cancel or reduce the scope of a previously approved military construction or family housing project by more than 25 percent. The conferees note this requirement applies to funds appropriated in the family housing improvement accounts for the purpose of privatizing military family housing. The Service Secretaries are, therefore, required to submit a 21-day prior notification of intent to cancel or reduce the amount previously appropriated for a specific housing privatization project by more than 25 percent. The notification shall include the amount of the reduction and the reasons therefor.

Clarification of Housing Privatization Reporting Requirements.—In accordance with current law, the Service Secretaries are required to submit a 30-day prior notification of each contract for the acquisition or construction of family housing units that the Secretary proposes to solicit under the housing privatization authorities and for each conveyance or lease proposed under Section 2878 of Title 10, United States Code.

Overseas Master Plans.—The conferees direct the Department to prepare comprehensive master plans for overseas military infrastructure and to submit the plans with the fiscal year 2006 budget submission instead of the fiscal year 2005 budget submission as proposed by the Senate. In addition, the conferees agree a report on the status of the comprehensive plans and their implementation is to be submitted with each yearly military construction budget submission through fiscal year 2009 instead of fiscal year 2008 as proposed by the Senate. Master plans are valuable planning documents. Therefore, the conferees may extend this requirement to installations in the continental United States.

Perchlorate.—The conferees direct the Department to submit a report identifying the sources of perchlorate on Base Realignment and Closure (BRAC) properties and the plans to remediate perchlorate contamination on these sites no later than April 30, 2004, instead of March 30, 2004 as proposed by the Senate.

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSIONS)

The conference agreement appropriates $1,448,239,000 for Military Construction, Army, instead of $1,533,660,000 as proposed by the House and $1,255,155,000 as proposed by the Senate. Within this amount, the conference agreement earmarks $126,833,000 for study, planning, design, architect and engineer services, and host nation support instead of $122,710,000 as proposed by the House and $134,645,000 as proposed by the Senate. The conference agreement rescinds $183,615,000 from funds previously provided to this account as proposed by the House and Senate. The rescissions include the following amounts:

Public Law/location	Project title	House	Senate	Conference
Public Law 107–249 (FY 2003):				
Germany: Bamberg	Child Development Center	−$7,000,000	−$7,000,000	−$7,000,000
Germany: Bamberg	Barracks Complex—Warner	−10,200,000	−10,200,000	−10,200,000
Germany: Coleman Barracks	Upgrade Access Control Points	−1,350,000	−1,350,000	−1,350,000
Germany: Darmstadt	Modified Record Fire Range	−3,500,000	−3,500,000	−3,500,000
Germany: Mannheim	Barracks Complex—Coleman	−42,000,000	−42,000,000	−42,000,000
Germany: Schweinfurt	Central Vehicle Wash Facility	−2,000,000	−2,000,000	−2,000,000
Korea: Camp Bonifas	Physical Fitness Training Center	−4,350,000	−4,350,000	0
Korea: Camp Castle	Physical Fitness Training Center	−6,800,000	−6,800,000	−6,800,000
Korea: Camp Hovey	Barracks Complex	−25,000,000	−25,000,000	−25,000,000
Korea: K–16 Airfield	Barracks Complex	−40,000,000	−40,000,000	−40,000 000
Subtotal	...	−142,200,000	−142,200,000	−137,850,000
Public Law 107–64 (FY 2002):				
Korea: Camp Hovey	Barracks Complex—Bid Savings	−10,770,000	−10,770,000	−10,770,000
Korea: Camp Stanley	Barracks Complex—Bid Savings	−13,230,000	−13,230,000	−13,230,000
Subtotal	...	−24,000,000	−24,000,000	−24,000,000
Public Law 106–246 (FY 2001): Korea: Camp Page	Barracks Complex	−17,415,000	−17,415,000	−17,415,000
Subtotal	...	−17,415,000	−17,415,000	−17,415,000
Public Law 106–52 (FY 2000): Korea: Camp Bonifas	Physical Fitness Training Center	0	0	−4,350,000
Subtotal	...	0	0	−4,350,000
Total	...	−183,615,000	−183,615,000	−183,615,000

Alabama—Anniston Army Depot: Powertrain Maintenance Facility.—The conferees agree that within funds provided for planning and design in this account, $1,000,000 shall be made available to design this facility instead of $1,050,000 in minor construction funds to construct a general instruction building at Anniston Army Depot, Alabama as proposed by the House.

Korea—Camp Humphreys: Barracks.—The administration has informed Congress of its plans to move substantial numbers of United States forces in Korea to bases south of their present locations, with Camp Humphreys being the primary consolidation point for the shift of U.S. Army combat forces and for personnel currently stationed at Yongsan Garrison. To support this transformation, the May 1, 2003 budget amendment requested that $212,000,000 in FY 2004 and prior year construction projects intended for other bases in Korea be moved to Camp Humphreys; extensive additional construction at the base is planned for future fiscal years. However, according to U.S. Forces Korea officials, no master plan exists for construction at Camp Humphreys, and cost-sharing arrangements to fund the move of U.S. forces are still under negotiation between the governments of the United States and the Republic of Korea.

While the conferees support the Defense Department's overall plan for the relocation of U.S. forces in Korea and have provided funding in this appropriations bill for two projects at Camp Humphreys, they are concerned that planning for this significant undertaking is insufficiently developed at this time. Though planning may proceed, construction may not proceed on the two barracks at Camp Humphreys provided for in this Act until:

(1) A master facilities plan is developed for the entire Camp Humphreys installation which accommodates the anticipated relocation of U.S. forces to that facility, and

(2) Cost-sharing arrangements for the relocation of U.S. forces are agreed to by the governments of the United States and the Republic of Korea.

Upon completion, the master facilities plan should be presented to the Military Construction Subcommittees.

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSIONS)

The conference agreement appropriates $1,238,458,000 for Military Construction, Navy, instead of $1,211,077,000 as proposed by the House and $1,195,659,000 as proposed by the Senate. Within this amount, the conference agreement earmarks $71,001,000 for study, planning, design, architect and engineer services instead of $65,612,000 as proposed by the House and $77,283,000 as proposed by the Senate. The conference agreement rescinds $45,622,000 from funds previously provided to this account instead of $39,322,000 as proposed by the House and Senate. The rescissions include the following amounts:

Public Law/location	Project title	House	Senate	Conference
Public Law 107–249 (FY 2003):				
North Carolina: Cherry Point	T–56 Jet Engine Test Cell	−5,942,000	−5,942,000	−5,942,000
Greece: Larissa	Bachelor Enlisted Quarters	−6,592,000	−6,592,000	−6,592,000
Iceland: Keflavik NAS	Combined Dining Facility	−14,679,000	−14,679,000	−14,679,000
Subtotal	...	−27,213,000	−27,213,000	−27,213,000
Public Law 107–64 (FY 2002):				
California: El Centro NAF	Transient Quarters—Bid Savings	0	0	−2,100,000
Guam: Guam NSA	Bachelor Enlisted Qtrs—Bid Savings	0	0	−4,200,000
Greece: Larissa	Bachelor Enlisted Quarters	−12,109,000	−12,109,000	−12,109,000
Subtotal	...	−12,109,000	−12,109,000	−18,409,000
Total	...	−39,.322,000	−39,322,000	−45,622,000

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION)

The conference agreement appropriates $1,067,751,000 for Military Construction, Air Force, instead of $896,136,000 as proposed by the House and $1,056,377,000 as proposed by the Senate. Within this amount, the conference agreement earmarks $95,778,000 for study, planning, design, architect and engineer services instead of $80,543,000 as proposed by the House and $112,075,000 as proposed by the Senate. Though not included in the House or Senate bills, the conference agreement rescinds $23,000,000 from funds provided to this account in Public Law 107–249 to reflect a classified project that is no longer needed.

Alaska—Eielson Air Force Base: Replace Working Dog Kennel.—The conferees agree that within funds provided for unspecified minor construction in this account, $1,400,000 shall be made available to construct this facility instead of construction of a kennel at Elmendorf Air Force Base, Alaska as proposed by the Senate.

California—Vandenberg Air Force Base: Consolidated Fitness Center.—Although the conferees were unable to fund this project due to severe funding constraints, the conferees recognize the importance and necessity of this facility and strongly urge the Secretary of Defense to include the project in the President's fiscal year 2005 budget submission for the Air Force.

Wyoming—F.E. Warren Air Force Base: Stormwater Drainage System.—Although the conferees were unable to fund this project due to severe funding constraints, the conferees recognize the importance and necessity of this project and strongly urge the Secretary of Defense to include the project in the President's fiscal year 2005 budget submission for the Air Force.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

The conference agreement appropriates $773,471,000 for Military Construction, Defense-wide, instead of $813,613,000 as proposed by the House and $712,567,000 as proposed by the Senate. Within this amount, the conference agreement earmarks $65,130,000 for study, planning, design, architect and engineer services instead of $63,884,000 as proposed by the House and $70,881,000 as proposed by the Senate. The conference agreement rescinds $72,309,000 from funds previously provided to this account instead of $32,680,000 as proposed by the House and Senate. The rescission includes the following amounts:

Public Law/location	Project title	House	Senate	Conference
Public Law 107–249 (FY 2003):				
Germany: Spangdahlem AB	Elementary School Classroom Addition	−997,000	−997,000	−997,000
Germany: Spangdahlem AB	Hospital Replacement	0	0	−39,629,000
Korea: Seoul	Middle School Replacement	−31,683,000	−31,683,000	−31,683,000
Total		−32,680,000	−32,680,000	−72,309,000

Chemical Demilitarization.—As proposed by the House, the conferees include funding for the construction of chemical demilitarization facilities in the ''Military Construction, Defense-wide'' account. The budget request proposed consolidating the military construction component of the Chemical Demilitarization program in the ''Chemical Agents Munitions Defense'' account funded in the Defense Appropriations bill. In the future, the Department is directed to request military construction requirements for this program under the ''Military Construction, Defense-wide'' account.

Energy Conservation Investment Program: Renewable Energy Assessment.—The conferees direct the Department to submit a final report regarding an assessment of the regional potential of renewable energy generation, transmission, and distribution by industry on or near Department of Defense installations in the United States no later than November 30, 2004, instead of July 31, 2004 as proposed by the Senate.

Energy Conservation Investment Program: Overseas Projects.—Due to uncertainties regarding the future of overseas facilities, the Department is directed to obligate no funds from the Energy Conservation Investment Program to overseas projects.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

The conference agreement appropriates $311,592,000 for Military Construction, Army National Guard, instead of $208,033,000 as proposed by the House and $304,085,000 as proposed by the Senate.

California—Sacramento: Organizational Maintenance Shop.—The conferees agree that within funds provided for planning and design in this account, $306,000 shall be made available to design this facility instead of to design a readiness center as proposed by the Senate.

Colorado—Fort Carson: Centennial Training Site (Phases II and III).—Of the funds provided for planning and design in this account, the conferees direct that not less than $3,000,000 be made available to design this facility.

Georgia—Hunter Army Airfield: Readiness Center.—The conferees encourage the Army National Guard to include this project in the fiscal year 2005 budget request instead of an Army Aviation Support Facility at Hunter Army Airfield as proposed by the House.

Idaho—Gowen Field: TASS Barracks.—The conferees agree that within funds provided for planning and design in this account, $1,140,000 shall be made available to design this facility instead of for minor construction as proposed by the Senate.

Iowa—Fort Dodge: Readiness Center.—The conferees agree that within funds provided for unspecified minor construction, $1,500,000 shall be made available to construct this facility instead of constructing a readiness center at Camp Dodge, Iowa as proposed by the Senate.

Missouri—Fort Leonard Wood: Weapons of Mass Destruction (WMD) Responder Training Facility.—Funding was allocated in fiscal year 2003 to design this new training facility. Fort Leonard Wood is providing individual and certification training for Weapons of Mass Destruction Civil Support Teams and DOD Installation Emergency Responders. There are currently no dedicated facilities to provide this training. Training of Chemical, Biological, Radiological, and Nuclear Installation Support Teams, Rapid Response Teams, and Reconnaissance and Decontamination Teams for Civil Support has been directed. Construction of the facility is urgently needed to continue this critical homeland security training. The conferees, therefore, strongly urge the Army to advance this project in the fiscal year 2005 budget request.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

The conference agreement appropriates $222,908,000 for Military Construction, Air National Guard, instead of $77,105,000 as proposed by the House and $221,013,000 as proposed by the Senate.

MILITARY CONSTRUCTION, ARMY RESERVE

The conference agreement appropriates $88,451,000 for Military Construction, Army Reserve, instead of $84,569,000 as proposed by the House and $73,979,000 as proposed by the Senate.

MILITARY CONSTRUCTION, NAVAL RESERVE

The conference agreement appropriates $45,498,000 for Military Construction, Naval Reserve, instead of $38,992,000 as proposed by the House and $34,742,000 as proposed by the Senate.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

The conference agreement appropriates $62,032,000 for Military Construction, Air Force Reserve, instead of $56,212,000 as proposed by the House and $57,426,000 as proposed by the Senate.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

(INCLUDING RESCISSION)

NATO Security Investment Program (NSIP).—The conferees agree to rescind $8,000,000 from prior appropriations due to the slow spend out rate of the program and the recurrence of carryover amounts.

FAMILY HOUSING CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

The conference agreement appropriates $383,591,000 for Family Housing Construction, Army, instead of $409,191,000 as proposed by the House and the Senate. The conference agreement rescinds $94,151,000 from funds previously provided to this account instead of $52,300,000 as proposed by the House and Senate. The rescissions include the following amounts:

Public law/location	Project title	House	Senate	Conference
Public Law 107–249 (FY 2003):				
Hawaii: Schofield Barracks	Privatize Family Housing	0	0	−21,000,000
Virginia: Fort Belvoir	Privatize Family Housing	0	0	−8,700,000
Germany: Darmstadt	Improve 48 units	−4,200,000	−4,200,000	−4,200,000
Germany: Mannheim	Improve 72 units	−10,400,000	−10,400,000	−10,400,000
Germany: Mannheim	Improve 60 units	−10,000,000	−10,000,000	−10,000,000
Germany: Heidelberg	Improve 75 units	0	0	−12,151,000
Germany: Schweinfurt	Improve 234 units	−7,600,000	−7,600,000	−7,600,000
Germany: Vilseck	Improve 36 units	−3,900,000	−3,900,000	−3,900,000
Germany: Wuerzburg	Improve 136 units	−11,200,000	−11,200,000	−11,200,000
Korea: Yongsan	Improve 8 units	−1,900,000	−1,900,000	−1,900,000

Public law/location	Project title	House	Senate	Conference
Korea: Yongsan	Replace 10 units	−3,100,000	−3,100,000	−3,100,000
Total		−52,300,000	−52,300,000	−94,151,000

Construction Improvements.—The conferees agree to reduce the amount provided for construction improvements in this account by $25,600,000 to reflect savings from two projects no longer required in Baumholder, Germany.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

The conference agreement appropriates $1,033,026,000 for Family Housing Operation and Maintenance, Army instead of $1,043,026,000 as proposed by the House and the Senate.

As proposed by the House, the conferees agree that operation and maintenance funds should be authorized for one year rather than for two years as proposed by the Senate.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

(INCLUDING RESCISSION)

The conference agreement rescinds $40,508,000 from funds previously provided to this account instead of $3,585,000 as proposed by the House and Senate. The rescission includes the following amounts:

Public law/location	Project title	House	Senate	Conference
Public Law 107–249 (FY 2003)				
California Monterey NPGS	Privatize Family Housing	0	0	−18,399,000
Hawaii Oahu	Privatize Family Housing—Bid Savings	−3,585,000	−3,585,000	−3,585,000
United Kingdom: Saint Mawgan	Replace 62 units	0	0	−18,524,000
Total		−3,585,000	−3,585,000	−40,508,000

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

The conference agreement appropriates $835,078,000 for Family Housing Operation and Maintenance, Navy and Marine Corps, instead of $852,778,000 as proposed by the House and the Senate.

As proposed by the House, the conferees agree that operation and maintenance funds should be authorized for one year rather than for two years as proposed by the Senate.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION)

The conference agreement appropriates $657,065,000 for Family Housing Construction, Air Force, as proposed by the House, instead of $657,026,000 as proposed by the Senate. The conference agreement rescinds $19,347,000 from funds previously provided to this account instead of $29,039,000 as proposed by the House and Senate. The rescission includes the following amounts:

Public law/location	Project title	House	Senate	Conference
Public Law 107–249 (FY 2003): Germany Spangdahlem AB	Improve Family Housing	−19,347,000	−19,347,000	−19,347,000
Subtotal		−19,347,000	−19,347,000	−19,347,000
Public Law 105–237 (FY 1999): Florida: Patrick AFB	Privatize Family Housing	−9,692,000	−9,692,000	0
Subtotal		−9,692,000	−9,692,000	0
Total		−29,039,000	−29,039,000	−19,347,000

The House and Senate proposed rescinding $9,692,000 from this account for funds no longer required for a housing privatization project at Patrick Air Force Base, Florida. The Department, however, transferred these funds to the Family Housing Improvement Fund (FHIF) before their authorization expired. The conference agreement, therefore, rescinds this amount from the FHIF.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement appropriates $816,074,000 for Family Housing Operation and Maintenance, Air Force, instead of $826,074,000 as proposed by the House and $834,468,000 as proposed by the Senate.

As proposed by the House, the conferees agree that operation and maintenance funds should be authorized for one year rather than for two years as proposed by the Senate.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

As proposed by the House, the conferees agree that operation and maintenance funds should be authorized for one year rather than for two years as proposed by the Senate.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

(INCLUDING RESCISSION)

As discussed in the Family Housing Construction, Air Force account, the conference agreement rescinds $9,692,000 from this account because it is no longer required for a housing privatization project at Patrick Air Force Base, Florida.

BASE REALIGNMENT AND CLOSURE ACCOUNT

New York—Seneca Army Depot.—The conferees expect the Army to comply fully with environmental remediation and building maintenance requirements as required under the BRAC process at Seneca Army Depot. The conferees direct the Army to provide a report to the Military Construction Subcommittees by March 15, 2004, detailing the current status of cleanup at Seneca Army Depot, and to include a schedule for conveying the property to the local economic development authority.

GENERAL PROVISIONS

The conference agreement includes general provisions (sections 101–122) that were not amended by either the House or Senate in their versions of the bill.

The conference agreement includes a provision, section 123, as proposed by the Senate, which requires the Secretary of Defense to notify Congressional Committees sixty days prior to issuing a solicitation for a contract with the private sector for military family housing. The House bill contained no similar provision.

The conference agreement includes a provision, renumbered section 124, as proposed by the House and the Senate, which provides transfer authority from the Base Realignment and Closure (BRAC) account to the Homeowners Assistance Program.

The conference agreement includes a provision, renumbered section 125, as proposed by the House, regarding funding for operation and maintenance of General and Flag Officer Quarters (GFOQs) to no more than $35,000 per year without notification. The Senate bill contained a similar provision with additional language permitting the use of gift funds pursuant to 10 U.S.C. 2601 for the maintenance and repair of GFOQs.

The conference agreement includes a provision, renumbered section 126, as proposed by the House and the Senate, which limits funds from being transferred from this appropriation measure to any department, agency, or instrumentality of the United States Government without authority from an appropriation Act.

The conference agreement includes a provision, section 127, as proposed by the Senate, which prohibits funds appropriated for the NSIP from being obligated or expended for the purpose of missile defense studies. The House bill contained no similar provision. The conferees are concerned about the increased use of NSIP funds to finance studies rather than construction projects. The conferees, therefore, direct the Department to submit written notification to the Military Construction Appropriations Subcommittees 21 days prior to obligating NSIP funds for any study.

The conference agreement includes a provision, section 128, as proposed by the Senate, which establishes a commission to review the overseas military force structure and to provide a report of its findings to the President and Congress no later than December 31, 2004.

Those general provisions not included in the conference agreement are as follows:

The conference agreement deletes the House provision requiring the Secretary of Defense to certify and report to Congress that the United States and the Republic of Korea have entered into an agreement on the availability of land before obligating or expending funds made available in the bill for construction projects at Camp Humphreys, Korea. The Senate bill contained no similar provision.

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
ALABAMA		
ARMY		
REDSTONE ARSENAL		
VIBRATION DYNAMIC TEST FACILITY	5,500	5,500
AIR FORCE		
MAXWELL AFB		
INTEGRATED OPERATIONAL SUPPORT FACILITY	---	12,600
SQUADRON OFFICER COLLEGE DORMITORY (PHASE III)	13,400	13,400
DEFENSE-WIDE		
REDSTONE ARSENAL		
ADMIN/OPS COMPLEX, MISSILE DEF. AGENCY (PHASE III)	---	20,000
ARMY NATIONAL GUARD		
FORT MC CLELLAN		
FIRE STATION	1,873	1,873
FORT PAYNE		
READINESS CENTER ADDITION/ALTERATION	3,648	---
MOBILE		
ARMED FORCES RESERVE CENTER (PHASE II)	2,943	2,943
SPRINGVILLE		
READINESS CENTER ADDITION/ALTERATION	3,365	---
VINCENT		
READINESS CENTER ADDITION/ALTERATION	3,353	3,353
TOTAL, ALABAMA	34,082	59,669
ALASKA		
ARMY		
FORT RICHARDSON		
BARRACKS COMPLEX - D STREET (PHASE III)	33,000	33,000
VEHICLE MAINTENANCE SHOP	---	2,500
FORT WAINWRIGHT		
ALERT HOLDING AREA FACILITY	32,000	32,000
AMMUNITION SUPPLY POINT UPGRADE	10,600	10,600
BARRACKS COMPLEX - LUZON AVENUE	21,500	21,500
MILITARY OPERATIONS ON URBAN TERRAIN FACILITY	11,200	11,200
MULTI-PURPOSE TRAINING RANGE COMPLEX	47,000	47,000
PALLET PROCESSING FACILITY	16,500	16,500
AIR FORCE		
EIELSON AFB		
DORMITORY	13,914	13,914
JOINT SECURITY FORCES COMPLEX	---	15,800
REPAIR/EXPAND ENROUTE RAMP	19,060	19,060
ELMENDORF AFB		
MAINTENANCE FACILITY	2,000	2,000
DEFENSE-WIDE		
EIELSON AFB		
REPLACE HYDRANT FUEL SYSTEM	17,000	17,000
FORT WAINWRIGHT		
HOSPITAL REPLACEMENT (PHASE V)	71,600	71,600
ARMY NATIONAL GUARD		
JUNEAU		
ORGANIZATIONAL MAINTENANCE SHOP	---	3,100
TOTAL, ALASKA	295,374	316,774
ARIZONA		
NAVY		
YUMA MARINE CORPS AIR STATION		
AIRCRAFT MAINTENANCE HANGAR	14,250	14,250
STATION ORDNANCE AREA (PHASE II)	7,980	7,980
AIR FORCE		
DAVIS-MONTHAN AFB		
C-130 APRON/SHOULDERS	1,954	1,954
HH-60 SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT	6,004	6,004
MISSION READY SUPPLY PARTS WAREHOUSE	1,906	1,906

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
LUKE AFB		
LAND ACQUISITION MODIFICATION	---	14,300
AIR NATIONAL GUARD		
TUCSON INTERNATIONAL AIRPORT		
COMPOSITE SUPPORT COMPLEX	---	5,900
TOTAL, ARIZONA	32,094	52,294
ARKANSAS		
AIR FORCE		
LITTLE ROCK AFB		
C-130 OPERATIONS TRAINING FACILITY	2,478	2,478
C-130J ADD/ALTER HANGAR 280	1,144	1,144
ARMY NATIONAL GUARD		
WARREN		
READINESS CENTER	---	3,610
TOTAL, ARKANSAS	3,622	7,232
CALIFORNIA		
NAVY		
CAMP PENDLETON MARINE CORPS BASE		
BACHELOR ENLISTED QUARTERS - SAN MATEO	22,930	22,930
TERTIARY SEWAGE TREATMENT PLANT (PHASE II)	24,960	24,960
CHINA LAKE NAVAL AIR WARFARE CENTER		
AIRFIELD PAVEMENTS UPGRADE	12,890	---
PROPELLANTS AND EXPLOSIVES LABORATORY (PHASE III)	---	12,230
LEMOORE NAVAL AIR STATION		
INTEGRATED MAINTENANCE HANGAR	24,610	24,610
OPERATIONAL TRAINER FACILITY	9,900	9,900
MIRAMAR MARINE CORPS AIR STATION		
AIRCRAFT FIRE AND RESCUE STATION	4,740	4,740
GROUND COMBAT TRAINING RANGE	---	2,900
MONTEREY NAVAL POSTGRADUATE SCHOOL		
BACHELOR OFFICER QUARTERS	35,550	35,550
EDUCATIONAL FACILITY REPLACEMENT (PHASE II)	---	7,010
NORTH ISLAND NAVAL AIR STATION		
SQUADRON OPERATIONS FACILITY	35,590	35,590
TAXIWAY/AIR TRAFFIC CONTROL TOWER	13,650	13,650
SAN NICOLAS ISLAND NAVAL AIR WEAPONS STATION		
TRANSIENT QUARTERS	6,150	6,150
SAN CLEMENTE NAVAL AIR FACILITY		
OPERATIONAL ACCESS - SHORE BOMBARDMENT AREA	18,940	18,940
SAN DIEGO NAVAL STATION		
BACHELOR ENLISTED QUARTERS - HOMEPORT ASHORE	42,710	42,710
TWENTYNINE PALMS		
BACHELOR ENLISTED QUARTERS	26,100	26,100
ENLISTED DINING FACILITY	---	13,700
EXPLOSIVE ORDNANCE OPERATIONS CENTER	2,290	2,290
AIR FORCE		
BEALE AFB		
GLOBAL HAWK DORMITORY	13,342	13,342
GLOBAL HAWK UPGRADE DOCK	8,958	8,958
EDWARDS AFB		
BASE OPERATIONS FACILITY	---	7,300
JOINT STRIKE FIGHTER COMPLEX (PHASE I)	19,060	19,060
LOS ANGELES AFB		
AREA B MAIN GATE COMPLEX	---	5,000
VANDENBERG AFB		
CONSOLIDATED FITNESS CENTER	16,500	---
DEFENSE-WIDE		
CORONADO NAVAL AMPHIBIOUS BASE		
SMALL ARMS RANGE	---	2,800
ARMY NATIONAL GUARD		
BAKERSFIELD		
READINESS CENTER	5,495	5,495

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
LOS ALAMITOS		
REPLACE UTILITIES INFRASTRUCTURE (PHASE I)	---	21,000
NAVAL RESERVE		
NORTH ISLAND NAVAL AIR STATION		
C-40 AIRCRAFT MAINTENANCE HANGAR	15,973	15,973
TOTAL, CALIFORNIA	360,338	402,888
COLORADO		
ARMY		
FORT CARSON		
VEHICLE MARSHALLING AREA	---	2,150
AIR FORCE		
BUCKLEY AFB		
UPGRADE BASE INFRASTRUCTURE (PHASE III)	6,957	6,957
PETERSON AFB		
ADD/ALTER MISSION SUPPORT FACILITY	---	10,200
DEFENSE-WIDE		
PUEBLO DEPOT ACTIVITY		
AMMUNITION DEMILITARIZATION FACILITY (PHASE IV)	---	88,388
U.S. AIR FORCE ACADEMY		
HOSPITAL ADDITION/ALTERATION	21,500	21,500
AIR NATIONAL GUARD		
BUCKLEY AFB		
CIVIL ENGINEER COMPLEX	6,900	6,900
AIR FORCE RESERVE		
PETERSON AFB		
CONSOLIDATED AERIAL PORT/AIRLIFT CNTRL FLIGHT FAC.	---	7,700
TOTAL, COLORADO	35,357	143,795
CONNECTICUT		
NAVY		
NEW LONDON NAVAL SUBMARINE BASE		
TOMAHAWK MISSILE MAGAZINE	---	3,120
DEFENSE-WIDE		
NEW LONDON NAVAL SUBMARINE BASE		
DENTAL CLINIC REPLACEMENT	6,400	6,400
ARMY NATIONAL GUARD		
NEWTOWN MILITARY RESERVATION		
WORKING ANIMAL BUILDING	2,167	2,167
STONE RANCH MILITARY RESERVATION		
FIRE STATION	2,422	2,422
TOTAL, CONNECTICUT	10,989	14,109
DISTRICT OF COLUMBIA		
NAVY		
MARINE BARRACKS, 8TH AND I		
MOTOR TRANSPORT FACILITY ADDITION	1,550	1,550
AIR FORCE		
BOLLING AFB		
AIR FORCE CENTRAL ADJUDICATION FACILITY	9,300	---
DEFENSE-WIDE		
WASHINGTON NAVY YARD		
MEDICAL/DENTAL CLINIC CONVERSION/RENOVATION	15,714	15,714
WALTER REED ARMY MEDICAL CENTER		
HOSPITAL ENERGY PLANT ADDITION	9,000	9,000
TOTAL, DISTRICT OF COLUMBIA	35,564	26,264
FLORIDA		
NAVY		
BLOUNT ISLAND		
LAND ACQUISITION	115,711	115,711

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
JACKSONVILLE NAVAL AIR STATION		
AIRCRAFT PARKING APRON (PHASE I)	---	6,000
AIRFIELD PERIMETER SECURITY	3,190	3,190
PANAMA CITY COASTAL SYSTEMS STATION		
LITTORAL WARFARE RESEARCH COMPLEX	9,550	9,550
WHITING FIELD NAVAL AIR STATION		
CLEAR ZONE LAND ACQUISITION	4,830	4,830
AIR FORCE		
HURLBURT FIELD		
AFC2TIG SYSTEM/WARRIOR SCHOOL COMPLEX	19,400	19,400
SPECIAL TACTICS ADVANCED SKILLS TRAINING FACILITY	7,800	7,800
TYNDALL AFB		
1ST AIR FORCE AIR OPERATIONS CENTER (PHASE I)	---	9,500
F-22 PARKING APRON/RUNWAY EXTENSION	6,195	6,195
DEFENSE-WIDE		
EGLIN AFB		
REPLACE JET FUEL STORAGE COMPLEX	4,800	4,800
HURLBURT FIELD		
REPLACE FUEL PIER	3,500	3,500
AC-130 SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT	6,000	6,000
MACDILL AFB		
ADD/ALTER BUILDING 501A	25,500	25,500
ARMY NATIONAL GUARD		
CAMP BLANDING		
COMBINED SUPPORT MAINTENANCE SHOP (PHASE II)	---	16,470
TOTAL, FLORIDA	206,476	238,446
GEORGIA		
ARMY		
FORT BENNING		
FIRE STATION, TWO COMPANY	---	2,850
INFANTRY SQUAD BATTLE COURSE	---	1,650
MULTI-PURPOSE TRAINING RANGE COMPLEX	30,000	30,000
FORT GORDON		
TRAINING SUPPORT CENTER	---	4,350
FORT STEWART		
BARRACKS (PHASE I)	17,000	17,000
BARRACKS COMPLEX - PERIMETER ROAD	49,000	49,000
COMMAND AND CONTROL FACILITY	25,050	---
PHYSICAL FITNESS TRAINING CENTER	15,500	15,500
NAVY		
KINGS BAY NAVAL SUBMARINE BASE		
RIFLE RANGE	8,170	8,170
WATERFRONT SECURITY FORCE FACILITY ADDITION	3,340	3,340
AIR FORCE		
ROBINS AFB		
CONSOLIDATED AIRCRAFT MAINTENANCE FACILITY	---	7,900
CORROSION CONTROL PAINT FACILITY	25,731	25,731
J-STARS FLIGHT SIMULATOR FACILITY	2,954	2,954
DEFENSE-WIDE		
FORT BENNING		
PHYSICAL EVALUATION CENTER	2,100	---
ARMY RESERVE		
FORT GILLEM		
ORG MAINT SHOP/DIRECT SUPPORT/PARTS WHSE/STORAGE	7,620	7,620
AIR FORCE RESERVE		
DOBBINS ARB		
CONSTRUCT NORTH SIDE OVERPASS	---	4,200
TOTAL, GEORGIA	186,465	180,265

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
HAWAII		
ARMY		
HELEMANO MILITARY RESERVATION		
LAND EASEMENT	1,400	1,400
POHAKULOA TNG AREA SADDLE RD ACCESS (PHASE III)	---	17,000
SCHOFIELD BARRACKS		
BARRACKS COMPLEX - CAPRON ROAD (PHASE II)	49,000	49,000
BARRACKS COMPLEX - QUAD E	49,000	49,000
INFORMATION SYSTEMS FACILITY	18,000	18,000
LAND ACQUISITION	19,400	19,400
MISSION SUPPORT TRAINING FACILITY	33,000	33,000
QUALIFICATION TRAINING RANGE (1)	---	8,700
NAVY		
LUALUALEI NAVAL MAGAZINES		
ORDNANCE HOLDING AREAS	6,320	6,320
PEARL HARBOR		
PERIMETER SECURITY LIGHTING	7,010	7,010
WATERFRONT IMPROVEMENTS	32,180	32,180
AIR FORCE		
HICKAM AFB		
C-17 CONSOLIDATED MAINTENANCE COMPLEX	7,529	7,529
C-17 CORROSION CONTROL/ MAINTENANCE FACILITY	30,400	30,400
C-17 FLIGHT SIMULATOR FACILITY	5,623	5,623
C-17 KUNTZ GATE AND ROAD	3,050	3,050
C-17 SQUADRON OPERATIONS FACILITY	10,674	10,674
C-17 SUPPORT UTILITIES (PHASE I)	4,098	4,098
ELECTRICAL DISTRIBUTION SYSTEM	---	6,800
EXPAND STRATEGIC AIRLIFT RAMP	10,102	10,102
DEFENSE-WIDE		
HICKAM AFB		
REPLACE HYDRANT FUEL SYSTEM	14,100	14,100
TOTAL, HAWAII	300,886	333,386
IDAHO		
AIR FORCE		
MOUNTAIN HOME AFB		
726TH AIR CONTROL SQUADRON COMPLEX	---	9,800
FITNESS CENTER ADDITION	5,337	5,337
TOTAL, IDAHO	5,337	15,137
ILLINOIS		
NAVY		
GREAT LAKES NAVAL TRAINING CENTER		
BATTLE STATION TRAINING FACILITY (PHASE I)	13,200	13,200
RECRUIT BARRACKS	31,600	31,600
RECRUIT BARRACKS	34,130	34,130
AIR FORCE		
SCOTT AFB		
SHILOH GATE	1,900	1,900
ARMY NATIONAL GUARD		
GALESBURG		
READINESS CENTER	---	3,750
TOTAL, ILLINOIS	80,830	84,580
INDIANA		
NAVY		
CRANE NAVAL SURFACE WARFARE CENTER		
JOINT ORDNANCE ENGINEERING AND LOGISTICS FACILITY	---	11,400
DEFENSE-WIDE		
NEWPORT ARMY AMMUNITION PLANT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE IV)	---	15,207

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
ARMY NATIONAL GUARD		
CAMP ATTERBURY		
READINESS CENTER ADDITION	2,849	2,849
ELKHART		
READINESS CENTER ADDITION	1,770	1,770
GARY		
LIMITED AVIATION SUPPORT FACILITY	---	15,581
READINESS CENTER ADDITION	1,417	1,417
SOUTH BEND		
READINESS CENTER ADDITION	1,496	1,496
TOTAL, INDIANA	7,532	49,720
IOWA		
AIR NATIONAL GUARD		
SIOUX GATEWAY AIRPORT		
KC-135 FIRE CRASH/RESCUE STATION	6,091	6,091
KANSAS		
ARMY		
FORT LEAVENWORTH		
LEWIS AND CLARK INSTRUCTIONAL FACILITY (PHASE I)	28,000	28,000
FORT RILEY		
BARRACKS COMPLEX - GRAVES STREET	40,000	40,000
COMBINED ARMS COLLECTIVE TRAINING FAC (PHASE II)	---	13,600
ARMY NATIONAL GUARD		
KANSAS CITY		
READINESS CENTER ADDITION/ALTERATION	2,982	2,982
AIR NATIONAL GUARD		
MCCONNELL AFB		
AIR INTELLIGENCE EXPLOITATION FACILITY	---	7,400
ARMY RESERVE		
FORT LEAVENWORTH		
RESERVE CENTER/OMS/UNHEATED STORAGE	---	7,962
TOTAL, KANSAS	70,982	99,944
KENTUCKY		
ARMY		
FORT CAMPBELL		
BARRACKS COMPLEX - RANGE ROAD (PHASE II)	49,000	49,000
FORT KNOX		
DINING FACILITY	---	10,000
MODIFIED RECORD FIRE RANGE	3,500	3,500
DEFENSE-WIDE		
BLUEGRASS ARMY DEPOT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE IV)	---	16,220
FORT CAMPBELL		
FLIGHT SIMULATOR FACILITY	7,800	7,800
ARMY NATIONAL GUARD		
GREENVILLE		
FIRE STATION	2,238	2,238
MOREHEAD		
READINESS CENTER	4,997	4,997
RICHMOND		
READINESS CENTER ADDITION	756	756
TOTAL, KENTUCKY	68,291	94,511
LOUISIANA		
ARMY		
FORT POLK		
AIRCRAFT MAINTENANCE HANGAR	34,000	34,000
ALERT HOLDING AREA FACILITY	8,400	8,400
ARMS STORAGE FACILITY	1,350	1,350
MISSION TRAINING SUPPORT FACILITY	27,000	27,000

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
SHOOT HOUSE	1,250	1,250
ARMY NATIONAL GUARD		
PINEVILLE		
CONSOLIDATED MAINTENANCE FACILITY (PHASE I)	18,579	18,579
AIR NATIONAL GUARD		
NEW ORLEANS NAVAL AIR STATION/JOINT RESERVE BASE		
VEHICLE MAINTENANCE SUPPORT EQUIPMENT FACILITY	---	6,300
NAVAL RESERVE		
NEW ORLEANS NAVAL AIR STATION/JOINT RESERVE BASE		
JOINT RESERVE CENTER (PHASE IV)	---	4,780
TOTAL, LOUISIANA	90,579	101,659
MAINE		
ARMY NATIONAL GUARD		
BANGOR INTERNATIONAL AIRPORT		
AVIATION SUPPORT FACILITY (PHASE II)	---	14,900
MARYLAND		
ARMY		
FORT MEADE		
DINING FACILITY	9,600	9,600
NAVY		
INDIAN HEAD NAVAL SURFACE WARFARE CENTER		
WATER SYSTEM IMPROVEMENTS	14,850	14,850
PATUXENT RIVER NAVAL AIR WARFARE CENTER		
JOINT STRIKE FIGHTER TEST AND SUPPORT FACILITIES	24,370	24,370
RELOCATE RANGE THEODOLITE TRACKING STATION	---	3,900
DEFENSE-WIDE		
FORT MEADE		
CRITICAL UTILITY CONTROL (PHASE II-B)	1,842	1,842
ARMY RESERVE		
FORT MEADE		
RESERVE CENTER/OMS/WAREHOUSE (PHASE I)	19,710	19,710
AIR FORCE RESERVE		
ANDREWS AFB		
ALTER AIRCRAFT MAINTENANCE SHOPS	2,900	2,900
HYDRANT FUEL SYSTEM	7,375	7,375
UPGRADE AIRFIELD PAVEMENTS	835	835
TOTAL, MARYLAND	81,482	85,382
MASSACHUSETTS		
ARMY		
NATICK SOLDIER SYSTEMS CENTER		
THERMAL TEST FACILITY	---	5,500
ARMY NATIONAL GUARD		
CAMP EDWARDS		
FIRE STATION	---	2,418
AIR NATIONAL GUARD		
OTIS ANGB		
FIRE CRASH/RESCUE STATION	---	11,000
TOTAL, MASSACHUSETTS	---	18,918
MICHIGAN		
ARMY NATIONAL GUARD		
CALUMET		
READINESS CENTER	---	3,370
JACKSON		
READINESS CENTER	5,591	5,591
SHIAWASSEE COUNTY		
READINESS CENTER	---	3,508
AIR NATIONAL GUARD		
ALPENA COUNTY REGIONAL AIRPORT		
DINING FACILITY	---	8,500

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
SELFRIDGE ANGB		
JOINT MEDICAL TRAINING FACILITY	---	9,600
TOTAL, MICHIGAN	5,591	30,569
MINNESOTA		
AIR NATIONAL GUARD		
DULUTH INTERNATIONAL AIRPORT		
AIRCRAFT MAINTENANCE FACILITY MODERNIZATION	---	9,000
AIR FORCE RESERVE		
MINNEAPOLIS-ST. PAUL INTERNATIONAL AIRPORT		
AEROMEDICAL EVACUATION FACILITY	---	3,650
TOTAL, MINNESOTA	---	12,650
MISSISSIPPI		
NAVY		
MERIDIAN NAVAL AIR STATION		
FIRE AND RESCUE STATION	4,570	4,570
AIR FORCE		
COLUMBUS AFB		
AIR TRAFFIC CONTROL TOWER	---	5,500
T-6 PARTS WAREHOUSE	---	2,200
KEESLER AFB		
CHILD DEVELOPMENT CENTER	---	2,900
ARMY NATIONAL GUARD		
CAMP SHELBY		
REGIONAL MILITARY EDUCATIONAL CENTER (PHASE I)	7,733	7,733
AIR NATIONAL GUARD		
CAMP SHELBY		
C-17 ASSAULT RUNWAY	7,409	7,409
NAVAL RESERVE		
PASCAGOULA		
LITTORAL SURVEILLANCE SYSTEM FACILITY	---	6,100
AIR FORCE RESERVE		
KEESLER AFB		
FUEL CELL MAINTENANCE HANGAR	6,650	6,650
TOTAL, MISSISSIPPI	26,362	43,062
MISSOURI		
AIR FORCE		
WHITEMAN AFB		
EDUCATION CENTER	---	11,600
ARMY NATIONAL GUARD		
DEXTER		
READINESS CENTER	4,947	4,947
AIR NATIONAL GUARD		
ROSECRANS MEMORIAL AIRPORT		
AIR TRAFFIC CONTROL TRAINING COMPLEX	---	8,000
TOTAL, MISSOURI	4,947	24,547
MONTANA		
ARMY NATIONAL GUARD		
BILLINGS		
ORGANIZATIONAL MAINTENANCE SHOP ADDITION	1,209	1,209
KALISPELL		
ARMED FORCES RESERVE CENTER	---	9,020
ORGANIZATIONAL MAINTENANCE SHOP ADDITION	706	706
TOTAL, MONTANA	1,915	10,935

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
NEBRASKA		
DEFENSE-WIDE		
OFFUTT AFB		
REPLACE HYDRANT FUEL SYSTEM	13,400	13,400
ARMY NATIONAL GUARD		
CAMP ASHLAND		
CONSTRUCT FRONTAGE LEVEE SEGMENT	---	3,000
COLUMBUS		
READINESS CENTER ADDITION/ALTERATION	618	618
NORFOLK		
FIRE STATION	1,068	1,068
OMAHA		
READINESS CENTER	5,804	5,804
YORK		
READINESS CENTER ALTERATION	758	758
TOTAL, NEBRASKA	21,648	24,648
NEVADA		
AIR FORCE		
NELLIS AFB		
VEHICLE MAINTENANCE COMPLEX	---	11,800
DEFENSE-WIDE		
NELLIS AFB		
HYDRANT FUEL SYSTEM	12,800	12,800
AIR NATIONAL GUARD		
RENO - TAHOE INTERNATIONAL AIRPORT		
REPLACE TELECOMMUNICATIONS AND SECURITY FORCES FAC	---	9,000
TOTAL, NEVADA	12,800	33,600
NEW HAMPSHIRE		
AIR NATIONAL GUARD		
PEASE INTERNATIONAL AIRPORT		
FIRE STATION	---	6,100
NEW JERSEY		
ARMY		
LAKEHURST NAVAL AIR WARFARE CENTER		
SPECIAL PURPOSE BATTALION OPERATIONS FACILITY	---	2,250
PICATINNY ARSENAL		
EXPLOSIVES R&D LOADING FACILITY	---	8,000
NAVY		
EARLE NAVAL WEAPONS STATION		
GENERAL PURPOSE BERTHING PIER REPLACEMENT	26,740	26,740
LAKEHURST NAVAL AIR WARFARE CENTER		
ELECTROMAGNETIC AIRCRAFT LAUNCHING SYSTEM FACILITY	20,681	20,681
AIR FORCE		
MCGUIRE AFB		
C-17 MAINTENANCE TRAINING DEVICE FACILITY	6,862	6,862
C-17 ROADS & UTILITIES	4,765	4,765
ARMY RESERVE		
FORT DIX		
ADD/ALTER TIMMERMAN CONFERENCE CENTER	---	3,700
URBAN ASSAULT COURSE	---	2,700
TOTAL, NEW JERSEY	59,048	75,698
NEW MEXICO		
AIR FORCE		
CANNON AFB		
AEROSPACE GROUND EQUIPMENT COMPLEX	---	7,700
INSTALL APPROACH LIGHTS, RUNWAY 13	---	1,300
TULAROSA RADAR TEST SITE		
UPGRADE RADAR TEST FACILITY	3,600	3,600

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
KIRTLAND AFB		
ARSENIC TREATMENT SYSTEMS	6,957	6,957
ELECTRICAL POWER MAIN SWITCHING STATION	---	4,150
ARMY NATIONAL GUARD		
ALBUQUERQUE		
READINESS CENTER ADDITION/ALTERATION	2,533	2,533
TOTAL, NEW MEXICO	13,090	26,240
NEW YORK		
ARMY		
FORT DRUM		
BARRACKS - 10200 AREA	22,500	22,500
BARRACKS COMPLEX - WHEELER SACK AAF (PHASE I)	49,000	49,000
MOUNTAIN RAMP EXPANSION	11,000	11,000
TACTICAL UNMANNED AERIAL VEHICLE FACILITY	---	5,200
ARMY NATIONAL GUARD		
ROCHESTER		
READINESS CENTER ADDITION/ALTERATION	4,332	4,332
UTICA		
ORGANIZATIONAL MAINTENANCE SHOP	3,261	3,261
AIR NATIONAL GUARD		
HANCOCK FIELD		
MUNITIONS STORAGE COMPLEX	---	6,500
AIR FORCE RESERVE		
NIAGRA FALLS ARS		
TOTAL, NEW YORK	90,093	101,793
NORTH CAROLINA		
ARMY		
FORT BRAGG		
BARRACKS COMPLEX - BASTOGNE DRIVE (PHASE I)	47,000	47,000
BARRACKS COMPLEX - BUTNER ROAD (PHASE IV)	38,000	38,000
BARRACKS-D AREA (PHASE IV)	17,000	17,000
SOLDIER SUPPORT CENTER (PHASE II)	---	11,400
NAVY		
CAMP LEJEUNE MARINE CORPS BASE		
CONSOLIDATED ARMORIES	10,270	10,270
HEADQUARTERS AND ACADEMIC INSTRUCTION FACILITY	6,300	6,300
OPERATIONS AND TRAINING FACILITIES	12,880	12,880
NEW RIVER MARINE CORPS AIR STATION		
WATER TREATMENT FACILITY	6,240	6,240
AIR FORCE		
POPE AFB		
C-130J 2-BAY HANGAR	15,629	15,629
C-130J UPGRADE HANGAR 6	2,716	2,716
C-130J/30 RAMP UPGRADE	1,239	1,239
C-130J/30 TECH TRAINING FACILITY	4,431	4,431
SEYMOUR JOHNSON AFB		
BOUNDARY FENCE	1,500	1,500
DORMITORIES	9,530	9,530
FIRE/CRASH RESCUE STATIONS	---	11,400
DEFENSE-WIDE		
CAMP LEJEUNE		
NEW MAINSIDE PRIMARY SCHOOL	15,259	15,259
FORT BRAGG		
BATTALION AND COMPANY HEADQUARTERS	4,200	4,200
COMPANY OPERATIONS FACILITY ADDITION	1,500	1,500
JOINT OPERATIONS COMPLEX	19,700	19,700
MAZE AND FACADE	2,400	2,400
TRAINING COMPLEX	8,500	8,500
ARMY NATIONAL GUARD		
ASHEVILLE		
READINESS CENTER	6,251	6,251

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
LENOIR		
READINESS CENTER	5,184	5,184
MORRISVILLE		
FIRE STATION	1,306	1,306
SALISBURY		
FIRE STATION	926	926
TOTAL, NORTH CAROLINA	237,961	260,761
NORTH DAKOTA		
AIR FORCE		
MINOT AFB		
ADD/ALTER MISSILE MAINTENANCE VEHICLE FACILITY	3,050	3,050
FITNESS CENTER	---	9,500
ARMY NATIONAL GUARD		
BISMARCK		
ARMY AVIATION SUPPORT FACILITY COMPLEX	---	7,228
READINESS CENTER ADDITION	1,873	1,873
TOTAL, NORTH DAKOTA	4,923	21,651
OHIO		
AIR FORCE		
WRIGHT-PATTERSON AFB		
CONSOLIDATED FIRE/CRASH RESCUE STATION	---	10,600
DORMITORY	10,500	10,500
ARMY NATIONAL GUARD		
CAMP SHERMAN, CHILLICOTHE		
READINESS CENTER	---	5,560
AIR NATIONAL GUARD		
SPRINGFIELD-BECKLEY MUNICIPAL AIRPORT		
REPLACE CONTROL TOWER	---	8,000
ARMY RESERVE		
CLEVELAND		
RESERVE CENTER/OMS/AMSA/STORAGE/LAND	21,595	21,595
TOTAL, OHIO	32,095	56,255
OKLAHOMA		
ARMY		
FORT SILL		
CONSOLIDATED MAINTENANCE COMPLEX (PHASE II)	13,000	13,000
MODIFIED RECORD FIRE RANGE	3,500	3,500
URBAN ASSAULT COURSE	---	2,000
AIR FORCE		
ALTUS AFB		
C-17 MODIFY SIMULATOR BAYS	1,144	1,144
TINKER AFB		
BUILDING 3001 REVITALIZATION (PHASE I)	19,060	19,060
VANCE AFB		
CONSOLIDATED LOGISTICS COMPLEX	---	15,000
TOTAL, OKLAHOMA	36,704	53,704
OREGON		
AIR FORCE RESERVE		
PORTLAND INTERNATIONAL AIRPORT		
ALTER FLIGHTLINE FACILITIES	2,900	2,900
FIRE/CRASH RESCUE STATION	4,300	4,300
HYDRANT REFUELING SYSTEM (PHASE II)	3,050	3,050
TOTAL, OREGON	10,250	10,250

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
PENNSYLVANIA		
DEFENSE-WIDE		
HARRISBURG INTERNATIONAL AIRPORT		
C130J EQUIPMENT MAINTENANCE FACILITY	3,000	3,000
NEW CUMBERLAND DEFENSE DISTRIBUTION DEPOT		
REPLACE GENERAL PURPOSE WAREHOUSES	27,000	27,000
ARMY NATIONAL GUARD		
FORT INDIANTOWN GAP		
MULTI-PURPOSE TRAINING RANGE	---	15,338
TOTAL, PENNSYLVANIA	30,000	45,338
RHODE ISLAND		
NAVY		
NEWPORT NAVAL STATION		
BACHELOR ENLISTED QUARTERS REPLACEMENT	16,140	16,140
GATE I SECURITY IMPROVEMENTS	---	2,550
UNDERWATER WEAPON SYSTEMS LABORATORY	10,890	10,890
AIR NATIONAL GUARD		
QUONSET STATE AIRPORT		
REPLACE COMPOSITE AIRCRAFT MAINTENANCE COMPLEX	18,500	18,500
TOTAL, RHODE ISLAND	45,530	48,080
SOUTH CAROLINA		
NAVY		
CHARLESTON NAVAL WEAPONS STATION		
AT/FP SOUTH ANNEX GATE 4	---	2,350
AIR FORCE		
CHARLESTON AFB		
DORMITORY	8,863	8,863
SHAW AFB		
DEPLOYMENT PROCESSING CENTER	---	8,500
TOTAL, SOUTH CAROLINA	8,863	19,713
SOUTH DAKOTA		
AIR FORCE		
ELLSWORTH AFB		
B-1B WEAPONS SYSTEM TRAINING FACILITY	---	9,300
TENNESSEE		
AIR NATIONAL GUARD		
MEMPHIS INTERNATIONAL AIRPORT		
C-5 MAINTENANCE SHOPS CONVERSION	---	5,000
NASHVILLE INTERNATIONAL AIRPORT		
COMPOSITE AIRCRAFT MAINTENANCE COMPLEX (PHASE II)	---	11,000
MCGHEE-TYSON AIRPORT		
FIRE STATION/SECURITY FORCES FACILITY	---	6,000
ARMY RESERVE		
NASHVILLE		
RESERVE CENTER/OMS/UNHEATED STORAGE	8,955	8,955
TOTAL, TENNESSEE	8,955	30,955
TEXAS		
ARMY		
FORT BLISS		
TACTICAL EQUIPMENT SHOP	---	5,400
FORT HOOD		
BARRACKS COMPLEX - 67TH ST & BATTALION AVE	47,000	47,000
URBAN ASSAULT COURSE	2,800	2,800
NAVY		
CORPUS CHRISTI NAVAL AIR STATION		
CONTROL TOWER	---	5,400

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
INGLESIDE NAVAL STATION		
HEADQUARTERS, MINE WARFARE COMMAND	---	7,070
AIR FORCE		
GOODFELLOW AFB		
FIRE TRAINING CLASSROOM FACILITY	1,863	1,863
STUDENT DORMITORY	18,107	18,107
LACKLAND AFB		
STUDENT DORMITORY	20,966	20,966
STUDENT DORMITORY	35,260	35,260
LAUGHLIN AFB		
AIRCRAFT WEATHER SHELTER	---	5,200
STUDENT OFFICER QUARTERS (PHASE I)	---	7,200
RANDOLPH AFB		
FITNESS CENTER	---	13,600
SHEPPARD AFB		
AIRFIELD OPERATIONS COMPLEX	---	9,000
STUDENT DORMITORY	28,590	28,590
DEFENSE-WIDE		
FORT HOOD		
CONSOLIDATED TROOP AND FAMILY CARE MEDICAL CLINIC	---	9,400
KINGSVILLE NAVAL AIR STATION		
ABOVEGROUND STORAGE TANK FUEL FARM	---	9,200
LAUGHLIN AFB		
REPLACE TRUCK FUEL LOADING FACILITY	4,688	4,688
AIR NATIONAL GUARD		
KELLY FIELD ANNEX		
UPGRADE GENERAL PURPOSE SHOPS	---	4,000
NAVAL RESERVE		
FORT WORTH NAVAL AIR STATION/JOINT RESERVE BASE		
COMBINED PASSENGER TERMINAL	---	3,520
JOINT RESERVE POLICE STATION	---	2,660
TOTAL, TEXAS	159,274	240,924
UTAH		
AIR FORCE		
HILL AFB		
AEF DEPLOYMENT CENTER	---	5,900
MUNITIONS MAINTENANCE FACILITY	1,000	1,000
REPLACE MUNITIONS STORAGE IGLOOS	13,000	13,000
SMALL DIAMETER BOMB STORAGE IGLOOS	1,811	1,811
TOTAL, UTAH	15,811	21,711
VERMONT		
ARMY NATIONAL GUARD		
SOUTH BURLINGTON		
ARMY AVIATION SUPPORT FACILITY	23,827	23,827
VIRGINIA		
ARMY		
FORT BELVOIR		
NGIC LAND ACQUISITION	---	7,000
FORT LEE		
FIRE AND EMERGENCY SERVICES CENTER (PHASE II)	---	3,850
FORT MYER		
VEHICLE MAINTENANCE FACILITY	9,000	9,000
NAVY		
ARLINGTON - HENDERSON HALL		
PHYSICAL FITNESS CENTER ADDITION	1,970	1,970
DAHLGREN NAVAL SURFACE WARFARE CENTER		
OPERATIONS CENTER ADDITION	20,520	20,520
WEAPONS DYNAMIC RDT&E CENTER	---	3,500
LITTLE CREEK NAVAL AMPHIBIOUS BASE		
GATE 1 IMPROVEMENTS	3,810	3,810

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
NORFOLK		
AIRCRAFT MAINTENANCE HANGAR	36,460	36,460
BACHELOR ENLISTED QUARTERS - HOMEPORT ASHORE (PHASE II)	46,730	46,730
CRANE/WEIGHT HANDLING EQUIPMENT SHOP	17,770	17,770
PIER 11 REPLACEMENT (PHASE I)	27,610	27,610
OCEANA NAVAL AIR STATION		
CHILD DEVELOPMENT CENTER	---	10,000
QUANTICO MARINE CORPS BASE		
NETWORK OPERATIONS CENTER	---	14,420
WEAPONS TRAINING BATTALION LOAD AND TEST FACILITY	3,700	3,700
AIR FORCE		
LANGLEY AFB		
F-22 CLEAR WATER RINSE PAD	2,383	2,383
F-22 SQUADRON OPERATIONS/AMU/HANGAR	20,013	20,013
F-22 VERTICAL WING TANK STORAGE	2,573	2,573
DEFENSE-WIDE		
ARLINGTON		
PENTAGON ATHLETIC CENTER RESTORATION PROJECT	38,086	38,086
DAM NECK FLEET COMBAT TRAINING CENTER		
MISSION SUPPORT FACILITY	5,600	5,600
SMALL ARMS RANGE	9,681	9,681
FORT BELVOIR		
DEFENSE THREAT REDUCTION CENTER (PHASE II)	25,700	25,700
LANGLEY AFB		
REPLACE HYDRANT FUEL SYSTEM	13,000	13,000
AIR NATIONAL GUARD		
CAMP PENDLETON		
TROOP TRAINING QUARTERS (RED HORSE)	---	2,500
NAVAL RESERVE		
QUANTICO		
RESERVE CENTER	9,497	9,497
TOTAL, VIRGINIA	294,103	335,373
WASHINGTON		
ARMY		
FORT LEWIS		
BARRACKS COMPLEX - 17TH & B STREET (PHASE III)	48,000	48,000
DEPLOYMENT STAGING FACILITY	2,650	2,650
SHOOT HOUSE	1,250	1,250
NAVY		
BANGOR NAVAL SUBMARINE BASE		
SERVICE PIER UPGRADE AND BUILDING ADDITION	33,820	33,820
WATERFRONT SECURITY FORCE FACILITY	6,530	6,530
INDIAN ISLAND NAVAL MAGAZINES		
ORDNANCE TRANSFER FACILITY	2,240	2,240
PUGET SOUND NAVAL SHIPYARD		
SHIP REPAIR PIER 3 IMPROVEMENTS	---	6,020
WHIDBEY ISLAND NAVAL AIR STATION		
STRUCTURAL AIRCRAFT/FIRE STATION ADDITION	---	4,650
AIR FORCE		
MCCHORD AFB		
UPGRADE MISSION SUPPORT CENTER (PHASE II)	19,000	19,000
DEFENSE-WIDE		
MCCHORD AFB		
BULK FUEL STORAGE TANKS	8,100	8,100
AIR NATIONAL GUARD		
CAMP MURRAY		
RED HORSE AND MEDICAL TRAINING COMPLEX	---	7,500
TOTAL, WASHINGTON	121,590	139,760

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
WEST VIRGINIA		
ARMY NATIONAL GUARD		
ELEANOR		
ROAD SECURITY FORCE PROTECTION MODIFICATION	---	4,000
AIR NATIONAL GUARD		
MARTINSBURG		
AIR TRAFFIC CONTROL TOWER	---	5,800
C-5 PARKING APRON, JET FUEL STORAGE, HYDRANT SYS	---	15,000
TOTAL, WEST VIRGINIA	---	24,800
WISCONSIN		
ARMY RESERVE		
FORT MCCOY		
BATTLE SIMULATION CENTER	---	4,340
BAHRAIN		
NAVY		
BAHRAIN NAVAL SUPPORT ACTIVITY		
OPERATIONS CONTROL CENTER	18,030	18,030
GERMANY		
ARMY		
GRAFENWOEHR		
BRIGADE COMPLEX - BARRACKS & MAINTENANCE/SUPPORT	30,000	30,000
BRIGADE COMPLEX - TROOP SUPPORT FACILITIES	46,000	46,000
HEIDELBERG		
BARRACKS - HEIDELBERG HOSPITAL	17,000	---
HOHENFELS		
PHYSICAL FITNESS TRAINING CENTER	13,200	---
VILSECK		
BARRACKS COMPLEX (PHASE I)	12,100	12,100
AIR FORCE		
RAMSTEIN AB		
CIVIL ENGINEERING MIDFIELD COMPLEX	6,250	---
CONSOLIDATE 1ST COMBAT COMMUNICATIONS SQUADRON (PHASE II)	19,713	19,713
FITNESS CENTER ANNEX	15,903	15,903
SPANGDAHLEM AB		
FIRE STATION ANNEX & TRAINING FACILITY	3,865	3,865
PASSENGER TERMINAL	1,546	1,546
DEFENSE-WIDE		
GRAFENWOEHR		
DISPENSARY/DENTAL CLINIC ADDITION/ALTERATION	12,585	---
ELEMENTARY AND MIDDLE SCHOOL	36,247	---
HEIDELBERG		
ELEMENTARY SCHOOL	3,086	---
STUTTGART		
FORWARD STATION COMPLEX	11,400	---
VILSECK		
ELEMENTARY SCHOOL RENOVATION/ADDITION	1,773	---
TOTAL, GERMANY	230,668	129,127
GUAM		
NAVY		
GUAM		
VICTOR WHARF FENDER SYSTEM	---	1,700
DEFENSE-WIDE		
ANDERSEN AFB		
MEDICAL/DENTAL CLINIC REPLACEMENT	24,900	24,900
TOTAL, GUAM	24,900	26,600

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
ITALY		
ARMY		
AVIANO AB		
JOINT DEPLOYMENT FACILITY (PHASE I)	15,500	15,500
JOINT DEPLOYMENT FACILITY (PHASE II)	13,000	13,000
LIVORNO		
VEHICLE MAINTENANCE FACILITY	22,000	22,000
NAVY		
LA MADALENA NAVAL SUPPORT FACILITY		
CONSOLIDATE SANTO STEFANO FACILITIES	39,020	39,020
SIGONELLA NAVAL AIR STATION		
BASE OPERATIONS SUPPORT FACILITIES (PHASE I)	34,070	34,070
BASE OPERATIONS SUPPORT FACILITIES (PHASE II)	14,679	---
AIR FORCE		
AVIANO AB		
REMOVE AIRFIELD OBSTRUCTION - SOUTH RAMP	7,730	7,730
MUNITIONS ADMINISTRATION FACILITY	5,301	5,301
ZULU ARM/DEARM PAD	994	994
DEFENSE-WIDE		
SIGONELLA NAVAL AIR STATION		
ELEMENTARY AND HIGH SCHOOL ADDITIONS/RENOVATIONS	13,969	13,969
VICENZA		
ELEMENTARY AND HIGH SCHOOL ADDITIONS/RENOVATIONS	16,374	16,374
TOTAL, ITALY	182,637	167,958
KOREA		
ARMY		
CAMP HUMPHREYS		
BARRACKS COMPLEX	35,000	---
BARRACKS COMPLEX	41,000	---
BARRACKS COMPLEX	29,000	---
BARRACKS COMPLEX	---	25,000
BARRACKS COMPLEX	---	40,000
AIR FORCE		
KUNSAN AB		
UPGRADE HARDENED AIRCRAFT SHELTERS	7,059	7,059
OSAN AB		
DORMITORY	16,638	16,638
TOTAL, KOREA	128,697	88,697
KWAJALEIN		
ARMY		
KWAJALEIN ATOLL		
VEHICLE PAINT & PREP FACILITY	9,400	9,400
PORTUGAL		
AIR FORCE		
LAJES FIELD		
ADD/ALTER FITNESS CENTER	4,086	4,086
TURKEY		
AIR FORCE		
INCIRLIK AB		
CONSOLIDATED COMMUNICATIONS FACILITY	3,262	---
UNITED KINGDOM		
NAVY		
SAINT MAWGAN JOINT MARITIME FACILITY		
BACHELOR ENLISTED QUARTERS	7,070	---
AIR FORCE		
RAF MILDENHALL		
CHILD DEVELOPMENT CENTER ANNEX	3,646	3,646
POST OFFICE	3,592	3,592
VEHICLE MAINTENANCE COMPLEX	3,320	3,320

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
RAF LAKENHEATH		
ADD/ALT CRASH FIRE STATION	2,667	2,667
COMMUNICATIONS FACILITY	8,436	8,436
DORMITORY	13,606	13,606
FAMILY SUPPORT CENTER	5,878	5,878
MOBILITY CARGO PROCESSING CENTER	11,900	11,900
TOTAL, UNITED KINGDOM	60,115	53,045
WAKE ISLAND		
AIR FORCE		
WAKE ISLAND		
REPAIR AIRFIELD PAVEMENT (PHASE III)	14,000	14,000
UPGRADE ISLAND-WIDE INFRASTRUCTURE (PHASE I)	10,000	10,000
TOTAL, WAKE ISLAND	24,000	24,000
NATO		
NATO SECURITY INVESTMENT PROGRAM	169,300	169,300
RESCISSION (P.L. 107-249)	---	-8,000
WORLDWIDE CLASSIFIED		
ARMY		
CLASSIFIED LOCATION		
CLASSIFIED PROJECT	178,700	---
AIR FORCE		
CLASSIFIED LOCATION		
CLASSIFIED PROJECT	3,250	3,250
PREDATOR B-SQUADRON OPS/AMU & HANGAR	25,731	25,731
TOTAL, WORLDWIDE CLASSIFIED	207,681	28,981
WORLDWIDE UNSPECIFIED		
ARMY		
UNSPECIFIED WORLDWIDE LOCATIONS		
HOST NATION SUPPORT	22,000	22,000
PLANNING AND DESIGN	100,710	104,833
UNSPECIFIED MINOR CONSTRUCTION	20,000	32,606
RESCISSION (P.L. 107-249)	-66,050	-137,850
RESCISSION (P.L. 107-64)	---	-24,000
RESCISSION (P.L. 106-246)	---	-17,415
RESCISSION (P.L. 106-52)	---	-4,350
REDUCTION (PRIOR YEAR SAVINGS)	---	-10,000
NAVY		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	65,612	71,001
UNSPECIFIED MINOR CONSTRUCTION	12,334	14,585
OUTLYING LANDING FIELD FACILITIES (PHASE I)	27,610	27,610
RESCISSION (P.L. 107-249)	-14,679	-27,213
RESCISSION (P.L. 107-64)	---	-18,409
AIR FORCE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	79,116	95,778
UNSPECIFIED MINOR CONSTRUCTION	12,000	16,180
RESCISSION (P.L. 107-249)	---	-23,000
DEFENSE-WIDE		
UNSPECIFIED WORLDWIDE LOCATIONS		
CONTINGENCY CONSTRUCTION	8,960	8,960
ENERGY CONSERVATION INVESTMENT PROGRAM	69,500	50,000
RESCISSION (P.L. 107-249)	-997	-72,309

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
PLANNING AND DESIGN		
SPECIAL OPERATIONS COMMAND	14,768	14,768
DEPARTMENT OF DEFENSE DEPENDENT EDUCATION	6,500	6,500
TRICARE MANAGEMENT ACTIVITY	18,616	18,616
UNDISTRIBUTED	20,997	25,246
SUBTOTAL, PLANNING AND DESIGN	60,881	65,130
UNSPECIFIED MINOR CONSTRUCTION		
SPECIAL OPERATIONS COMMAND	2,723	2,723
MISSILE DEFENSE AGENCY	2,600	2,000
DEFENSE FINANCE AND ACCOUNTING SERVICE	1,500	1,500
UNDISTRIBUTED	3,000	3,000
JOINT CHIEFS OF STAFF	6,330	6,330
SUBTOTAL, UNSPECIFIED MINOR CONSTRUCTION	16,153	15,553
ARMY NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	26,570	38,376
UNSPECIFIED MINOR CONSTRUCTION	1,451	8,099
AIR NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	16,030	23,293
UNSPECIFIED MINOR CONSTRUCTION	5,500	8,615
ARMY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	7,712	8,983
UNSPECIFIED MINOR CONSTRUCTION	2,886	2,886
NAVAL RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	2,562	2,968
AIR FORCE RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	11,142	12,112
UNSPECIFIED MINOR CONSTRUCTION	5,160	6,360
TOTAL, WORLDWIDE UNSPECIFIED	492,163	301,382
FAMILY HOUSING, ARMY		
ALASKA		
FORT WAINWRIGHT (100 UNITS)	44,000	44,000
FORT WAINWRIGHT (40 UNITS)	20,000	20,000
ARIZONA		
FORT HUACHUCA (160 UNITS)	27,000	27,000
FORT HUACHUCA (60 UNITS)	14,000	14,000
KANSAS		
FORT RILEY (32 UNITS)	8,300	8,300
FORT RILEY (30 UNITS)	8,400	8,400
KENTUCKY		
FORT KNOX (178 UNITS)	41,000	41,000
NEW MEXICO		
WHITE SANDS MISSILE RANGE (58 UNITS)	14,600	14,600
OKLAHOMA		
FORT SILL (50 UNITS)	10,000	10,000
FORT SILL (70 UNITS)	15,373	15,373
VIRGINIA		
FORT LEE (90 UNITS)	18,000	18,000
CONSTRUCTION IMPROVEMENTS	156,030	130,430
PLANNING AND DESIGN	32,488	32,488
RESCISSION (P.L. 107-249)	-52,300	-94,151
SUBTOTAL, CONSTRUCTION	356,891	289,440

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT	167,332	167,332
SERVICES ACCOUNT	46,735	46,735
MANAGEMENT ACCOUNT	86,326	86,326
MISCELLANEOUS ACCOUNT	1,311	1,311
FURNISHINGS ACCOUNT	44,658	44,658
LEASING	234,471	234,471
MAINTENANCE OF REAL PROPERTY	432,605	432,605
MORTGAGE INSURANCE PREMIUM	1	1
HOUSING PRIVATIZATION SUPPORT COSTS	29,587	29,587
GENERAL REDUCTION	---	-10,000
SUBTOTAL, OPERATION AND MAINTENANCE	1,043,026	1,033,026
TOTAL, FAMILY HOUSING, ARMY	1,399,917	1,322,466
FAMILY HOUSING, NAVY AND MARINE CORPS		
CALIFORNIA		
LEMOORE (187 UNITS)	41,585	41,585
FLORIDA		
PENSACOLA (25 UNITS)	3,197	3,197
NORTH CAROLINA		
CHERRY POINT (339 UNITS)	42,803	42,803
CAMP LEJEUNE (161 UNITS)	21,537	21,537
CAMP LEJEUNE (358 UNITS)	46,244	46,244
CONSTRUCTION IMPROVEMENTS	20,446	20,446
PLANNING AND DESIGN	8,381	8,381
RESCISSION (P.L. 107-249)	---	-40,508
SUBTOTAL, CONSTRUCTION	184,193	143,685
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT	164,556	164,556
FURNISHINGS ACCOUNT	25,462	25,462
MANAGEMENT ACCOUNT	78,325	70,625
MISCELLANEOUS ACCOUNT	807	807
SERVICES ACCOUNT	62,730	62,730
LEASING	132,433	132,433
MAINTENANCE OF REAL PROPERTY	377,792	377,792
MORTGAGE INSURANCE PREMIUM	64	64
HOUSING PRIVATIZATION SUPPORT COSTS	10,609	10,609
GENERAL REDUCTION	---	-10,000
SUBTOTAL, OPERATION AND MAINTENANCE	852,778	835,078
TOTAL, FAMILY HOUSING, NAVY AND MARINE CORPS	1,036,971	978,763
FAMILY HOUSING, AIR FORCE		
ARIZONA		
DAVIS-MONTHAN AFB (93 UNITS)	19,357	19,357
CALIFORNIA		
TRAVIS AFB (56 UNITS)	12,723	12,723
DELAWARE		
DOVER AFB (112 UNITS)	19,601	19,601
FLORIDA		
EGLIN AFB (279 UNITS)	32,166	32,166
IDAHO		
MOUNTAIN HOME AFB (186 UNITS)	37,126	37,126
MARYLAND		
ANDREWS AFB (50 UNITS)	20,233	20,233

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
MISSOURI		
WHITEMAN AFB (100 UNITS)	18,221	18,221
MONTANA		
MALMSTROM AFB (94 UNITS)	19,368	19,368
NORTH CAROLINA		
SEYMOUR JOHNSON AFB (138 UNITS)	18,336	18,336
NORTH DAKOTA		
GRAND FORKS AFB (144 UNITS)	29,550	29,550
MINOT AFB (200 UNITS)	41,117	41,117
SOUTH DAKOTA		
ELLSWORTH AFB (75 UNITS)	16,240	16,240
TEXAS		
DYESS AFB (116 UNITS)	19,973	19,973
RANDOLPH AFB (96 UNITS)	13,754	13,754
KOREA		
OSAN AB (111 UNITS)	44,765	44,765
PORTUGAL		
LAJES FIELD (42 UNITS)	13,428	13,428
UNITED KINGDOM		
RAF LAKENHEATH (89 UNITS)	23,640	23,640
CONSTRUCTION IMPROVEMENTS	223,979	223,979
PLANNING AND DESIGN	33,488	33,488
RESCISSION (P.L. 107-249)	-19,347	-19,347
SUBTOTAL, CONSTRUCTION	637,718	637,718
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT	132,651	132,651
MANAGEMENT ACCOUNT	70,083	70,083
SERVICES ACCOUNT	26,070	26,070
FURNISHINGS ACCOUNT	43,006	43,006
MISCELLANEOUS ACCOUNT	2,527	2,527
LEASING	119,908	111,514
MAINTENANCE OF REAL PROPERTY	395,650	395,650
MORTGAGE INSURANCE PREMIUM	37	37
HOUSING PRIVATIZATION SUPPORT COSTS	44,536	44,536
GENERAL REDUCTION	---	-10,000
SUBTOTAL, OPERATION AND MAINTENANCE	834,468	816,074
TOTAL, FAMILY HOUSING, AIR FORCE	1,472,186	1,453,792
FAMILY HOUSING, DEFENSE-WIDE		
CONSTRUCTION IMPROVEMENTS (NSA)	50	50
PLANNING AND DESIGN (DLA)	300	300
SUBTOTAL, CONSTRUCTION	350	350
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT (NSA)	413	413
FURNISHINGS ACCOUNT (NSA)	112	112
MANAGEMENT ACCOUNT (NSA)	13	13
MISCELLANEOUS ACCOUNT (NSA)	51	51
SERVICES ACCOUNT (NSA)	405	405
LEASING (NSA)	11,987	11,987
MAINTENANCE OF REAL PROPERTY (NSA)	2,528	2,528
FURNISHINGS ACCOUNT (DIA)	3,844	3,844
LEASING (DIA)	27,225	27,225
UTILITIES ACCOUNT (DLA)	412	412
FURNISHINGS ACCOUNT (DLA)	32	32

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
SERVICES ACCOUNT (DLA)	72	72
MANAGEMENT ACCOUNT (DLA)	289	289
MAINTENANCE OF REAL PROPERTY (DLA)	2,057	2,057
SUBTOTAL, OPERATION AND MAINTENANCE	49,440	49,440
TOTAL, FAMILY HOUSING, DEFENSE-WIDE	49,790	49,790
DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND		
DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND	300	300
RESCISSION	---	-9,692
TOTAL, DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND	300	-9,392
BASE REALIGNMENT AND CLOSURE ACCOUNT		
BASE REALIGNMENT AND CLOSURE ACCOUNT	370,427	370,427
GENERAL PROVISIONS		
GENERAL PROVISION (SEC. 118)	55,000	55,000
GRAND TOTAL	9,117,281	9,316,000

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	$10,698,800
Budget estimates of new (obligational) authority, fiscal year 2004	9,117,281
House bill, fiscal year 2004	9,196,000
Senate bill, fiscal year 2004	9,196,000
Conference agreement, fiscal year 2004	9,316,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2003	−1,382,800
Budget estimates of new (obligational) authority, fiscal year 2004	+198,719
House bill, fiscal year 2004	+120,000
Senate bill, fiscal year 2004	+120,000

JOE KNOLLENBERG,
JAMES T. WALSH,
ROBERT B. ADERHOLT,
KAY GRANGER,
VIRGIL GOODE,
DAVID VITTER,
JACK KINGSTON,
ANDER CRENSHAW,
BILL YOUNG,
CHET EDWARDS,
SAM FARR,
ALLEN BOYD,
SANFORD D. BISHOP, Jr.,
NORMAN DICKS,
DAVID OBEY,
Managers on the Part of the House.

KAY BAILEY HUTCHISON,
CONRAD BURNS,
LARRY E. CRAIG,
MIKE DEWINE,
SAM BROWNBACK,
TED STEVENS,
DIANNE FEINSTEIN,
DANIEL K. INOUYE,
TIM JOHNSON,
MARY LANDRIEU,
ROBERT C. BYRD,
Managers on the Part of the Senate.

TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2003

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2620) to authorize appropriations for fiscal years 2004 and 2005 for the Trafficking Victims Protection Act of 2000, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2620

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 ''Trafficking Victims Protection Reauthorization Act of 2003''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Trafficking in persons continues to victimize countless men, women, and children in the United States and abroad.

(2) Since the enactment of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386), the United States Government has made significant progress in investigating and prosecuting acts of trafficking and in responding to the needs of victims of trafficking in the United States and abroad.

(3) On the other hand, victims of trafficking have faced unintended obstacles in the process of securing needed assistance, including admission to the United States under section 101(a)(15)(T)(i) of the Immigration and Nationality Act.

(4) Additional research is needed to fully understand the phenomenon of trafficking in persons and to determine the most effective strategies for combating trafficking in persons.

(5) Corruption among foreign law enforcement authorities continues to undermine the efforts by governments to investigate, prosecute, and convict traffickers.

(6) International Law Enforcement Academies should be more fully utilized in the effort to train law enforcement authorities, prosecutors, and members of the judiciary to address trafficking in persons-related crimes.

SEC. 3. ENHANCING PREVENTION OF TRAFFICKING IN PERSONS.

(a) BORDER INTERDICTION, PUBLIC INFORMATION PROGRAMS, AND COMBATING INTERNATIONAL SEX TOURISM.—Section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended—

(1) by redesignating subsection (c) as subsection (f);

(2) by inserting after subsection (b) the following new subsections:

''(c) BORDER INTERDICTION.—The President shall establish and carry out programs of border interdiction outside the United States. Such programs shall include providing grants to foreign nongovernmental organizations that provide for transit shelters operating at key border crossings and that help train survivors of trafficking in persons to educate and train border guards and officials, and other local law enforcement officials, to identify traffickers and victims of severe forms of trafficking, and the appropriate manner in which to treat such victims. Such programs shall also include, to the extent appropriate, monitoring by such survivors of trafficking in persons of the implementation of border interdiction programs, including helping in the identification of such victims to stop the cross-border transit of victims. The President shall ensure that any program established under this subsection provides the opportunity for any trafficking victim who is freed to return to his or her previous residence if the victim so chooses.

''(d) INTERNATIONAL MEDIA.—The President shall establish and carry out programs that support the production of television and radio programs, including documentaries, to inform vulnerable populations overseas of the dangers of trafficking, and to increase awareness of the public in countries of destination regarding the slave-like practices and other human rights abuses involved in trafficking, including fostering linkages between individuals working in the media in different countries to determine the best methods for informing such populations through such media.

''(e) COMBATING INTERNATIONAL SEX TOURISM.—

''(1) DEVELOPMENT AND DISSEMINATION OF MATERIALS.—The President, pursuant to such regulations as may be prescribed, shall ensure that materials are developed and disseminated to alert travelers that sex tourism (as described in subsections (b) through (f) of section 2423 of title 18, United States Code) is illegal, will be prosecuted, and presents dangers to those involved. Such materials shall be disseminated to individuals traveling to foreign destinations where the President determines that sex tourism is significant.

''(2) MONITORING OF COMPLIANCE.—The President shall monitor compliance with the requirements of paragraph (1).

''(3) FEASIBILITY REPORT.—Not later than 180 days after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2003, the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Affairs of the Senate a report that describes the feasibility of such United States Government materials being disseminated through public-private partnerships to individuals traveling to foreign destinations.''; and

(3) in subsection (f) (as redesignated), by striking ''initiatives described in subsections (a) and (b)'' and inserting ''initiatives and programs described in subsections (a) through (e)''.

(b) TERMINATION OF CERTAIN GRANTS, CONTRACTS AND COOPERATIVE AGREEMENTS.—Section 106 of such Act (as amended by subsection (a)) is further amended by adding at the end the following new subsection:

''(g) TERMINATION OF CERTAIN GRANTS, CONTRACTS AND COOPERATIVE AGREEMENTS.—

''(1) TERMINATION.—The President shall ensure that any grant, contract, or cooperative agreement provided or entered into by a Federal department or agency under which funds described in paragraph (2) are to be provided to a private entity, in whole or in part, shall include a condition that authorizes the department or agency to terminate the grant, contract, or cooperative agreement, without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor (i) engages in severe forms of trafficking in persons or has procured a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect, or (ii) uses forced labor in the performance of the grant, contract, or cooperative agreement.

''(2) ASSISTANCE DESCRIBED.—Funds referred to in paragraph (1) are funds made available to carry out any program, project, or activity abroad funded under major functional budget category 150 (relating to international affairs).''.

SEC. 4. ENHANCING PROTECTION FOR TRAFFICKING VICTIMS.

(a) AMENDMENTS TO TRAFFICKING VICTIMS PROTECTION ACT OF 2000.—

(1) COOPERATION BETWEEN FOREIGN GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS.—Section 107(a)(1)(B) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(a)(1)(B)) is amended by adding at the end before the period the following: '', and by facilitating contact between relevant foreign government agencies and such nongovernmental organizations to facilitate cooperation between the foreign governments and such organizations''.

(2) ASSISTANCE FOR FAMILY MEMBERS OF VICTIMS OF TRAFFICKING IN UNITED STATES.—Section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)) is amended—

(A) in subparagraph (A), by inserting '', or an alien classified as a nonimmigrant under section 101(a)(15)(T)(ii),'' after ''in persons''; and

(B) in subparagraph (B)—

(i) by inserting ''and aliens classified as a nonimmigrant under section 101(a)(15)(T)(ii),'' after ''United States,''; and

(ii) by adding at the end the following new sentence: ''In the case of nonentitlement programs funded by the Secretary of Health

and Human Services, such benefits and services may include services to assist potential victims of trafficking in achieving certification and to assist minor dependent children of victims of severe forms of trafficking in persons or potential victims of trafficking.''.

(3) CERTIFICATION OF VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.—Section 107(b)(1)(E)) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)) is amended by adding at the end the following new clause:

''(iv) ASSISTANCE TO INVESTIGATIONS.—In making the certification described in this subparagraph with respect to the assistance to investigation or prosecution described in clause (i)(I), the Secretary of Health and Human Services shall consider statements from State and local law enforcement officials that the person referred to in subparagraph (C)(ii)(II) has been willing to assist in every reasonable way with respect to the investigation and prosecution of State and local crimes such as kidnapping, rape, slavery, or other forced labor offenses, where severe forms of trafficking appear to have been involved.''.

(4) PRIVATE RIGHT OF ACTION.—

(A) IN GENERAL.—Chapter 77 of part I of title 18, United States Code, is amended by adding at the end the following new section:

''§ 1595. Civil remedy

''(a) An individual who is a victim of a violation of section 1589, 1590, or 1591 of this chapter may bring a civil action against the perpetrator in an appropriate district court of the United States and may recover damages and reasonable attorneys fees.

''(b)(1) Any civil action filed under this section shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

''(2) In this subsection, a 'criminal action' includes investigation and prosecution and is pending until final adjudication in the trial court.''.

(B) CONFORMING AMENDMENT.—The table of contents of chapter 77 of part I of title 18, United States Code, is amended by adding at the end the following new item:

''1595. Civil remedy.''.

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—

(1) NONIMMIGRANT ALIEN CLASSES.—Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended—

(A) in clause (i)(III)(bb), by striking ''15 years of age,'' and inserting ''18 years of age,''; and

(B) in clause (ii)(I), by inserting ''unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause,'' before ''and parents''.

(2) ADMISSION OF NONIMMIGRANTS.—Section 214(n) of the Immigration and Nationality Act (8 U.S.C. 1184(n)) is amended—

(A) in paragraph (3), by inserting ''siblings,'' before ''or parents''; and

(B) by adding at the end the following:

''(4) An unmarried alien who seeks to accompany, or follow to join, a parent granted status under section 101(a)(15)(T)(i), and who was under 21 years of age on the date on which such parent applied for such status, shall continue to be classified as a child for purposes of section 101(a)(15)(T)(ii), if the alien attains 21 years of age after such parent's application was filed but while it was pending.

''(5) An alien described in clause (i) of section 101(a)(15)(T) shall continue to be treated as an alien described in clause (ii)(I) of such section if the alien attains 21 years of age after the alien's application for status under such clause (i) is filed but while it is pending.

''(6) In making a determination under section 101(a)(15)(T)(i)(III)(aa) with respect to an alien, statements from State and local law enforcement officials that the alien has complied with any reasonable request for assistance in the investigation or prosecution of crimes such as kidnapping, rape, slavery, or other forced labor offenses, where severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000) appear to have been involved, shall be considered.''.

(3) ADJUSTMENT OF STATUS.—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) (as added by section 107(f) of Public Law 106–386) is amended—

(A) in paragraph (1)—

(i) by striking ''admitted under that section'' and inserting ''admitted under section 101(a)(15)(T)(ii)''; and

(ii) by inserting ''sibling,'' after ''parent,''; and

(B) in paragraph (3)(B), by inserting ''siblings,'' after ''daughters,''.

(4) EXEMPTION FROM PUBLIC CHARGE GROUND FOR INADMISSIBILITY.—Section 212(d)(13) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(13)), as added by section 107(e)(3) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(e)(3)), is amended—

(A) in subparagraph (A), by striking the period at the end and adding the following:

'', except that the ground for inadmissibility described in subsection (a)(4) shall not apply with respect to such a nonimmigrant.''; and

(B) in subparagraph (B)—

(i) by amending clause (i) to read as follows:

''(i) subsection (a)(1); and''; and

(ii) in clause (ii)—

(I) by striking ''such subsection'' and inserting ''subsection (a)''; and

(II) by inserting ''(4),'' after ''(3),''.

(5) AGGRAVATED FELONY DEFINED.—Section 101(a)(43)(K)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(K)(iii)) is amended to read as follows:

''(iii) is described in any of sections 1581–1585 or 1588–1591 of title 18, United States Code (relating to peonage, slavery, involuntary servitude, and trafficking in persons);''.

SEC. 5. ENHANCING PROSECUTIONS OF TRAFFICKERS.

(a) SEX TRAFFICKING OF CHILDREN OR BY FORCE, FRAUD, OR COERCION.—Section 1591 of title 18, United States Code, is amended—

(1) in the heading, by inserting a comma after ''**FRAUD**'';

(2) in subsection (a)(1), by striking ''in or affecting interstate commerce'' and inserting ''in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States''; and

(3) in subsection (b), by striking ''the person transported'' each place it appears and inserting ''the person recruited, enticed, harbored, transported, provided, or obtained''.

(b) DEFINITION OF RACKETEERING ACTIVITY.—Section 1961(1)(A) of title 18, United States Code is amended by striking ''sections 1581-1588 (relating to peonage and slavery)'' and inserting ''sections 1581-1591 (relating to peonage, slavery, and trafficking in persons).''.

(c) CONFORMING AMENDMENTS.—(1) The heading for chapter 77 of part I of title 18, United States Code, is amended to read as follows:

''CHAPTER 77—PEONAGE, SLAVERY, AND TRAFFICKING IN PERSONS''.

(2) The table of contents for part I of title 18, United States Code, is amended in the item relating to chapter 77 to read as follows:

''77. Peonage, slavery, and trafficking in persons''.

SEC. 6. ENHANCING UNITED STATES EFFORTS TO COMBAT TRAFFICKING.

(a) REPORT.—

(1) IN GENERAL.—Section 105(d) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(d)) is amended by adding at the end the following new paragraph:

''(7) Not later than May 1, 2004, and annually thereafter, the Attorney General shall submit to the Committee on Ways and Means, the Committee on International Relations, and the Committee on the Judiciary of the House of Representatives and the Committee on Finance, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate, a report on Federal agencies that are implementing any provision of this division, or any amendment made by this division, which shall include, at a minimum, information on—

''(A) the number of persons who received benefits or other services under section 107(b) in connection with programs or activities funded or administered by the Secretary of Health and Human Services, the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and other appropriate Federal agencies during the preceding fiscal year;

''(B) the number of persons who have been granted continued presence in the United States under section 107(c)(3) during the preceding fiscal year;

''(C) the number of persons who have applied for, been granted, or been denied a visa or otherwise provided status under section 101(a)(15)(T)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)(i)) during the preceding fiscal year;

''(D) the number of persons who have been charged or convicted under one or more of sections 1581, 1583, 1584, 1589, 1590, 1591, 1592, or 1594 of title 18, United States Code, during the preceding fiscal year and the sentences imposed against each such person;

''(E) the amount, recipient, and purpose of each grant issued by any Federal agency to carry out the purposes of sections 106 and 107 of this Act, or section 134 of the Foreign Assistance Act of 1961, during the preceding fiscal year;

''(F) the nature of training conducted pursuant to section 107(c)(4) during the preceding fiscal year; and

''(G) the activities undertaken by the Senior Policy Operating Group to carry out its responsibilities under section 105(f) of this division.''.

(2) CONFORMING AMENDMENT.—Section 107(b)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7105(b)(1)) is amended by striking subparagraph (D).

(b) SUPPORT FOR THE TASK FORCE.—

(1) AMENDMENT.—The second sentence of section 105(e) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(e)) is amended by inserting at the end before the period the following: '', who shall be appointed by the President, by and with the advice and consent of the Senate, with the rank of Ambassador-at-Large''.

(2) APPLICABILITY.—The individual who holds the position of Director of the Office to Monitor and Combat Trafficking of the Department of State may continue to hold such position notwithstanding the amendment made by paragraph (1).

(c) SENIOR POLICY OPERATING GROUP.—

(1) AMENDMENT.—Section 105 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103) is amended by adding at the end the following new subsection:

''(f) SENIOR POLICY OPERATING GROUP.—

''(1) ESTABLISHMENT.—There shall be established within the executive branch a Senior Policy Operating Group.

''(2) MEMBERSHIP; RELATED MATTERS.—

''(A) IN GENERAL.—The Operating Group shall consist of the senior officials designated as representatives of the appointed members of the Task Force (pursuant to Executive Order 13257 of February 13, 2002).

''(B) CHAIRPERSON.—The Operating Group shall be chaired by the Director of the Office to Monitor and Combat Trafficking of the Department of State.

''(C) MEETINGS.—The Operating Group shall meet on a regular basis at the call of the Chairperson.

''(3) DUTIES.—The Operating Group shall coordinate activities of Federal departments and agencies regarding policies (including grants and grant policies) involving the international trafficking in persons and the implementation of this division.

''(4) AVAILABILITY OF INFORMATION.—Each Federal department or agency represented on the Operating Group shall fully share all information with such Group regarding the department or agency's plans, before and after final agency decisions are made, on all matters relating to grants, grant policies, and other significant actions regarding the international trafficking in persons and the implementation of this division.

''(5) REGULATIONS.—Not later than 90 days after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2003, the President shall promulgate regulations to implement this section, including regulations to carry out paragraph (4).''.

(2) CONFORMING AMENDMENT.—Section 406 of the Department of State and Related Agency Appropriations Act, 2003 (as contained in division B of Public Law 108–7) is hereby repealed.

(d) MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.—Section 108(b) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7106(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''that take place wholly or partly within the territory of the country'' and inserting '', and convicts and sentences persons responsible for such acts, that take place wholly or partly within the territory of the country''; and

(B) by adding at the end the following new sentences: ''After reasonable requests from the Department of State for data regarding investigations, prosecutions, convictions, and sentences, a government which does not provide such data, consistent with the capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and on June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.'';

(2) in paragraph (7)—

(A) by striking ''and prosecutes'' and inserting '', prosecutes, convicts, and sentences''; and

(B) by adding at the end the following new sentence: ''After reasonable requests from the Department of State for data regarding such investigations, prosecutions, convictions, and sentences, a government which does not provide such data consistent with its resources shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and on June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.''.

(3) by adding the following new paragraphs at the end:

''(8) Whether the percentage of victims of severe forms of trafficking in the country that are non-citizens of such countries is insignificant.

''(9) Whether the government of the country, consistent with the capacity of such government, systematically monitors its efforts to satisfy the criteria described in paragraphs (1) through (8) and makes available publicly a periodic assessment of such efforts.

''(10) Whether the government of the country achieves appreciable progress in eliminating severe forms of trafficking when compared to the assessment in the previous year.''.

(e) SPECIAL WATCH LIST.—Section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL WATCH LIST.—

''(A) SUBMISSION OF LIST.—Not later than the date on which the determinations described in subsections (c) and (d) are submitted to the appropriate congressional committees in accordance with such subsections, the Secretary of State shall submit to the appropriate congressional committees a list of countries that the Secretary determines requires special scrutiny during the following year. The list shall be composed of the following countries:

''(i) Countries that have been listed pursuant to paragraph (1)(A) in the current annual report and were listed pursuant to paragraph (1)(B) in the previous annual report.

''(ii) Countries that have been listed pursuant to paragraph (1)(B) pursuant to the current annual report and were listed pursuant to paragraph (1)(C) in the previous annual report.

''(iii) Countries that have been listed pursuant to paragraph (1)(B) pursuant to the current annual report, where—

''(I) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;

''(II) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecutions and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or

''(III) the determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

''(B) INTERIM ASSESSMENT.—Not later than February 1st of each year, the Secretary of State shall provide to the appropriate congressional committees an assessment of the progress that each country on the special watch list described in subparagraph (A) has made since the last annual report.

''(C) RELATION OF SPECIAL WATCH LIST TO ANNUAL TRAFFICKING IN PERSONS REPORT.—A determination that a country shall not be placed on the special watch list described in subparagraph (A) shall not affect in any way the determination to be made in the following year as to whether a country is complying with the minimum standards for the elimination of trafficking or whether a country is making significant efforts to bring itself into compliance with such standards.''.

(f) ENHANCING UNITED STATES ASSISTANCE.—Section 134(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152d(b)) is amended by adding at the end the following new sentence: ''Assistance may be provided under this section notwithstanding section 660 of this Act.''.

(g) RESEARCH RELATING TO TRAFFICKING IN PERSONS.—

(1) IN GENERAL.—The Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 et seq.) is amended by inserting after section 112 the following new section:

''SEC. 112A. RESEARCH ON DOMESTIC AND INTERNATIONAL TRAFFICKING IN PERSONS.

''The President, acting through the Council of Economic Advisors, the National Research Council of the National Academies, the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, the Secretary of State, the Administrator of the United States Agency for International Development, and the Director of Central Intelligence, shall carry out research, including by providing grants to nongovernmental organizations, as well as relevant United States Government agencies and international organizations, which furthers the purposes of this division and provides data to address the problems identified in the findings of this division. Such research initiatives shall, to the maximum extent practicable, include, but not be limited to, the following:

''(1) The economic causes and consequences of trafficking in persons.

''(2) The effectiveness of programs and initiatives funded or administered by Federal agencies to prevent trafficking in persons and to protect and assist victims of trafficking.

''(3) The interrelationship between trafficking in persons and global health risks.''.

(2) CONFORMING AMENDMENT.—The table of contents of the Victims of Trafficking and Violence Protection Act of 2000 is amended by inserting after the item relating to section 112 the following new item:

''Sec. 112A. Research on domestic and international trafficking in persons.''.

(h) SANCTIONS AND WAIVERS.—Section 110(d) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(d)) is amended—

(1) in paragraph (4), by inserting after ''nonhumanitarian, nontrade-related foreign assistance'' the following: ''or funding for participation in educational and cultural exchange programs''; and

(2) in paragraph (5)(A)(i), by inserting after ''foreign assistance'' the following: ''or funding for participation in educational and cultural exchange programs''.

(i) SUBSEQUENT WAIVER AUTHORITY.—Section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107) is amended by adding at the end the following new subsection:

''(f) After the President has made a determination described in subsection (d)(1) with respect to the government of a country, the President may at any time make a determination described in paragraphs (4) and (5) of subsection (d) to waive, in whole or in part, the measures imposed against the country by the previous determination under subsection (d)(1).''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS; RELATED MATTERS.

Section 113 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7110) is amended—

(1) in subsection (a)—

(A) by striking ''105'' and inserting ''105(e), 105(f)''; and

(B) by striking ''and $3,000,000 for each of the fiscal years 2002 and 2003'' and inserting '', $3,000,000 for each of the fiscal years 2002 and 2003, and $5,000,000 for each of the fiscal years 2004 and 2005'';

(2) in subsection (b), by adding at the end before the period the following: ''and $15,000,000 for each of the fiscal years 2004 and 2005'';

(3) in subsection (c)—

(A) in paragraph (1) to read as follows:

''(1) BILATERAL ASSISTANCE TO COMBAT TRAFFICKING.—

''(A) PREVENTION.—To carry out the purposes of section 106, there are authorized to be appropriated to the Secretary of State $10,000,000 for each of the fiscal years 2004 and 2005.

''(B) PROTECTION.—To carry out the purposes of section 107(a), there are authorized to be appropriated to the Secretary of State $15,000,000 for fiscal year 2003 and $10,000,000 for each of the fiscal years 2004 and 2005.

''(C) PROSECUTION AND MEETING MINIMUM STANDARDS.—To carry out the purposes of section 134 of the Foreign Assistance Act of 1961, there are authorized to be appropriated $10,000,000 for each of the fiscal years 2004 and 2005 to assist in promoting prosecution of traffickers and otherwise to assist countries in meeting the minimum standards described in section 108 of this Act, including $250,000 for each such fiscal year to carry out training activities for law enforcement officers, prosecutors, and members of the judiciary with respect to trafficking in persons at the International Law Enforcement Academies.''; and

(B) in paragraph (2), by striking ''for each of the fiscal years 2001, 2002, and 2003'' and inserting ''for each of the fiscal years 2001 through 2005'';

(4) in subsection (d)—

(A) by adding at the end before the period the following: ''and $15,000,000 for each of the fiscal years 2004 and 2005''; and

(B) by adding at the end the following new sentence: ''To carry out the purposes of section 134 of the Foreign Assistance Act of 1961 (as added by section 109), there are authorized to be appropriated to the President, acting through the Attorney General and the Secretary of State, $250,000 for each of fiscal years 2004 and 2005 to carry out training activities for law enforcement officers, prosecutors, and members of the judiciary with respect to trafficking in persons at the International Law Enforcement Academies.'';

(5) in subsection (e)—

(A) in paragraphs (1) and (2), by striking ''for fiscal year 2003'' each place it appears and inserting ''for each of the fiscal years 2003 through 2005''; and

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

''(3) RESEARCH.—To carry out the purposes of section 112A, there are authorized to be appropriated to the President $300,000 for fiscal year 2004 and $300,000 for fiscal year 2005.'';

(6) in subsection (f), by adding at the end before the period the following: ''and $10,000,000 for each of the fiscal years 2004 and 2005''; and

(7) by adding at the end the following new subsection:

''(g) LIMITATION ON USE OF FUNDS.—

''(1) RESTRICTION ON PROGRAMS.—No funds made available to carry out this division, or any amendment made by this division, may be used to promote, support, or advocate the legalization or practice of prostitution. Nothing in the preceding sentence shall be construed to preclude assistance designed to promote the purposes of this Act by ameliorating the suffering of, or health risks to, victims while they are being trafficked or after they are out of the situation that resulted from such victims being trafficked.

''(2) RESTRICTION ON ORGANIZATIONS.—No funds made available to carry out this division, or any amendment made by this division, may be used to implement any program that targets victims of severe forms of trafficking in persons described in section 103(8)(A) of this Act through any organization that has not stated in either a grant application, a grant agreement, or both, that it does not promote, support, or advocate the legalization or practice of prostitution. The preceding sentence shall not apply to organizations that provide services to individuals solely after they are no longer engaged in activities that resulted from such victims being trafficked.''.

SEC. 8. TECHNICAL CORRECTIONS.

(a) IMMIGRATION AND NATIONALITY ACT.—

(1) CLASSES OF NONIMMIGRANT ALIENS.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(A) by moving the margins of subparagraphs (T) and (U) 2 ems to the left;

(B) in subparagraph (T), by striking ''214(n),'' and inserting ''214(o),'';

(C) in subparagraph (U), by striking ''214(o),'' and inserting ''214(p),''; and

(D) in subparagraph (V), by striking ''214(o),'' and inserting ''214(q),''.

(2) CLASSES OF ALIENS INELIGIBLE FOR VISAS AND ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by redesignating the paragraph (13) added by section 1513(e) of the Battered Immigrant Women Protection Act of 2000 (title V of division B of Public Law 106–386; 114 Stat. 1536) as paragraph (14).

(3) ADMISSION OF NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by redesignating subsections (m) (as added by section 105 of Public Law 106–313), (n) (as added by section 107(e) of Public Law 106–386), (o) (as added by section 1513(c) of Public Law 106–386), (o) (as added by section 1102(b) of the Legal Immigration Family Equity Act), and (p) (as added by section 1503(b) of the Legal Immigration Family Equity Act) as subsections (n), (o), (p), (q), and (r), respectively.

(4) ADJUSTMENT OF STATUS OF NONIMMIGRANTS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(A) in the subsection (l) added by section 107(f) of Public Law 106–386, by redesignating the second paragraph (2), and paragraphs (3) and (4), as paragraphs (3), (4), and (5), respectively; and

(B) by redesignating the subsection (l) added by section 1513(f) of Public Law 106–386 as subsection (m).

(b) TRAFFICKING VICTIMS PROTECTION ACT OF 2000.—(1) Section 103(7)(A)(i) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(7)(A)(i)) is amended by inserting after ''part II of that Act'' the following: ''in support of programs of nongovernmental organizations''.

(2) Section 107(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(g)) is amended by striking ''214(n)(1)'' and inserting ''214(o)(2)''.

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

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

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2620.

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

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Trafficking Victims Protection Act of 2000, Public Law 106–386 has made an enormous positive difference in our efforts to end modern-day slavery, a nefarious enterprise that, according to the United Nations, nets the exploiters something in the order of $7 billion to $10 billion each year.

This modern-day slavery, this terrible practice that is in our midst, enslaves more than 800,000 to 900,000 people according to the United States Department of State, of which about 20,000 are brought to this country every year to be exploited in the sex trade and in other aspects of this modern-day slavery. That number, I would point out to my colleagues, does not even include those who are trafficked intracountry. For instance, in places like India where there are millions of women who are forced into sexual slavery, they are not even counted in this number. It is for the victim, a difference without a distinction like the difference between a refugee and the internally displaced person—IDP. They suffer the same misery, but they have not crossed a geographic border. But nevertheless, the exploitation continues.

The 3-year-old landmark law with its numerous mutually-reinforcing provisions to prevent trafficking, to protect victims, and to prosecute to the max those who traffic, has been a model statute worldwide. Indeed, many of its provisions have been adopted into law, in whole or in part, by governments around the world.

Mr. Speaker, the Trafficking Victims Protection Act of 2000 does not pull any punches. By naming the names of countries out of compliance with what we call ''minimum standards'', and by imposing smart sanctions that are prescribed in the Act, the withholding of nonhumanitarian foreign aid, for example, we have signaled to the world that ending this egregious practice is among the highest priorities of the United States. By prosecuting traffickers and imposing serious jail time, and I would note parenthetically that in my own State of New Jersey, a group of traffickers were convicted under the Act and got just over 17 years for their crimes. So the law is being implemented around the country. There is something in the order of 79 current Federal prosecutions that have been

initiated. We are telling these exploiters that we are coming after you and you are going to have to pay for your crimes.

By protecting the victims, Mr. Speaker, and not sending them back to their home country where they are often exploited again in a cycle of exploitation, we say to the victims, we will try to make you safe and secure. I would point out that nearly 400 survivors of trafficking are already getting help here in the United States and rebuilding their shattered lives.

For its part, Mr. Speaker, the Bush administration has aggressively sought to implement both the spirit and the letter of the law. Our former Congressional colleague, John Miller, is doing an exemplary job as director of what we call the Trafficking in Persons Office. He is living this 24–7 and has a fire in the belly to try to stop the traffickers and provide a save haven for the women. I commend our former colleague for his outstanding work.

President Bush himself is deeply committed to ending slavery and recently told the U.N. General Assembly that trafficking was a ''special evil in the abuse and exploitation of the most innocent and the most vulnerable.'' He called on the United Nations and its member states to do more; and I am proud of the fact that President Bush has led in both spirit, word and in deed.

Last year President Bush issued what is known as NSPD–22 which established a zero-tolerance policy regarding the U.S. Government employees and contractor personnel representing U.S. abroad who engage in trafficking in persons. In other words, if you do business with the United States, if you are one of our contractors, do not be involved in any way, shape or form, do not be complicit in trafficking. If you do, you are in big trouble and its going to cost you the contract.

The DOD Inspector General, Joseph Schmitz, has released phase one of a global assessment of human trafficking as it relates to the Department of Defense and its activity. We have found that in many of our deployments, that many of our soldiers, sailors, Marines and airmen were actually visiting places where women have been trafficked from Russia and the Philippines. And this is particularly the case in South Korea.

Thankfully, as a result of this Inspector General's report and the action plan that followed, we are achieving the zero-tolerance policy as it relates to our deployments, and hopefully NATO will follow suit soon.

Notwithstanding these initial successes, Mr. Speaker, it is clear that even more has to be done to destroy this mob-infested criminal enterprise known as human trafficking.

The bill before the House today, the Smith-Lantos bill, enhances our efforts. I thank the gentleman from California (Mr. LANTOS) for his leadership on this. We are working in a partnership that is really making a difference. This legislation that is before us today tries to update, expand, and improve our law. There have been lessons learned since the first law was enacted 3 years ago. They are incorporated into this legislation as we try to do a better job in mitigating the suffering of the victims while simultaneously going after those who traffic and the countries that harbor traffickers who are part of the problems themselves.

Mr. Speaker, I would ask my colleagues to support this legislation. It has a number of mutually-reenforcing provisions, just like the original bill. But it updates current law and expands it as well. For example, we would now require that U.S. contracts relating to international affairs contain clauses authorizing termination by the United States if a contractor engages in human trafficking or procures commercial sexual services while the contract is in force.

We have found, Mr. Speaker, through hearings that have been held, that companies like DynCorps, where we have provided money for their overseas work in the area of policing, particularly in the Balkans, that some of their members, some of those that we are underwriting the cost of, are engaged in trafficking. This is unacceptable. Unfortunately, the only things that happened to those individual employees was they were sent home. The contract continued unabated. This legislation will say, Department of State, DOD or any of the others can rip up that contract if a contractor's personnel are involved in trafficking.

We also promote innovative trafficking prevention initiatives, such as border interdiction programs. And we urge working with private/public partnership on trying to educate and alert travelers as to what is going on with our sex tourism laws so that they know they will be prosecuted. An informational campaign will follow from that.

We provide protections for trafficking victims by allowing State or local law enforcement authorities to assist in identifying the victims of trafficking who have cooperated in the investigation or prosecution of trafficking crimes.

We allow trafficking victims to sue their traffickers in U.S. courts. We eliminate the requirement that the victim of trafficking between the ages of 15 and 18 must cooperate with the investigation and the prosecution of his or her trafficker in order to be eligible for a T Visa. That was an oversight in the first law. It is fixed in this legislation.

We allow benefits and services available to victims of trafficking to be available to their family members and that they may be legally entitled to join them here in the United States. So we do not have the separation and we do not have the situation where they can be exploited back home because their daughter or their sister or their wife, who had been trafficked, goes into a situation of protection here. They are no longer vulnerable back home. They can come and join them as immigrants.

We also provide prosecution of trafficking-related crimes through a number of provisions, including making human trafficking crimes predicate offenses for RICO charges. We encourage the use of international law enforcement academies to train foreign law enforcement authorities, prosecutors and members of the judiciary regarding human trafficking. We permit Federal anti-trafficking statutes to be used to prosecute acts of trafficking involving foreign commerce or occurring in a special maritime or territorial jurisdiction of the United States.

Equally important in this bill we would elevate, John Miller's position, the Director of the Trafficking in Persons Office, an ambassador-at-large, raising his status and the ability to make changes both in the building, as well as outside of it, in this very important fight.

There is much more. Naturally, we authorize the money it will take to do the job and effectively implement the new law. By and large, this bill is a significant upgrading. This is a bipartisan bill. Again, I want to thank the gentleman from California (Mr. LANTOS) for his leadership on this.

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

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

Mr. Speaker, I rise in strong support of this resolution. Mr. Speaker, first I would like to congratulate my good friend, the gentleman from New Jersey (Mr. SMITH), vice chairman of the Committee on International Relations, for his continuing dedication to the critical issue of fighting trafficking in persons. The gentleman from New Jersey (Mr. SMITH) has brought his passionate and principled commitment to this most important matter, and I want to congratulate him.

I am proud to be an original cosponsor of this important reauthorization bill, and I want to thank the chairman, the gentleman from Illinois (Mr. HYDE), for bringing the matter to the floor today. I also want to express publicly my appreciation to the chief democratic council, Mr. David Abromowitz for his invaluable work in connection with this legislation.

Mr. Speaker, in the 106th Congress, the gentleman from New Jersey (Mr. SMITH) and our former colleague, my predecessor as the ranking member of the Committee on International Relations, Mr. Gejdenson of Connecticut, expended enormous energy to pass the Trafficking Victims Protection Act of 2000. At that time, the shocking truth was that thousands of men and women were being forced to labor in fields across the United States without pay, to work endless hours in sweatshops, and to serve in sexual slavery in cities across this country.

□ 1515

U.S. prosecution of traffickers faltered because attorneys in our Department of Justice did not have the right

tools to pursue new forms of trafficking, which often relied on threats, not chains, and on document fraud, not bills of sale.

Overseas, millions of people were being used as chattel, and the brothels of Bombay and Bangkok were overflowing with prostitutes, many of them pitifully young girls who were forced to provide sex.

Governments were barely aware of what was happening to their own people. They usually blamed the victims instead of helping them.

Today, Mr. Speaker, the picture is visibly brighter. Empowered by the Trafficking Victims Protection Act of 2000, the Attorney General is prosecuting cases from all over the United States. Victims are coming forward because of the Federal benefits we are offering to them as we treat them like the refugees that they are.

Naming countries that are not making significant efforts to combat trafficking and threatening them with sanctions are forcing measurable changes in the way that governments around the globe are facing this modern-day form of slavery. This vicious practice is under assault from all directions.

But, Mr. Speaker, trafficking in human beings remains a significant problem. In Brazil, for instance, an estimated 40,000 men, women, and children are forced to toil in large estates to clear land, mine for precious minerals, and produce charcoal and rubber. The abhorrent conditions in which they work amount to slavery in the 21st century in our own hemisphere.

Although the recently installed administration of President Lula has done much to free many of these trapped laborers, resource constraints, political unwillingness to seek legislative changes and a powerful group of large estate owners impede additional efforts.

Mr. Speaker, we clearly need to do more. In the 2½ years since the enactment of the trafficking legislation, we have learned much more about the phenomenon of trafficking and how to combat it. The legislation before us today, the Trafficking Victims Reauthorization Act of 2003, implements these new lessons. For example, our bill authorizes new strategies for prevention, including using trafficking victims to identify traffickers at the borders and deterring sex tourism, which is part of the fuel of sex slavery around the globe.

It increases protection by making measured expansions of the visa category for trafficking victims. It improves cooperation with respect to State and local trafficking prosecutions, which are increasingly in the front line of law enforcement in this area. It enhances prosecution of traffickers by ensuring that trafficking is treated like the organized crime that it is. It coordinates more effectively Federal efforts by ensuring a comprehensive report on our efforts and by establishing an interagency group to ensure compliance.

I believe the administration in this regard should consider using the expertise developed in the interagency group to review all U.S. assistance programs that affect trafficking victims, including public health programs such as HIV/AIDS that target trafficking victims.

Mr. Speaker, before concluding, I want to commend the President for expressing his commitment to combat trafficking human beings in his speech before the General Assembly of the United Nations this past September. I welcome the President joining our fight against human rights abuses, both in the area of sex trafficking and forced labor.

Indeed, our bill demonstrates a continuing congressional commitment to fighting this outrage by authorizing additional funds for U.S. agencies to combat this human rights crisis around the globe.

Finally, Mr. Speaker, the original legislation, we must all remember, was one of the singular achievements of our late colleague from Minnesota, Senator Paul Wellstone. Adopting this legislation is a fitting tribute to his memory.

I urge all of my colleagues to support H.R. 2620.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), my good friend and colleague, who has been a champion on behalf of human rights in general but particularly on this issue of trafficking. His bill, the Commerce, Justice and State appropriations bill, contains many of the provisions that need to be implemented. And not only has he faithfully implemented those; he has provided additional funding and resources for that. So I want to thank him for his leadership.

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

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

Mr. Speaker, I rise in strong support of H.R. 2620, the Trafficking Victims Protection Reauthorization Act of 2003. I want to particularly commend the gentleman from New Jersey (Mr. SMITH) for his leadership in Congress and around the world on combatting trafficking but also on all of these issues. Whenever we see the House is ready to take up an issue like trafficking or to help the exploited, whether it be women or children, the gentleman from New Jersey (Mr. SMITH) will always be here; the gentleman from California (Mr. LANTOS) will always be there; the gentleman from Illinois' (Mr. HYDE) name will always be on the bill. So I just want to particularly thank the gentleman from New Jersey (Mr. SMITH) today and the gentleman from California (Mr. LANTOS) for their efforts with regard to this issue.

I also want to thank the gentleman from Illinois (Mr. HYDE) for his work in moving this legislation. All of them, the gentleman from New Jersey (Mr. SMITH), the gentleman from California (Mr. LANTOS), and the gentleman from Illinois (Mr. HYDE), have shown great leadership and vision and commitment in human rights on all of these issues.

I also want to particularly commend the Office of Trafficking at the State Department. It has done a good job under the leadership of our former colleague, John Miller. John Miller was a great Member of Congress. He represented the Seattle area and used to vote against giving MFN to the barbarians in China because they were persecuting Catholics, Protestants, Muslims, Tibetans, the Dalai Lama's people there. Yet John Miller used to get up and always oppose granting MFN and Seattle was ground zero with regard to Boeing.

John has done an outstanding job. The State Department produces an annual report that is improved each year on the status of trafficking in every country, and John has played a key, key role.

I heard the gentleman from California (Mr. LANTOS) mention it as I was walking in. I want to commend the President of the United States, President George Bush. I was pleasantly surprised, not surprised but pleased, to see the statement that the President made when he addressed the U.N., and he said there is a special evil in the abuse and exploitation of the most innocent and vulnerable. He went on to say we must show new energy in fighting back an old evil, and that is what the bill that the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) are handling today; and he said nearly two centuries after the abolition of the transatlantic slave trade, more than a century after slavery was initially ended in its last stronghold, to trade in human beings for any purpose must not be allowed to thrive in our time. The President was right, and I want to commend and we should commend the President for providing the leadership and putting John Miller where he is and working with the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) to take care of this problem.

Also, I would urge at the end we remember in our own city, there are several hundred thousand young women who are sexually trafficked here in the United States. As we tell countries abroad, put pressure on them, we have to make sure we do everything. So modeling what the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) did, we are going to try to have a national conference next year dealing with the issue in our own country so that we can eliminate this, not just reduce it, but eliminate it.

So in closing, I urge all Members to support this and want to again thank the gentleman from New Jersey (Mr. SMITH), the gentleman from California (Mr. LANTOS), and the gentleman from Illinois (Mr. HYDE) because those three each and every time have been down here defending the weak, the vulnerable in our society.

Mr. LANTOS. Mr. Speaker, first I want to thank my good friend from Virginia for his most gracious words.

Mr. Speaker, I am delighted to yield as much time as she might consume to my distinguished colleague and dear friend, the gentlewoman from California (Ambassador WATSON).

Ms. WATSON. Mr. Speaker, I thank my colleague, the gentleman from California (Mr. LANTOS), for his thorough commitment to the right causes, and I thank the gentleman from New Jersey (Mr. SMITH) for being on the point.

According to the latest U.S. Government estimates, some 800,000 to 900,000 people worldwide are trafficked across borders each year for forced labor or sexual exploitation. Although men are also victimized, the overwhelming majority of those trafficked are women and children. In addition, trafficking in people for prostitution, domestic servitude, and forced labor is an increasing area of international criminal activity.

The reasons for the increase in trafficking are many. In general, the criminal business feeds on poverty, despair, war, crisis, and ignorance. Trafficking is considered one of the largest sources of profits for organized crime, generating 7 to $10 billion annually, according to United Nations estimates.

The largest number of victims are annually trafficked from Asia and the Pacific region, according to the U.S. Department of State. The growth of sexual tourism in this region is one of the main contributing factors.

Mr. Speaker, as my colleagues know, Congress passed the Victims of Trafficking and Violence Protection Act of 2000, which strengthened many provisions of law dealing with trafficking in persons for sexual and other exploitation. The Trafficking Victims Protection Reauthorization Act of 2003 is critical to maintaining the progress already achieved.

H.R. 2620 authorizes new strategies for prevention, including using trafficking victims to identify traffickers at the borders and to deter sex tourism. It increases protection by making measured expansions of the visa category for trafficking victims. It also improves cooperation with respect to State and local trafficking prosecutions, which are increasingly the front line of law enforcement in this area. This legislation will also enhance the prosecution of traffickers by ensuring that trafficking is treated like the organized crime that it is.

Mr. Speaker, we should also be very concerned about human trafficking and human rights that are violated right here in this country. H.R. 2620 coordinates Federal efforts by ensuring a comprehensive report on United States antitrafficking actions and by establishing an interagency group to ensure compliance.

I urge my colleagues to support this most-needed legislation, and I thank those who are sponsoring this piece of legislation.

Mr. SMITH of New Jersey. Mr. Speaker, I just have a few closing comments. We have no further speakers, so I reserve the balance of our time.

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

Before closing, I would first like to recognize my friend and colleague from New York (Ms. SLAUGHTER) for her leadership on this issue for many years and for her commitment to this most important cause.

I would like to yield for a colloquy with the distinguished vice chairman of our committee and the principal sponsor of this legislation.

□ 1530

Mr. Speaker, as the gentleman from New Jersey (Mr. SMITH) knows, as in other bills, there are provisions in this legislation that represent a compromise and do not go as far as either side would like. In this case, Mr. Speaker, there is a provision that prohibits providing funds to any organization that promotes, supports, or advocates the legalization of the practice of prostitution. Some have raised concerns regarding this provision since the committee has reported this bill, and I think that this provision needs some clarification.

When this provision was drafted, it was my understanding that an organization can satisfy this requirement if it states in a grant application or in a grant agreement or both that it does not promote, support, or advocate such action since it has no policy regarding this issue. Just to be clear on this point, I yield to the gentleman from New Jersey (Mr. SMITH) to confirm that this is his understanding of the statute.

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

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

Mr. SMITH of New Jersey. Mr. Speaker, I agree with the interpretation of the gentleman from California (Mr. LANTOS). It was also my understanding that an organization can satisfy the prohibition that the gentleman has referred to if it states in a grant application, a grant agreement, or both that it does not promote, support, or advocate such actions since it has no policy regarding this issue.

Mr. LANTOS. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SMITH). On that basis, I would say this is a good bipartisan bill, and I strongly urge all of my colleagues to support it.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, I thank the gentleman from California (Mr. LANTOS), and say a very special thanks to the gentleman from Illinois (Chairman HYDE), who has been a stalwart in promoting this legislation. When the gentleman from Illinois was chairman of the Committee on the Judiciary, 3 years ago, we ran into a serious barrier to provisions which referred to the Committee on the Judiciary. Mr. HYDE and Charles Kennedy, our former colleague, were indispensable in making sure that the legislation was not bottlenecked in that committee, and sure enough, a compromise was worked out, and the bill was released out of the Committee on the Judiciary.

I also thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his leadership on this issue as well. And majority leader TOM DELAY for supporting the bill and getting it to the floor. I also thank Renee Austell and Walker Roberts for their work from the Committee on International Relations, Dorothy Taft who is our chief of staff for the Commission on Security Cooperation in Europe, Maureen Walsh, who is also from the commission, who has worked on this, George Phillips, Dina Funderburk who works in the office of the gentleman from Texas (Mr. DELAY), David Abramowitz, a good friend on the Democratic side who has worked so well with us, and I specially want to thank Joseph Rees, who is now our U.S. Ambassador to East Timor. He worked night and day on the original trafficking law and other pieces of legislation when he was staff director of the Subcommittee on International Operations and Human Rights. Joseph used to be the general counsel for the INS. He knew those issues intimately and was indispensable in getting the original trafficking legislation passed. It took almost 2 years to craft that legislation. It ran into a myriad of obstacles. It was referred to four full committees, 11 subcommittees. A number of barriers had to be overcome, and Joseph did a great job, and I thank him for that.

I also remind my colleagues, and I did not go through all of the provisions, but there is so much in this bill. Just recently, the President determined which countries were Tier III, egregious violators which were not making serious and sustained efforts to get off the list, thereby subjecting themselves to a number of sanctions that will be imposed. There are a number of countries that are Tier II. In other words, they have a very serious problem with human trafficking, but they have taken efforts to get off the list. They have passed laws, issued decrees, prosecuted traffickers, and protected victims, but we are concerned, that there could be some erosion or backsliding so they will be watched.

I believe under John Miller's leadership and, of course, with the strong oversight capabilities of the Congress, we will keep pressure on those countries. We create in this bill a new

watch list to try to prevent that kind of slippage from occurring. Yes, the sword of Damocles has been removed, for the time being, from these countries, and there were some 15 that were on Tier III that were at risk of losing significant benefits from the United States Government, many of which got off that through a flurry of activity. But I want them to know, and I say this in bipartisan way, we will be watching. If there is any backsliding, if they do not continue the work to mitigate, and hopefully end, this horrific practice of human slavery, they will lose those benefits. We will take our case everywhere, including the World Bank, international multilateral lending institutions, and they will lose their support if they do not end this complicity in human trafficking. So the watch list is a very important inclusion in this statute or soon-to-be statute. I just want to bring Members' attention to it.

Mr. Speaker, this is a good bill, a bipartisan bill, and I hope Members will support it.

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

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2620, 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. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

E–911 IMPLEMENTATION ACT OF 2003

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2898) to improve homeland security, public safety and citizen activated emergency response capabilities through the use of enhanced 911 wireless services, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2898

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 ''E–911 Implementation Act of 2003'' .

SEC. 2. COORDINATION OF E–911 IMPLEMENTATION.

Part C of title I of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended by adding at the end the following:

''SEC. 158. COORDINATION OF E–911 IMPLEMENTATION.

''(a) E–911 IMPLEMENTATION COORDINATION OFFICE.—

''(1) ESTABLISHMENT.—The Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration shall—

''(A) establish a joint program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the implementation of E–911 services; and

''(B) create an E-911 Implementation Coordination Office to implement the provisions of this section.

''(2) MANAGEMENT PLAN.—The Assistant Secretary and the Administrator shall jointly develop a management plan for the program established under this section. Such plan shall include the organizational structure and funding profiles for the 5-year duration of the program. The Assistant Secretary and the Administrator shall, within 90 days after the date of enactment of this Act, submit the management plan to the Committees on Energy and Commerce and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate.

''(3) PURPOSE OF OFFICE.—The Office shall—

''(A) take actions, in concert with coordinators designated in accordance with subsection (b)(3)(A)(ii), to improve such coordination and communication;

''(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of E–911 services;

''(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b)(3)(A)(iii);

''(D) receive, review, and recommend the approval or disapproval of applications for grants under subsection (b); and

''(E) oversee the use of funds provided by such grants in fulfilling such implementation plans.

''(4) REPORTS.—The Assistant Secretary and the Administrator shall provide a joint annual report to Congress by the first day of October of each year on the activities of the Office to improve coordination and communication with respect to the implementation of E–911 services.

''(b) PHASE II E–911 IMPLEMENTATION GRANTS.—

''(1) MATCHING GRANTS.—The Assistant Secretary and the Administrator, after consultation with the Secretary of Homeland Security and the Chairman of the Federal Communications Commission, and acting through the Office, shall provide grants to eligible entities for the implementation of phase II E–911 services through planning, infrastructure improvements, telecommunications equipment purchases, and personnel training.

''(2) MATCHING REQUIREMENT.—The Federal share of the cost of a project eligible for a grant under this section shall not exceed 50 percent. The non-Federal share of the cost shall be provided from non-Federal sources.

''(3) COORDINATION REQUIRED.—In providing grants under paragraph (1), the Assistant Secretary and the Administrator shall require an eligible entity to certify in its application that—

''(A) in the case of an eligible entity that is a State government, the entity—

''(i) has coordinated its application with the public safety answering points (as such term is defined in section 222(h)(4) of the Communications Act of 1934) located within the jurisdiction of such entity;

''(ii) has designated a single officer or governmental body of the entity to serve as the coordinator of implementation of E–911 services, except that such designation need not vest such coordinator with direct legal authority to implement E–911 services or manage emergency communications operations;

''(iii) has established a plan for the coordination and implementation of E–911 services; and

''(iv) has integrated telecommunications services involved in the implementation and delivery of phase II E–911 services; or

''(B) in the case of an eligible entity that is not a State, the entity has complied with clauses (i), (iii), and (iv) of subparagraph (A), and the State in which it is located has complied with clause (ii) of such subparagraph.

''(4) CRITERIA.—The Assistant Secretary and the Administrator shall jointly issue regulations within 180 days of the enactment of the E–911 Implementation Act of 2003, after a public comment period of not less than 60 days, prescribing the criteria for selection for grants under this section, and shall update such regulations as necessary.

''(c) DIVERSION OF E–911 CHARGES.—

''(1) DESIGNATED E–911 CHARGES.—For the purposes of this subsection, the term 'designated E–911 charges' means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that—

''(A) appear on telecommunications services customers' bills; and

''(B) are designated or presented as dedicated to deliver or improve E–911 services.

''(2) CERTIFICATION.—Each applicant for a matching grant under this section shall certify to the Assistant Secretary and the Administrator at the time of application, and each applicant that receives such a grant shall certify to the Assistant Secretary and the Administrator annually thereafter during any period of time during which the funds from the grant are available to the applicant, that no portion of any designated E–911 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or presented.

''(3) CONDITION OF GRANT.—Each applicant for a grant under this section shall agree, as a condition of receipt of the grant, that if the State or other taxing jurisdiction within which the applicant is located, during any period of time during which the funds from the grant are available to the applicant, obligates or expends designated E–911 charges for any purpose other than the purposes for which such charges are designated or presented, all of the funds from such grant shall be returned to the Office.

''(4) PENALTY FOR PROVIDING FALSE INFORMATION.—Any applicant that provides a certification under paragraph (1) knowing that the information provided in the certification was false shall—

''(A) not be eligible to receive the grant under subsection (b);

''(B) return any grant awarded under subsection (b) during the time that the certification was not valid; and

''(C) not be eligible to receive any subsequent grants under subsection (b).

''(d) AUTHORIZATION; TERMINATION.—

''(1) AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation, for the purposes of grants under the joint program operated under this section with the Department of Commerce, not more than $100,000,000 for each of the fiscal years 2004 through 2008.

''(2) TERMINATION.—The provisions of this section shall cease to be effective on October 1, 2008.

''(e) DEFINITIONS.—As used in this section:

''(1) OFFICE.—The term 'Office' means the E–911 Implementation Coordination Office.

''(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the National Highway Traffic Safety Administration.

''(3) ELIGIBLE ENTITY.—

''(A) IN GENERAL.—The term 'eligible entity' means a State or local government or a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))).

''(B) INSTRUMENTALITIES.—Such term includes public authorities, boards, commissions, and similar bodies created by one or more eligible entities described in subparagraph (A) to provide E–911 services.

''(C) EXCEPTION.—Such term does not include any entity that has failed to submit the most recently required certification under subsection (c) within 30 days after the date on which such certification is due.

''(4) E–911 SERVICES.—The term 'E–911 services' means both phase I and phase II enhanced 911 services, as described in section 20.18 of the Commission's regulations (47 CFR 20.18), as in effect on the date of enactment of this section, or as subsequently revised by the Federal Communications Commission.

''(5) PHASE II E–911 SERVICES.—The term 'phase II E–911 services' means only phase II enhanced 911 services, as described in such section 20.18 (47 CFR 20.18), as in effect on such date, or as subsequently revised by the Federal Communications Commission.''.

SEC. 3. REPORT ON THE DEPLOYMENT OF E–911 PHASE II SERVICES BY TIER III SERVICE PROVIDERS.

Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate detailing—

(1) the number of tier III commercial mobile service providers that are offering phase II E–911 services;

(2) the number of requests for waivers from compliance with the Commission's phase II E–911 service requirements received by the Commission from such tier III providers;

(3) the number of waivers granted or denied by the Commission to such tier III providers;

(4) how long each waiver request remained pending before it was granted or denied;

(5) how many waiver requests are pending at the time of the filing of the report;

(6) when the pending requests will be granted or denied;

(7) actions the Commission has taken to reduce the amount of time a waiver request remains pending; and

(8) the technologies that are the most effective in the deployment of phase II E–911 services by such tier III providers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentlewoman from California (Ms. ESHOO) each will control 20 minutes.

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

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 2898.

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

There was no objection.

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

Mr. Speaker, today we consider H.R. 2898, the E–911 Implementation Act of 2003, bipartisan legislation introduced by two members of the Committee on Energy and Commerce Subcommittee on Telecommunications and the Internet, the gentleman from Illinois (Mr. SHIMKUS) and the gentlewoman from California (Ms. ESHOO). As chairman of the Subcommittee on Telecommunications and the Internet, I am a proud original sponsor of this legislation as well.

Mr. Speaker, what many of our constituents may not realize is that when they make a 911 call from their cell phones, many emergency dispatch centers, otherwise known as public service answering points or PSAPs, cannot automatically locate where that call is coming from, unlike when such calls are made from landlines. All too often, we have heard horrific stories of how first responders could not get to a cell phone 911 caller quickly enough, or maybe not even at all, because they could not automatically locate where that caller was, and the circumstances were such that the caller was not able to tell the first responder where they were calling from. In such emergencies, time is of the essence. Seconds in such emergency responses can literally mean the difference between life and death.

For a number of years, our Nation's wireless carriers and PSAPs have been in the midst of deploying Phase II E–911, which would, in fact, provide PSAPs with the automatic location information of cell phone callers who dial 9–1–1. While our Nation's wireless carriers have been deploying the technology and the infrastructure to achieve Phase II E–911, our Nations PSAPs have been confronted by enormous challenges in getting their piece of the puzzle in place.

Our Subcommittee on Telecommunications and the Internet held a number of hearings on how we could overcome these challenges, and we arrived at a number of conclusions which form the basis of this legislation, H.R. 2898.

First and foremost, we need to help our Nation's PSAPs cope with the financial demands of becoming Phase II ready. This bill answers the call by providing a significant grant program in the amount of $100 million a year for 5 years, with a 50 percent non-Federal match requirement to States and municipalities to help them procure their Phase II equipment as well as their training.

Second, we need to ensure coordination and information sharing at all levels of government and with the other stakeholders as they continue to sort through the maze of challenges that lay ahead. This bill answers that call, too, by not only incentivizing States to have statewide E–911 coordinators, but also establishing a new Federal E–911 Coordination Office that will be a joint program office between NHTSA and the NTIA.

Third, we heard that some States have raided their E–911 surcharge monies collected from wireless customers for things completely unrelated to E–911. This is nothing more than picking the pockets of consumers and stealing the funds which should be going toward deployment of this life-saving technology. This bill answers that call by creating disincentives to States who raid those E–911 funds. More to the point, no entity will be eligible for grant monies under this bill if they reside in a State that is raiding those E–911 surcharge accounts.

This bill has been favorably and unanimously reported out of our subcommittee and the full committee as well. Also, I would note it has been endorsed by two major public safety communications associations: The National Emergency Numbering Association and the Association of Public Safety Communications Officers, not to mention the Cellular Telecommunication and Internet Association.

I commend the gentleman from Illinois (Mr. SHIMKUS), who will be speaking later, as well as the gentlewoman from California (Ms. ESHOO) who will control the time for the other side for their bipartisan leadership on this important issue.

I also thank the gentleman from Louisiana (Chairman TAUZIN); the ranking member on the full committee, the gentleman from Michigan (Mr. DINGELL); and the gentleman from Massachusetts (Mr. MARKEY), the subcommittee ranking member, for their cooperation and teamwork. Finally, I want to thank the staff who have committed so much time and effort to the legislation, including Howard Waltzman and Will Nordwind from the majority committee and subcommittee staffs; Pete Filon and Colin Crowell from the minority committee and subcommittee staffs; and Courtney Anderson and Eric Olson for the sponsors' staff.

Mr. Speaker, getting Phase II E–911 deployed will save lives, so passage of this bill is of the utmost importance. I would urge Members to support this important piece of legislation.

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

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

Mr. Speaker, I rise today in strong support of this E–911 Implementation Act of 2003, legislation introduced with the gentleman from Illinois (Mr. SHIMKUS), who is also the cochair of the E–911 caucus, and a long-time partner in ensuring that our public safety community has the very best tools to locate every caller who dials 9–1–1.

The tragic events of September 11 and the continuing threat of terrorism within our country have increased the need for a reliable 911 system. Citizens across the country are being encouraged to call 9–1–1 whenever they notice suspicious activity. Our 911 system is really the backbone of hometown security.

E–911 or Enhanced 911 provides caller information, location information to public safety officials the second a call

is made. Many people do not realize that when an emergency call is made to 911, the speed with which the ambulance or the police car is dispatched depends on whether you are calling from your home phone or your cellular phone. Our bill ensures there is no difference in response between landline and cellular phones because every second counts when there is a life-threatening emergency.

Why should this be a priority for the Federal Government and the Congress, because over 150,000 wireless 911 calls are made every day representing over half of the 911 calls in our country. Each one of these calls is the single most important one that an individual will make because cell phones can and do save lives.

I have worked on this issue since 1996, when I introduced legislation to ensure that public safety entities would have the same ability to locate a wireless call as they do a wireline call.

□ 1545

The bill we bring before the House today passed both the Subcommittee on Telecommunications and the Internet and then the full Committee on Energy and Commerce by unanimous votes. That is not an easy thing to do with most legislation, so I am really proud of the effort that has been launched.

There are two key shortcomings hindering wireless 911 implementation today: funding and coordination. Our bill addresses both of these shortcomings by creating a joint E–911 implementation and coordination office at the Departments of Commerce and Transportation to better coordinate Federal, State, and local emergency communication services. If they are not coordinated, in short, it is not going to work. By authorizing $500 million in grants over 5 years to enhance our emergency communication systems all across our country in all of our communities; and by preventing any State that has diverted their 911 fees for other purposes from qualifying for these Federal dollars. So we are motivating the States to join with us and to be able to make use of the dollars that we are setting up and not divert the money for other uses anymore.

Unfortunately, some States, including my own State of California, have raided the funds they have collected for 911 services, and they have used the funds for other purposes. This bill will end that practice, and we will be able to use the dollars that are collected to upgrade our E–911 facilities. This bill provides a Federal authorization to upgrade and to improve that emergency communication network across our country.

As my colleagues know, every bill authorizing Federal funds must be coupled with corresponding appropriation. I will work with my colleagues on both sides of the aisle to make sure that this very important authorization is fully funded. If it is not, it is not going to work.

No bill makes it to the floor of the House without the support and the guidance of our chairmen and our ranking members. I want to especially thank and salute Chairman TAUZIN and Chairman UPTON, without them, clearly we would not be here today, as well as Ranking Members DINGELL and MARKEY for making this bill a priority. I also want to thank the staff members who helped shape this legislation, especially Howard Waltzman who has done yeoman's work. I really salute you, Howard. And to Will Norwind with the Committee on Energy and Commerce staff; Peter Filon with the gentleman from Michigan (Mr. DINGELL); Colin Crowell with the gentleman from Massachusetts (Mr. MARKEY); Courtney Anderson with the gentleman from Illinois (Mr. SHIMKUS); and our wise telecommunication legislative counsel, Steve Cope. No one has done more, in my view, than Eric Olson of my staff. I am proud of his work, and I am very grateful to him for it.

I would also like to thank Steve Seitz, Richard Taylor, John Melcher, and the brave men and women of the National Emergency Numbering Association who continually strive to improve and enhance our Nation's emergency communications system. I am especially proud of Chip Yarborough, a member of NENA, who has worked tirelessly to ensure the 911 system in my congressional district works seamlessly to help those who need it. Bob Gurss with the Association of Public Safety Communications Officials, David Ayward of ComCare, Jonas Neihardt with Qualcomm, Mike Amarosa of True Position and the Cellular Telephone Industry Association all deserve our thanks for making E–911 a priority. Their critical assistance has really ensured that this bill improved at every step of the process. It has been a long journey, and I want to salute them, too.

Last but not least, I want to thank the gentleman from Illinois (Mr. SHIMKUS), my wonderful colleague and partner in this. He has been a believer. He has been a leader. He has used his humor as well as all his legislative tools to move this along. I cannot thank him enough. He has been a wonderful partner. It has been fun doing this with the gentleman.

I urge all of my colleagues to support this legislation because it is good for our country and it is going to move us ahead and be able to coordinate at every level for every emergency whether it is at the local level or at the national level. I am proud to have been a part of this.

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

Mr. UPTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the full committee.

Mr. TAUZIN. Mr. Speaker, let me first indicate that, of course, I am rising in strong support of H.R. 2898, the E–911 Implementation Act of 2003. House bill 2898 has already passed the House Committee on Energy and Commerce; and it did so unanimously, as one might expect.

Mr. Speaker, it is important we commend the authors, first of all. I want to congratulate the gentleman from Illinois (Mr. SHIMKUS) and the gentlewoman from California (Ms. ESHOO) for this incredibly important legislation. I obviously want to thank the gentleman from Michigan (Mr. UPTON), the chairman of the subcommittee, who has done such a great job, along with the gentleman from Massachusetts (Mr. MARKEY), the ranking member, in moving this bill forward. Of course, we always need to extend our great thanks for the cooperative spirit we always get from the ranking member of our committee, the gentleman from Michigan (Mr. DINGELL), who has on so many occasions provided the bipartisan spirit by which we move important pieces of legislation like this.

Mr. Speaker, most of the bills we debate in this body are about money, about how to spend it and who to spend it on and what are our priorities, how to raise it and how to distribute it in this great country. This bill is about lives. It is about saving lives. It is about improving the infrastructure by which this country addresses the worst of situations Americans find themselves in, lost on a highway, in the middle of an accident with nobody there to help them; a young woman on a bike path or a jogging path who gets assaulted, who tries to get help in the 911 system but no one can locate her.

It is about whether or not an ambulance arrives in time to save a life or in some cases to save a limb or to save someone from a debilitating injury that could have been prevented if only the first responders could have gotten there in time. It is also about in this time of national concern with terrorism and this war we constantly battle now, a question of whether our infrastructure is going to be good enough for us to quickly respond when things happen that we hope will not happen again in this country.

It is about saving lives, like the Firestone investigation that our committee conducted several years ago that produced the first major rewrite of highway safety laws in 30 years that was adopted in this House unanimously and in the Senate unanimously. A remarkable process. Like that bill, this bill when it becomes law, when it is fully implemented, will save American lives, will create the possibility of smart cars, will take the search out of search and rescue, and will give us a chance to quickly locate people who need to be located quickly because relief, help, medical attention, other services must reach them quickly to save a life or prevent, as I said, a debilitating injury. E–911 is all about that.

The grants in this bill will go to those communities that more aggressively push out the PSAPs, the point of

answers in the local systems that are going to be important to this system to work. It is going to help wireless systems and the wired systems cooperate so that we can in fact have an infrastructure that communicates well with one another. Those points of presence that are going to make a difference as to whether or not you have E–911 present in your community are going to be spreading out across this country and be more available to more and more communities as a result of the grants in this program. This bill makes it clear to communities that the moneys we have given them for E–911 deployment that have been siphoned off and used for other purposes is not going to be tolerated. This is lifesaving money, and no one should be raiding those funds for any other purpose. This bill makes it clear we will not tolerate that anymore.

The sooner these systems are in place, trust me, someone you love will thank you, because someone you know, someone you love in the district you are so honored and privileged to represent back home, someone will have some life saved. Someone will come out of a horrible accident with help in time to prevent a disabling condition that could have been prevented if the ambulance or the medics arrived in time. Someone will thank you that today this House, and hopefully the other body quickly, will pass a law that implements this system sooner rather than later in time to make a difference. That is how important this legislation is today.

So while we stay here in the waning days of November trying to wrap up our money business, all our appropriation measures and a few other critical, important things, today will be an extremely important day in the history of this Congress, because today we are going to save some lives.

Mr. Speaker, I rise today in strong support of H.R. 2898, the E–911 Implementation Act of 2003. H.R. 2898 passed the House Energy and Commerce Committee unanimously on October 1st.

I commend the bill's sponsor, Representatives SHIMKUS and ESHOO, for introducing this important legislation. And I commend Subcommittee Chairman UPTON and Ranking Member MARKEY for moving it expeditiously through their subcommittee. Finally, I want to thank my good friend JOHN DINGELL for his cooperation with moving H.R. 2898 through our committee.

H.R. 2898 will help states and localities that are making a strong effort to implement Phase II E–911 services. The nation's largest wireless carriers have done a good job implementing or putting themselves on a clear path to implementing Phase II E–911 technology in their networks and handsets.

But the readiness of carriers to provide safety answer points (PSAPs) with location information will be meaningless if PSAPs do not have the ability to use such information. And too many PSAPs are woefully behind in deploying E–911 services. Only 18 percent of PSAPs and 11.8 percent of counties nationwide have implemented Phase II E–911 technology.

Mr. Speaker, nationwide implementation of Phase II technology has enormous public safety and homeland security benefits for the United States. We can save countless lives if emergency personnel can locate people with life-threatening injuries. And law enforcement will be able to prevent or detect more terrorist activities.

Mr. Speaker, I would like to dispel a few myths about this bill. This bill does not reward counties and PSAPs that are sitting on their hands rather than deploying Phase II services.

No state, county, or PSAP, can simply come to the federal government and ask it to pay for Phase II deployment. H.R. 2898 has a minimum 50 percent matching requirement. You have to be actively engaged in Phase II deployment in order to qualify for money under this program.

Some have argued that Congress does not need to authorize new spending for this initiative and that funding for it should be derived from existing homeland security and law-enforcement funds. Well, robbing Peter to pay Paul is not how we are going to solve our nation's homeland security and law-enforcement problems. Congress should be funding homeland security and E–911 initiatives; Congress should not choose between the two.

Some have argued that H.R. 2898 does not provide enough specific eligibility criteria to ensure that the agencies implementing the legislation will not provide grants to wealthy counties. But Congress does not need to unnecessarily tie the hands of NTIA and NHTSA. I expect NTIA and NHTSA to work very closely with Congress when it crafts the eligibility requirements. Grants should be, and will be, distributed based on means and will reward entities that are devoting significant resources of their own on Phase II E–911 deployment.

And this bill ensures that grants cannot be distributed to counties in states that are raiding E–911 funds for other purposes. This critical element of the bill provides a huge incentive to states and localities to devote their resources to E–911 deployment.

Mr. Speaker, I again commend my colleagues for their hard work on H.R. 2898, and I strongly urge my colleagues to vote in favor of this legislation.

Mr. UPTON. Mr. Speaker, I submit three letters for printing in the CONGRESSIONAL RECORD: one from the CTIA, another from APCO, and the remaining one from the National Emergency Number Association in support of the legislation.

CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION,
WASHINGTON, DC, OCTOBER 27, 2003.

Hon. BILLY TAUZIN,
Chairman,
Hon. JOHN DINGELL,
Ranking Member,
Committee on Energy and Commerce,
House of Representatives, Washington, DC.

DEAR CHAIRMAN TAUZIN AND CONGRESSMAN DINGELL: On behalf of the Cellular Telecommunications & Internet Association (CTIA), I would like to express our support for H.R. 2898, the E9–1–1 Implementation Act of 2003. CTIA represents more than 400 member companies, including both wireless carriers and manufacturers of wireless telecommunications equipment.

Once in place, E9–1–1 location technology will speed delivery of emergency services to people in need. Unfortunately, too often, states and localities have diverted E9–1–1 funds collected by carries from wireless consumers to fund unrelated activities. This legislation will protect E9–1–1 funds while simultaneously strengthening statewide coordination and cooperation among local phone companies, wireless carriers, and public safety. The wireless industry has made important strides in developing and implementing E9–1–1 location technology. H.R. 2898 will help ensure that states and localities develop the necessary ''best practices'' to efficiently and effectively deploy location technology.

The wireless industry remains committed to implementing this vital technology and applauds your leadership on this important issue.

Sincerely,

STEVEN K. BERRY.

NATIONAL EMERGENCY NUMBER ASSOCIATION,
Washington, DC, October 27, 2003.

Hon. JOHN SHIMKUS,
Hon. ANNA ESHOO,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES SHIMKUS AND ESHOO: Those of us in the public safety community have long championed the belief that a robust nationwide Enhanced 9–1–1 (E9–1–1) system for wireless telephone calls is one of the most important components of a nationwide plan to promote national security and public safety. The accomplishment of this goal requires close coordination among public safety officials, the communications industry, and relevant government officials.

On behalf of the National Emergency Number Association (NENA), and our 7,000 members, we applaud your leadership, initiative and co-sponsorship of H.R. 2898, the ''E9–1–1 Implementation Act of 2003.'' We further support your leadership, by endorsing H.R. 2898 and the need for national legislation to provide additional funding for state and local government implementation of E9–1–1 across the nation.

In supporting H.R. 2898, we seek priority of our nation's 9–1–1 system. And as a national priority, we must stop the improper siphoning of public funds that have been set aside to upgrade the 9–1–1 system. Equally we must provide additional assistance from the federal government to complete the implementation of E9–1–1. Enabling our 9–1–1 system to locate a caller in an emergency is fundamental to our nation's homeland security, defense and response capabilities in the 21st Century.

While there is much to applaud in the many ongoing efforts to implement E9–1–1, the goal of E9–1–1 ''anywhere and everywhere'' remains elusive. For this reason, we strongly encourage and support a greater role from the federal government to provide resources, leadership and expectations to ensure a fully functional E9–1–1 system today; and well into the future.

Again, we thank you for your leadership and urge the Congress to take steps to improve our nation's 9–1–1 system.

RICHARD TAYLOR,
President.

APCO INTERNATIONAL,
Daytona Beach, FL, October 27, 2003.

Hon. W.J. TAUZIN,
Chairman, Energy and Commerce Committee,
House of Representatives, Washington, DC.

DEAR CHAIRMAN TAUZIN: I am writing to reiterate our strong support for H.R. 2898, the ''E9–1–1 Implementation Act of 2003.'' The bill will provide a critical source of funding to help state and local governments to implement technology to locate 9–1–1 emergency calls from wireless telephones.

FCC regulations currently require wireless telephone companies to implement technology to locate 9–1–1 calls. Without that capability, emergency first responders may be unable to find emergencies in time to save lives and property, especially where those reporting the emergency are unable to identify accurately their exact location.

State and local government emergency communications centers, known as ''Public Safety Answering Points'' or ''PSAPs'' must upgrade their operations to receive and process location information from wireless phones. Unfortunately, many jurisdictions lack the resources to make those upgrades, and other funding sources are often insufficient. H.R. 2898 would establish a modest, but critical source of additional funding for this life-saving technology.

APCO is the nation's oldest and largest public safety communications organization. Most of APCO's over 16,000 members are involved in the management and operation of communications systems for state and local government police, fire, EMS and other public safety agencies. APCO hopes that Congress will move quickly to adopt this important legislation.

Sincerely,

VINCENT STILE,
President.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS), the author of the bill.

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

Mr. SHIMKUS. Mr. Speaker, it is an honor and a privilege to be here today. I have some prepared remarks, but I think a lot of it has already been said. I have a plaque in my office that was given during my first term. It is a quote from Ronald Reagan that says: ''You can get a lot done when you don't care who gets the credit.'' I think that is part of the success of this piece of legislation.

I want to also take the time to thank the gentlewoman from California (Ms. ESHOO) for her leadership and her friendship in this. A lot of times we move on legislation that we think is important. There are always people who see it early. She saw this need early. When we were talking about getting 911 to be the national number, she was already talking about, let's get location identification; let's worry about these other issues and push that. My personal thanks for shepherding this through.

I was at the FCC last week with my crack staffer and our friends in the other body were there, at least one of them, and I could gloat a little bit that I had heard from leadership that this bill was going to be brought up next week. Of course, in the People's house here, we always have that battle with our friends in the other body. So I also want to thank the leadership for allowing us to bring this up expeditiously because it is a piece of legislation that was crafted in the way we wish all pieces of legislation were. We know it cannot be based upon our fights over ideology and the like, but the system does work when we can look towards common goals. Our passage through the subcommittee, led by Chairman UPTON and then through the full committee led by Chairman TAUZIN, and, of course, the ranking members, MARKEY and DINGELL, made it a very easy case to say to the leadership, ''this bill should be on the floor.

What does that mean? With our passage today, we now set a marker to our friends across the rotunda to say, let's move. Because this is just one part of the long dance that we have. We have to pass it here. They have to pass it. Hopefully, now we can get them to accept our language to move it more rapidly and then we can get something to the President's desk, because the sooner we get it into legislation, the sooner we get authorization language in the battle, then when the appropriations cycle begins, right now really. Even though we have not finished this year, we already should be looking at next year's appropriations cycle. We have got to get our placeholder there. We have got to get the marker in. As soon as this becomes true and just in the legislative language, we are going to have a lot of success.

We have talked with all the emergency responders. Everybody wants to do the right thing. Everybody is at different levels of technology and coordination. Basically this piece of legislation brings them together. Then it provides some grants. Everybody gets keyed up about Federal funding, but this is really small potatoes as far as dollars based upon the millions of dollars that are being put in from, in essence, the coalition, the Public Service Answer Points, the PSAPs, to the cellular industry itself, to the local exchanges. There is a lot of money being put out there.

I fortunately have a State that has been pretty good as far as putting their money into the programs. But that is not to say that they will always be that way. So when we also put this in the legislation saying this money has to go for that, otherwise you cannot apply for grants, we are going to address a major need that Chairman TAUZIN mentioned.

I have a list of 911 tragedies here. I am not going to read them, but they are from all over the country: Rochester, New York; Miami, Florida; Santa Fe, New Mexico; Fort Lauderdale, Florida; Littleton, Colorado; Day County, South Dakota; Atlanta, Georgia; Orlando, Florida; Lansing, Michigan; San Jose, California; Fort Wayne, Indiana; rural Michigan; and the State of New Jersey. No one is exempt from someone not being able to receive the care or the response because of not being identified. The 911 calls, 50 percent of them are cellular calls these days.

We are doing good public policy. I am very proud to be a part of the coalition of legislators that have found success so far. I am going to encourage all of my colleagues to help us do that in the passage today. Then we will have to get back to work and work on our friends in the other Chamber.

□ 1600

I think we will have receptive ears, and then, hopefully, we can go talk to the President and get this thing put into law.

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

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

Just in closing, I want to again thank the lead authors. They have both been real players on our subcommittee all year long. I have appreciated their active participation on so many issues. We have worked on a bipartisan basis on virtually everything, and as we look at the end of this legislative calendar year, this is certainly a major success, and I can remember our first hearings when we began this journey to get this legislation done, virtually every single Member, Republican and Democrat, personally had made a E–911 call from their cell phone. We had all had different experiences as we thought about the calls we made in our district. All of us know our district like a blanket. We could tell exactly where we were. But when we are in somebody else's district, whether it be here in Washington, D.C. or I remember the gentleman from Nebraska (Mr. TERRY), who is also very active on this, when he talked about going from Nebraska to Colorado, he had no clue where he was on that highway, wherever it was, and we all felt very frustrated as we saw these accidents literally appear before us. So this is legislation that perhaps some in the industry were not supportive of at the beginning. We pushed them along. They are now fully on board. We have sent a message to the States: They are collecting money from us in our bills to make sure that this legislation is coming through. Spend it the right way, and if they do not, then they do not participate in this program.

I think, too, the session that we had at the FCC, where the gentleman from Illinois and other Members on both sides of the aisle were there, we embarrassed some of the States that are using the money for other purposes. Let us get this money spent for the reason it is being collected, for the right cause so that we will save the lives that all of us want to save. I urge my colleagues to support this legislation.

Mr. GREEN of Texas. Mr. Speaker, I rise in strong support of H.R. 2898. This legislation is desperately needed to ensure the rollout of E–911 across the country.

I want to thank my colleagues ANNA ESHOO and JOHN SHIMKUS on the House Energy and Commerce Committee for their work on this issue and moving this to the floor as quickly as possible.

Improving public safety is a constant struggle, as I have learned working on improving 911 services for the Houston area and the entire state of Texas as a state legislator.

Enhanced 911, which will allow folks in trouble to be located by rescue crews and police just by dialing three simple numbers, is a necessary next step.

It is critical because many times when a wireless caller calls 911, they either cannot talk or they do not know where they are.

The technology exists to help people in danger—I saw successful demonstration at the FCC just last week. And this legislation addresses the technical issues for industry, local government, and regional concerns, so no further delay is justified.

While lives are being saved in my area of Harris County where we are Phase Two complete for E–911, lives are still being needlessly lost in other areas where compliance is lagging.

Unfortunately, many other jurisdictions, including many in large rural areas of Texas do not have the resources necessary to upgrade their 911 systems.

We are not all safe when we travel on the roads until E–911 is up and running nationwide.

Public safety should be a top priority. States moving E–911 funds to other purposes deceives wireless consumers who saw that E–911 funding on their cell phone bills.

Coming from Texas, I know what it means to children and families hit by huge budget cuts, but E–911 is necessary—it is a proven life-saver. This legislation brings funding, accountability, and sensitivity to rural areas to the process and deserves strong support.

Mr. DINGELL. Mr. Speaker, consumers who dial 911 from their wireless phones expect emergency responders to be able to locate them, just as if they had dialed 911 from a wireless phone. All too often today, however, emergency responders have no such ability.

The House is poised to take an important step to address this problem. To this end, I am pleased to support H.R. 2898, the ''E-911 Implementation Act of 2003,'' as amended. This bill will take three important steps to help ensure that first responders can rapidly locate persons dialing 911 from a wireless phone. First, it will set up a federal office to help coordinate E-911 build-out. Second, it will provide federal matching grants to assist cash-strapped states and local communities in deploying E-911 technologies. Third, it will provide strong incentives to ensure that states no longer raid their E-911 funds for non-E-911 purposes.

I commend Chairmen TAUZIN and UPTON for working closely with Representatives ESHOO and SHIMKUS, the authors of the underlying bill and co-chairpersons of the Congressional E-911 Caucus. I am pleased to support this important bill and look forward to working with the appropriators to ensure that this grant program is fully funded.

Ms. SLAUGHTER. Mr. Speaker, I rise in strong support of H.R. 2898, the E–911 Implementation Act of 2003.

As a member of the Congressional E–911 Caucus, I want to thank my colleagues ANNA ESCHOO and JOHN SHIMKUS for their leadership and tireless advocacy on this critical public safety issue.

I would also like to recognize the efforts of a leader on this issue that many of you may not know—New York State Assemblyman David Koon.

Long before there was a Congressional E–911 Caucus, David was championing wireless enhanced 911. My constituents in Rochester have long appreciated David's tireless advocacy to get local government the resources they need to deploy E–911.

Today, 911 calls made on cell phones account for nearly a third of all emergency calls. By 2004, cell phones are expected to be the main source of 911 emergency calls. Most Americans with cells phones will tell you that they bought them for emergencies. They fully expect that if they have a health emergency or are in an accident—they can dial 9–1–1 and help will be on the way.

Back in 1999, Congress tried to make sure that happened by passing the Wireless Communications and Public Safety Act. However, today, most wireless phones still do not provide emergency dispatchers with automated caller location or identification information.

There's strong consumer demand for E–911, the technology needed to identify and locate wireless callers has long been available, and so Congress had to ask ''why the holdup?''

The chief barrier to universal E–911 deployment is money. Many localities will tell you they have had to put off implementing E–911 because it is too costly.

This was not supposed to happen.

Under the 1999 Act, States were given the power to collect surcharges on all cell phones, blackberries and other wireless devices to fund E–911 service. Unfortunately, the E–911 fund has become an easy target for looting by states that are struggling to cover shortfalls in law enforcement and emergency service budgets.

In New York State alone, over $200 million has been collected in surcharges since 1991.

This money is supposed to be earmarked for setting up a state-wide Wireless Enhanced 911 system, but instead the money has gone to the state police, who have spent the funds on departmental dry cleaning bills, ballpoint pens, travel, are leases, grounds maintenance for precincts and winter boots, according to the New York State comptroller's office.

I strongly believe that the millions of New York residents who pay the ''E–911 surcharge'' on their monthly cell phone bills are owed E–911 service when they need it. That's why I am an original cosponsor of H.R. 2898.

Under this measure, $500 million in grants would be available to the states over five years to establish and upgrade E–911 facilities. I also am encouraged that H.R. 2898 would penalize states that redirect E–911 funds collected from consumer's cell phone bills. That's the only way to make them honest.

Mr. Speaker, I strongly urge my colleagues to join me in passing this important legislation.

Its essential that we act on this legislation. It will save lives. Bright, beautiful, hopeful lives of Americans are at stake.

Ten years ago, Jennifer Koon, an 18-year old, was abducted from a mall parking lot in Rochester. She called 911. Her call could not be traced and Jennifer was killed.

In 1993, the technology was not readily available. Today that is not the case. Mr. Speaker passage of H.R. 2898 is essential to providing parents, like Assemblyman David Koon, with the assurance that their children will get the help they need when they dial 911—regardless of whether they dial it on a cell phone or on their home phone.

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

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 2898, as amended.

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

A motion to reconsider was laid on the table.

ANIMAL DRUG USER FEE ACT OF 2003

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 313) to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs, as amended.

The Clerk read as follows:

S. 313

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 ''Animal Drug User Fee Act of 2003''.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Prompt approval of safe and effective new animal drugs is critical to the improvement of animal health and the public health.

(2) Animal health and the public health will be served by making additional funds available for the purpose of augmenting the resources of the Food and Drug Administration that are devoted to the process for review of new animal drug applications.

(3) The fees authorized by this Act will be dedicated toward expediting the animal drug development process and the review of new and supplemental animal drug applications and investigational animal drug submissions as set forth in the goals identified, for purposes of part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate as set forth in the Congressional Record.

SEC. 3. FEES RELATING TO ANIMAL DRUGS.

Subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.) is amended by adding at the end the following part:

''PART 4—FEES RELATING TO ANIMAL DRUGS

''SEC. 739. DEFINITIONS.

''For purposes of this subchapter:

''(1) The term 'animal drug application' means an application for approval of any new animal drug submitted under section 512(b)(1). Such term does not include either a new animal drug application submitted under section 512(b)(2) or a supplemental animal drug application.

''(2) The term 'supplemental animal drug application' means—

''(A) a request to the Secretary to approve a change in an animal drug application which has been approved; or

''(B) a request to the Secretary to approve a change to an application approved under section 512(c)(2) for which data with respect to safety or effectiveness are required.

''(3) The term 'animal drug product' means each specific strength or potency of a particular active ingredient or ingredients in final dosage form marketed by a particular manufacturer or distributor, which is

uniquely identified by the labeler code and product code portions of the national drug code, and for which an animal drug application or a supplemental animal drug application has been approved.

''(4) The term 'animal drug establishment' means a foreign or domestic place of business which is at one general physical location consisting of one or more buildings all of which are within 5 miles of each other, at which one or more animal drug products are manufactured in final dosage form.

''(5) The term 'investigational animal drug submission' means—

''(A) the filing of a claim for an investigational exemption under section 512(j) for a new animal drug intended to be the subject of an animal drug application or a supplemental animal drug application, or

''(B) the submission of information for the purpose of enabling the Secretary to evaluate the safety or effectiveness of an animal drug application or supplemental animal drug application in the event of their filing.

''(6) The term 'animal drug sponsor' means either an applicant named in an animal drug application, except for an approved application for which all subject products have been removed from listing under section 510, or a person who has submitted an investigational animal drug submission that has not been terminated or otherwise rendered inactive by the Secretary.

''(7) The term 'final dosage form' means, with respect to an animal drug product, a finished dosage form which is approved for administration to an animal without substantial further manufacturing. Such term includes animal drug products intended for mixing in animal feeds.

''(8) The term 'process for the review of animal drug applications' means the following activities of the Secretary with respect to the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions:

''(A) The activities necessary for the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

''(B) The issuance of action letters which approve animal drug applications or supplemental animal drug applications or which set forth in detail the specific deficiencies in animal drug applications, supplemental animal drug applications, or investigational animal drug submissions and, where appropriate, the actions necessary to place such applications, supplements or submissions in condition for approval.

''(C) The inspection of animal drug establishments and other facilities undertaken as part of the Secretary's review of pending animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

''(D) Monitoring of research conducted in connection with the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

''(E) The development of regulations and policy related to the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

''(F) Development of standards for products subject to review.

''(G) Meetings between the agency and the animal drug sponsor.

''(H) Review of advertising and labeling prior to approval of an animal drug application or supplemental animal drug application, but not such activities after an animal drug has been approved.

''(9) The term 'costs of resources allocated for the process for the review of animal drug applications' means the expenses incurred in connection with the process for the review of animal drug applications for—

''(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees consulted with respect to the review of specific animal drug applications, supplemental animal drug applications, or investigational animal drug submissions, and costs related to such officers, employees, committees, and contractors, including costs for travel, education, and recruitment and other personnel activities,

''(B) management of information, and the acquisition, maintenance, and repair of computer resources,

''(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies, and

''(D) collecting fees under section 740 and accounting for resources allocated for the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

''(10) The term 'adjustment factor' applicable to a fiscal year refers to the formula set forth in section 735(8) with the base or comparator year being 2003.

''(11) The term 'affiliate' refers to the definition set forth in section 735(9).

"SEC. 740. AUTHORITY TO ASSESS AND USE ANIMAL DRUG FEES.

''(a) TYPES OF FEES.—Beginning in fiscal year 2004, the Secretary shall assess and collect fees in accordance with this section as follows:

''(1) ANIMAL DRUG APPLICATION AND SUPPLEMENT FEE.—

''(A) IN GENERAL.—Each person that submits, on or after September 1, 2003, an animal drug application or a supplemental animal drug application shall be subject to a fee as follows:

''(i) A fee established in subsection (b) for an animal drug application; and

''(ii) A fee established in subsection (b) for a supplemental animal drug application for which safety or effectiveness data are required, in an amount that is equal to 50 percent of the amount of the fee under clause (i).

''(B) PAYMENT.—The fee required by subparagraph (A) shall be due upon submission of the animal drug application or supplemental animal drug application.

''(C) EXCEPTION FOR PREVIOUSLY FILED APPLICATION OR SUPPLEMENT.—If an animal drug application or a supplemental animal drug application was submitted by a person that paid the fee for such application or supplement, was accepted for filing, and was not approved or was withdrawn (without a waiver or refund), the submission of an animal drug application or a supplemental animal drug application for the same product by the same person (or the person's licensee, assignee, or successor) shall not be subject to a fee under subparagraph (A).

''(D) REFUND OF FEE IF APPLICATION REFUSED FOR FILING.—The Secretary shall refund 75 percent of the fee paid under subparagraph (B) for any animal drug application or supplemental animal drug application which is refused for filing.

''(E) REFUND OF FEE IF APPLICATION WITHDRAWN.—If an animal drug application or a supplemental animal drug application is withdrawn after the application or supplement was filed, the Secretary may refund the fee or portion of the fee paid under subparagraph (B) if no substantial work was performed on the application or supplement after the application or supplement was filed. The Secretary shall have the sole discretion to refund the fee under this paragraph. A determination by the Secretary concerning a refund under this paragraph shall not be reviewable.

''(2) ANIMAL DRUG PRODUCT FEE.—Each person—

''(A) who is named as the applicant in an animal drug application or supplemental animal drug application for an animal drug product which has been submitted for listing under section 510, and

''(B) who, after September 1, 2003, had pending before the Secretary an animal drug application or supplemental animal drug application;

shall pay for each such animal drug product the annual fee established in subsection (b). Such fee shall be payable for the fiscal year in which the animal drug product is first submitted for listing under section 510, or is submitted for relisting under section 510 if the animal drug product has been withdrawn from listing and relisted. After such fee is paid for that fiscal year, such fee shall be payable on or before January 31 of each year. Such fee shall be paid only once for each animal drug product for a fiscal year in which the fee is payable.

''(3) ANIMAL DRUG ESTABLISHMENT FEE.—Each person—

''(A) who owns or operates, directly or through an affiliate, an animal drug establishment, and

''(B) who is named as the applicant in an animal drug application or supplemental animal drug application for an animal drug product which has been submitted for listing under section 510, and

''(C) who, after September 1, 2003, had pending before the Secretary an animal drug application or supplemental animal drug application,

shall be assessed an annual fee established in subsection (b) for each animal drug establishment listed in its approved animal drug application as an establishment that manufactures the animal drug product named in the application. The annual establishment fee shall be assessed in each fiscal year in which the animal drug product named in the application is assessed a fee under paragraph (2) unless the animal drug establishment listed in the application does not engage in the manufacture of the animal drug product during the fiscal year. The fee shall be paid on or before January 31 of each year. The establishment shall be assessed only one fee per fiscal year under this section, provided, however, that where a single establishment manufactures both animal drug products and prescription drug products, as defined in section 735(3), such establishment shall be assessed both the animal drug establishment fee and the prescription drug establishment fee, as set forth in section 736(a)(2), within a single fiscal year.

''(4) ANIMAL DRUG SPONSOR FEE.—Each person—

''(A) who meets the definition of an animal drug sponsor within a fiscal year; and

''(B) who, after September 1, 2003, had pending before the Secretary an animal drug application, a supplemental animal drug application, or an investigational animal drug submission,

shall be assessed an annual fee established under subsection (b). The fee shall be paid on or before January 31 of each year. Each animal drug sponsor shall pay only one such fee each fiscal year.

''(b) FEE AMOUNTS.—Except as provided in subsection (a)(1) and subsections (c), (d), (f), and (g), the fees required under subsection (a) shall be established to generate fee revenue amounts as follows:

''(1) TOTAL FEE REVENUES FOR APPLICATION AND SUPPLEMENT FEES.—The total fee revenues to be collected in animal drug application fees under subsection (a)(1)(A)(i) and supplemental animal drug application fees under subsection (a)(1)(A)(ii) shall be $1,250,000 in fiscal year 2004, $2,000,000 in fiscal year 2005, and $2,500,000 in fiscal years 2006, 2007, and 2008.

''(2) TOTAL FEE REVENUES FOR PRODUCT FEES.—The total fee revenues to be collected in product fees under subsection (a)(2) shall be $1,250,000 in fiscal year 2004, $2,000,000 in fiscal year 2005, and $2,500,000 in fiscal years 2006, 2007, and 2008.

''(3) TOTAL FEE REVENUES FOR ESTABLISHMENT FEES.—The total fee revenues to be collected in establishment fees under subsection (a)(3) shall be $1,250,000 in fiscal year 2004, $2,000,000 in fiscal year 2005, and $2,500,000 in fiscal years 2006, 2007, and 2008.

''(4) TOTAL FEE REVENUES FOR SPONSOR FEES.—The total fee revenues to be collected in sponsor fees under subsection (a)(4) shall be $1,250,000 in fiscal year 2004, $2,000,000 in fiscal year 2005, and $2,500,000 in fiscal years 2006, 2007, and 2008.

''(c) ADJUSTMENTS.—

''(1) INFLATION ADJUSTMENT.—The revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year to reflect the greater of—

''(A) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average) for the 12-month period ending June 30 preceding the fiscal year for which fees are being established; or

''(B) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia.

The adjustment made each fiscal year by this subsection will be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2004 under this subsection.

''(2) WORKLOAD ADJUSTMENT.—After the fee revenues are adjusted for inflation in accordance with paragraph (1), the fee revenues shall be further adjusted each fiscal year after fiscal year 2004 to reflect changes in review workload. With respect to such adjustment:

''(A) This adjustment shall be determined by the Secretary based on a weighted average of the change in the total number of animal drug applications, supplemental animal drug applications for which data with respect to safety or effectiveness are required, manufacturing supplemental animal drug applications, investigational animal drug study submissions, and investigational animal drug protocol submissions submitted to the Secretary. The Secretary shall publish in the Federal Register the fees resulting from this adjustment and the supporting methodologies.

''(B) Under no circumstances shall this workload adjustment result in fee revenues for a fiscal year that are less than the fee revenues for that fiscal year established in subsection (b), as adjusted for inflation under paragraph (1).

''(3) FINAL YEAR ADJUSTMENT.—For fiscal year 2008, the Secretary may further increase the fees to provide for up to 3 months of operating reserves of carryover user fees for the process for the review of animal drug applications for the first 3 months of fiscal year 2009. If the Food and Drug Administration has carryover balances for the process for the review of animal drug applications in excess of 3 months of such operating reserves, then this adjustment will not be made. If this adjustment is necessary, then the rationale for the amount of the increase shall be contained in the annual notice setting fees for fiscal year 2008.

''(4) ANNUAL FEE SETTING.—The Secretary shall establish, 60 days before the start of each fiscal year beginning after September 30, 2003, for that fiscal year, animal drug application fees, supplemental animal drug application fees, animal drug sponsor fees, animal drug establishment fees, and animal drug product fees based on the revenue amounts established under subsection (b) and the adjustments provided under this subsection.

''(5) LIMIT.—The total amount of fees charged, as adjusted under this subsection, for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of animal drug applications.

''(d) FEE WAIVER OR REDUCTION.—

''(1) IN GENERAL.—The Secretary shall grant a waiver from or a reduction of 1 or more fees assessed under subsection (a) where the Secretary finds that—

''(A) the assessment of the fee would present a significant barrier to innovation because of limited resources available to such person or other circumstances,

''(B) the fees to be paid by such person will exceed the anticipated present and future costs incurred by the Secretary in conducting the process for the review of animal drug applications for such person,

''(C) the animal drug application or supplemental animal drug application is intended solely to provide for use of the animal drug in—

''(i) a Type B medicated feed (as defined in section 558.3(b)(3) of title 21, Code of Federal Regulations (or any successor regulation)) intended for use in the manufacture of Type C free-choice medicated feeds, or

''(ii) a Type C free-choice medicated feed (as defined in section 558.3(b)(4) of title 21, Code of Federal Regulations (or any successor regulation)),

''(D) the animal drug application or supplemental animal drug application is intended solely to provide for a minor use or minor species indication, or

''(E) the sponsor involved is a small business submitting its first animal drug application to the Secretary for review.

''(2) USE OF STANDARD COSTS.—In making the finding in paragraph (1)(B), the Secretary may use standard costs.

''(3) RULES FOR SMALL BUSINESSES.—

''(A) DEFINITION.—In paragraph (1)(E), the term 'small business' means an entity that has fewer than 500 employees, including employees of affiliates.

''(B) WAIVER OF APPLICATION FEE.—The Secretary shall waive under paragraph (1)(E) the application fee for the first animal drug application that a small business or its affiliate submits to the Secretary for review. After a small business or its affiliate is granted such a waiver, the small business or its affiliate shall pay application fees for all subsequent animal drug applications and supplemental animal drug applications for which safety or effectiveness data are required in the same manner as an entity that does not qualify as a small business.

''(C) CERTIFICATION.—The Secretary shall require any person who applies for a waiver under paragraph (1)(E) to certify their qualification for the waiver. The Secretary shall periodically publish in the Federal Register a list of persons making such certifications.

''(e) EFFECT OF FAILURE TO PAY FEES.—An animal drug application or supplemental animal drug application submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person have been paid. An investigational animal drug submission under section 739(5)(B) that is submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for review by the Secretary until all fees owed by such person have been paid. The Secretary may discontinue review of any animal drug application, supplemental animal drug application or investigational animal drug submission from a person if such person has not submitted for payment all fees owed under this section by 30 days after the date upon which they are due.

''(f) ASSESSMENT OF FEES.—

''(1) LIMITATION.—Fees may not be assessed under subsection (a) for a fiscal year beginning after fiscal year 2003 unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for the fiscal year 2003 (excluding the amount of fees appropriated for such fiscal year) multiplied by the adjustment factor applicable to the fiscal year involved.

''(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for animal drug applications, supplemental animal drug applications, investigational animal drug submissions, animal drug sponsors, animal drug establishments and animal drug products at any time in such fiscal year notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

''(g) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salary and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of animal drug applications.

''(2) COLLECTIONS AND APPROPRIATION ACTS.—

''(A) IN GENERAL.—The fees authorized by this section—

''(i) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year, and

''(ii) shall only be collected and available to defray increases in the costs of the resources allocated for the process for the review of animal drug applications (including increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process) over such costs, excluding costs paid from fees collected under this section, for fiscal year 2003 multiplied by the adjustment factor.

''(B) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (A)(ii) in any fiscal year if the costs funded by appropriations and allocated

for the process for the review of animal drug applications—

''(i) are not more than 3 percent below the level specified in subparagraph (A)(ii); or

''(ii)(I) are more than 3 percent below the level specified in subparagraph (A)(ii), and fees assessed for the fiscal year following the subsequent fiscal year are decreased by the amount in excess of 3 percent by which such costs fell below the level specified in subparagraph (A)(ii); and

''(II) such costs are not more than 5 percent below the level specified in subparagraph (A)(ii).

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

''(A) $5,000,000 for fiscal year 2004;

''(B) $8,000,000 for fiscal year 2005;

''(C) $10,000,000 for fiscal year 2006;

''(D) $10,000,000 for fiscal year 2007; and

''(E) $10,000,000 for fiscal year 2008;

as adjusted to reflect adjustments in the total fee revenues made under this section and changes in the total amounts collected by animal drug application fees, supplemental animal drug application fees, animal drug sponsor fees, animal drug establishment fees, and animal drug product fees.

''(4) OFFSET.—Any amount of fees collected for a fiscal year under this section that exceeds the amount of fees specified in appropriations Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.

''(h) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

''(i) WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, AND REFUNDS.—To qualify for consideration for a waiver or reduction under subsection (d), or for a refund of any fee collected in accordance with subsection (a), a person shall submit to the Secretary a written request for such waiver, reduction, or refund not later than 180 days after such fee is due.

''(j) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in the process of the review of animal drug applications, be reduced to offset the number of officers, employees, and advisory committees so engaged.

''(k) ABBREVIATED NEW ANIMAL DRUG APPLICATIONS.—The Secretary shall—

''(1) to the extent practicable, segregate the review of abbreviated new animal drug applications from the process for the review of animal drug applications, and

''(2) adopt other administrative procedures to ensure that review times of abbreviated new animal drug applications do not increase from their current level due to activities under the user fee program.''.

SEC. 4. ACCOUNTABILITY AND REPORTS.

(a) PUBLIC ACCOUNTABILITY.—

(1) CONSULTATION.—In developing recommendations to Congress for the goals and plans for meeting the goals for the process for the review of animal drug applications for the fiscal years after fiscal year 2008, and for the reauthorization of sections 739 and 740 of the Federal Food, Drug, and Cosmetic Act (as added by section 3), the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall consult with the Committee on Energy and Commerce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, appropriate scientific and academic experts, veterinary professionals, representatives of consumer advocacy groups, and the regulated industry.

(2) RECOMMENDATIONS.—The Secretary shall—

(A) publish in the Federal Register recommendations under paragraph (1), after negotiations with the regulated industry;

(B) present the recommendations to the Committees referred to in that paragraph;

(C) hold a meeting at which the public may comment on the recommendations; and

(D) provide for a period of 30 days for the public to provide written comments on the recommendations.

(b) PERFORMANCE REPORTS.—Beginning with fiscal year 2004, not later than 60 days after the end of each fiscal year during which fees are collected under part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 2(3) of this Act toward expediting the animal drug development process and the review of the new and supplemental animal drug applications and investigational animal drug submissions during such fiscal year, the future plans of the Food and Drug Administration for meeting the goals, the review times for abbreviated new animal drug applications, and the administrative procedures adopted by the Food and Drug Administration to ensure that review times for abbreviated new animal drug applications are not increased from their current level due to activities under the user fee program.

(c) FISCAL REPORT.—Beginning with fiscal year 2004, not later than 120 days after the end of each fiscal year during which fees are collected under the part described in subsection (b), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

SEC. 5. SUNSET.

The amendments made by section 3 shall not be in effect after October 1, 2008, and section 4 shall not be in effect after 120 days after such date.

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentlewoman from California (Ms. ESHOO) each will control 20 minutes.

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

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the Senate bill.

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

There was no objection.

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

Mr. Speaker, as the lead sponsor of the House-passed version of the Animal Drug User Fee Act of 2003, it is my pleasure today to manage S. 313, the Senate version of the same legislation on the floor.

What we are doing today is taking up the Senate-passed version of the Animal Drug User Fee Act and inserting the updated House language from H.R. 1260, which was approved by this body by voice last month. We are doing so because we determined that it was the best way to expedite the final passage of this much-needed legislation giving the FDA the authority to begin collecting the user fees this fiscal year needed to substantially beef up the new animal drug development and review process.

I would like to take the opportunity again to acknowledge and thank the gentlewoman from Colorado (Ms. DEGETTE), my original cosponsor; the gentleman from Louisiana (Mr. TAUZIN), our committee chairman; the gentleman from Michigan (Mr. DINGELL), ranking member; the gentleman from Florida (Mr. BILIRAKIS), Health Subcommittee chairman; and the gentleman from Ohio (Mr. BROWN), ranking member; and the Members on both sides of the aisle who have cosponsored the bill. I am grateful too for the hard work of our committee staff, Brent Delmonte, Pat Ronan, John Ford, and for the assistance that we have received from the FDA and the Animal Health Alliance. And also Jane Williams, my health care expert, deserves special merit as well.

Closely modeled after the very successful Prescription Drug User Fee Act of 1992 for human drugs, the Animal Drug User Fee Act is designed to give the Food and Drug Administration's Center for Veterinary Medicine the right resources and incentives needed to significantly improve the animal drug review process. The bill is supported by a broad coalition of veterinary and producer groups, including the American Veterinary Medical Association and the American Farm Bureau.

The legislation is sorely needed. Despite a statutory review time of 180 days, the average new animal drug application review currently takes about 1½ years and sometimes may drag on for even several years. This slowdown in review time is jeopardizing the supply of the new, safe, and effective animal drugs needed to keep our pets, flocks, and herds healthy and to provide American consumers with a safe and wholesome food supply.

Under this proposal, the additional revenues generated from fees paid by the pioneer animal drug industry would be dedicated for use in expediting the testing and review of new animal drugs in accordance with the performance goals that have been mutually agreed upon by the FDA and the animal drug industry.

As FDA Commissioner Mark McClellan has noted, a faster, more predictable review process is expected to spur more spending on research and development by the industry, promoting animal health by increasing the availability and diversity of new, safe, and effective products.

Mr. Speaker, I encourage my colleagues to vote for this much-needed bipartisan bill.

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

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

I am pleased that we are bringing the Animal Drug User Fee Act to the floor today. This is a bipartisan bill that enjoys strong support from a number of veterinary and farm organizations, as well as from a significant number of Members of Congress.

The Food and Drug Administration is a seriously underfunded agency. This has always been a source of concern to me given the critical mission that the FDA has of protecting our food supply, our drug supply, and protecting consumers. Over the last few years, Congress has taken a number of steps to rectify the funding shortfall. Last year we renewed the Prescription Drug User Fee Act for the second time. We also passed new legislation, the Medical Device User Fee and Modernization Act, which created a user fee program for medical devices that will help speed new technology to the patients who need them.

The Animal Drug User Fee Act is the next in this slate of bills that are aimed at boosting FDA's resources. This bill will provide the FDA's Center for Veterinary Medicine with an additional $48 million over the next 5 years. The money will be directed and solely directed to hiring new staff and acquiring the additional resources needed to approve the applications for animal drugs in a speedier manner while still maintaining FDA's gold standard of safety and efficacy.

This bill will touch everyone's life in multiple ways, even though they may not think so, whether it is through lifesaving medications for pets or better, less toxic medications for farm animals. It is in everyone's best interest to have an FDA that is equipped to review these new drug applications in a safe and in a timely manner.

I want to thank the gentlewoman from Colorado (Ms. DEGETTE), who cannot be here. She is the one who really should be standing here rather than myself, and the gentleman from New York (Mr. TOWNS) for all of their hard work they put in on this bill with the gentleman from Michigan (Mr. UPTON), its sponsor. It is to their credit that it will be law. I also want to thank the gentleman from Michigan (Mr. DINGELL), our distinguished ranking member, and certainly his staff, John Ford, whom over and over and over again does superb work and tireless work in this specific case to help bring this bill through the committee and to the floor of the House. So to the gentleman from Michigan (Mr. UPTON), our chairman, I salute him. This is a great day for him on the floor because both the E–911 Implementation Act of 2003 and certainly this bill, the Animal Drug User Fee Act of 2003, are very important ones that push the edges of the envelope out and really help to protect consumers and the people of our country. So I salute him.

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

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

I want to thank the gentlewoman from California (Ms. ESHOO), a very able replacement for the gentlewoman from Colorado (Ms. DEGETTE), who I too regret she is not here. This has been a bipartisan effort from get-go.

Mr. TAUZIN. Mr. Speaker, I am proud to rise in favor of S. 313, the Animal Drug User Fee Act ("ADUFA"), sponsored in the House by my good friend from Michigan, Mr. UPTON.

This legislation, modeled after the successful Prescription Drug User Fee Act (PDUFA), is designed to decrease the review time of new animal drugs at the Center for Veterinary Medicine (CVM) of the Food and Drug Administration (FDA). This legislation is essential to the health of pets and livestock, as well as food safety. CVM is currently experiencing sizable delays in its review of drug applications. These delays are problematic for CVM, drug sponsors, pet owners, veterinarians, and livestock producers.

Simply put, the CVM needs an infusion of funds to address review shortcomings. The slowdown of the approval process threatens to reduce the tools available to livestock and poultry producers to produce vibrant stock and to combat animal disease. The slowdown of the approval process also threatens the health and well being of family pets and zoo animals. Further, delays at CVM have a chilling effect on the animal health industry's investment in important research and development, threatening the pipeline of new products.

In conclusion, this is a very modest program, but one that is desperately needed. The pace of animal drug reviews has slowed in recent years and the FDA needs the proper resources to hire more reviewers. Please join me in supporting S. 313, The Animal Drug User Fee Act of 2003.

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of S. 313, the Animal Drug User Fee Act. This legislation is modeled after the successful Prescription Drug User Fee Act, which ensures that consumers have timely access to lifesaving drugs. ADUFA would establish the same expedited process to ensure that pets and livestock also have access to groundbreaking pharmaceuticals.

Despite a current requirement that limits the review time of a new animal drug application to 180 days, the review process takes an average of 1.5 years to complete, with some applications taking several years. Eighty-eight percent of original new animal drug applications are overdue, the longest day being 717 days.

Mr. Speaker, we wouldn't stand for that kind of delay for people, and I don't think that Man's Best Friend, or the livestock that feeds all Americans, should have to either. I support this legislation, and am happy to see it on our agenda.

However, I would point out that this House has not yet acted on legislation which would authorize the FDA to require pharmaceuticals manufacturers to test their products on children. For too long, doctors have been guessing about how best to treat our children. Kids are being used as guinea pigs because pharmaceutical companies haven't done the testing necessary to ensure that their products are safe and effective for kids. Many of us have been fighting for several years to ''codify the rule,'' and I am anxious to work on legislation that would do that. As important as animals are, nothing is more important than the health and safety of our children.

It is high time for us to put the interests of our children first. I urge the leadership of the House of Representatives to take up legislation which would ensure that the FDA has the authority it needs to require prescription drug manufacturers to test their products for children.

Mr. UPTON. Mr. 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 Michigan (Mr. UPTON) that the House suspend the rules and pass the Senate bill, S. 313, as amended.

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

A motion to reconsider was laid on the table.

RECOGNIZING OUTSTANDING CONTRIBUTIONS OF CHRISTIAN COLLEGES AND UNIVERSITIES

Mr. HOEKSTRA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 300) recognizing the outstanding contributions of the faculty, staff, students, and alumni of Christian colleges and universities, as amended.

The Clerk read as follows:

H. RES. 300

Whereas the United States has benefited greatly from over 1,000 Christian colleges, beginning with the Nation's first Christian college in 1636;

Whereas 900 such campuses continue to identify themselves as religious institutions, adding to the rich diversity of higher education in the Nation;

Whereas more than 125 Christian colleges, as members or affiliates of the Council for Christian Colleges & Universities provide faith-infused scholarship and service that produces students strongly dedicated to their faith, values, and morals;

Whereas the Council's member institutions are located in 30 States, represent more than 30 religious traditions, and with 15,000 faculty members serve more than 200,000 students;

Whereas nearly all (99 percent) of students at Council institutions participate in some form of service and learning through extracurricular activities and 80 percent participate in experiential learning;

Whereas alumni from Council institutions reported that their college education helped them develop moral principles and a sense of

purpose in life, place a high priority on community service, helping the disadvantaged and strongly agreed that their college life prepared them to achieve success;

Whereas the Nation benefits from Council institution students and graduates whose faith, values, and morals provide an environment that encourages honesty, trust, respect, and responsibility in the many fields they enter including science, business, education, government, medicine, the arts, and in volunteer community service; and

Whereas the Council for Christian Colleges & Universities recognizes the month of October as Christian Higher Education Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of Christian Higher Education Month, an event sponsored by the Council for Christian Colleges & Universities and established to recognize the vital contributions of the Nation's Christian colleges and universities; and

(2) congratulates Christian colleges and universities, their students, faculty and staff across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

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

GENERAL LEAVE

Mr. HOEKSTRA. 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. 300.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H. Res. 300, which honors the outstanding contributions of the faculty, staff, students, and alumni of Christian colleges and universities. I am pleased that 28 of my colleagues on both sides of the aisle have joined as cosponsors of this resolution which also recognizes October as Christian Higher Education Month, in honor of the 367-year history of Christian higher education in our Nation.

□ 1615

Unfortunately, due to the full legislative schedule and the debate surrounding the supplemental appropriations bill, we were unable to schedule this resolution during the month of October, when many faith-based institutions celebrated their religious heritage.

The United States has a rich tradition of Christian higher education. Many of our Nation's oldest and most highly esteemed colleges and universities have their roots in Christian religious traditions, including Harvard, Yale, Princeton, Brown, Rutgers and Dartmouth.

Today, the array of opportunities in higher education are at an all-time high. According to the U.S. Department of Education, there are 6,250 different institutions eligible for Federal assistance under the Higher Education Act. Of these, 4,200 are degree-granting institutions of higher education in the United States. Approximately 1,600 of these are private, nonprofit campuses; and about 900 of these identify themselves as having some religious heritage or affiliation. This adds to the rich diversity of higher education in the United States.

Among these hundreds of campuses are Members who are affiliates of the Council for Christian Colleges and Universities, CCCU, an association founded in 1976 to support Christian higher education and to help its institutions transform lives by integrating faith, scholarship, and service. These 127 campuses are located in 32 States, enroll over 200,000 students, and have more than 15,000 faculty on staff. Council member institutions also represent more than 30 different denominational traditions.

It was this association that took the initiative to focus on a specific month to honor all institutions of higher education whose faith tradition is an important element in their history and ongoing mission.

According to the National Center for Education Statistics, during the last decade, there was an overall increase in enrollment across the country among public and private institutions of higher education. Interestingly, while enrollment at public colleges and universities increased at a rate of 4 percent and at private institutions they increased by 17 percent, at CCCU member institutions, student enrollment grew by 47 percent during the 1990s.

Enrollment at these faith-based institutions of higher education is not just growing; it is thriving. Council institutions generally have a smaller student body than their private and public counterparts, which produces several benefits for the students who choose to attend these institutions, including smaller student-faculty ratios, which gives students the opportunity for more personal interaction with their professors, a greater participation in extracurricular activities, and a greater sense of community with their fellow classmates.

Nearly all students at council institutions participate in some form of service and learning through extracurricular activities during their college tenure. A study of council alumni reported that their college education helped them develop moral principles and a sense of purpose. They place a high priority on community service, helping the disadvantaged and promoting civic engagement.

The Nation benefits from the rich diversity of all the different colleges and universities which make up higher education in our Nation. I am an ardent supporter of our system of higher education because it allows individuals to make choices based upon their own unique needs, personal goals, and interests. I strongly believe that ours is one of the best education models that exists due to its embracement of diversity, its rigorous standards and the manner in which it empowers students to make the choices that complement their individuality.

This resolution that we are considering today specifically recognizes those campuses whose faith traditions add to the mosaic of opportunities in post-secondary education. I am pleased that we are able to recognize them in this way and urge my colleagues to support this expression of appreciation.

Again, we are recognizing many of our Nation's oldest and most highly esteemed colleges and universities that have their roots in Christian education, including Harvard, Yale, Princeton, Brown, Rutgers, Dartmouth, and Hope College.

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

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

Mr. Speaker, I rise in support of H. Res. 300. This resolution recognizes the outstanding contributions of the faculty, staff, students, and alumni of Christian colleges and universities. All of our institutions of higher education, their faculty, staff, students and alumni play an important role in making our Nation stronger and more productive.

Higher education is a critical element in the lives of Americans. Obtaining a college degree translates into higher incomes, stronger families, and greater contributions to society.

Fortunately, the truly great aspect of the American higher education system is its diversity, including its rich religious heritage. We have a higher educational system, coupled with Pell grants and student loans, that can provide access to a quality education.

Whether you attend a 4-year public or private university, a 2-year community college or proprietary institution of higher education, we have outstanding educational opportunities. This recipe for success certainly includes Christian colleges. They are deeply rooted in the history and growth of this country. Their work and the work of their alumni is rightly being recognized today. It is this variety, this diversity, that truly makes higher education a national treasure in this country.

Mr. Speaker, in closing, I urge all Members to support this resolution.

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

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, I rise today to add my strong support for the passage of H. Res. 300. I commend the gentleman from Michigan (Mr. HOEKSTRA) for bringing this important legislation to the floor, and I thank him.

As a cosponsor of H. Res. 300, I share my colleague's commitment to recognizing the great contributions to education and society as a whole that our

country's Christian colleges and universities provide. While the United States has benefited greatly as a result of over 1,000 Christian colleges since our Nation's first Christian college was founded in 1636, I would like to recognize one such university specifically, Colorado Christian University, located in Lakewood, Colorado, or CCU.

CCU is the only member of the Council for Christian Colleges and Universities in the Rocky Mountain region. A private, nondenominational institution, CCU provides a distinctive education that integrates Biblical teachings with academic scholarship. CCU offers more than 20 undergraduate and graduate programs designed to equip students to become knowledgeable leaders in their field. Outside the classroom, CCU students participate in mission trips to over 15 countries and serve the local Denver community through a variety of student-led ministries.

Approximately 1,000 students are enrolled in traditional undergraduate programs. Another 1,000 students are enrolled in graduate and adult programs throughout Colorado. On a daily basis, many of these students are providing invaluable leadership and service throughout the State.

Mr. Speaker, I want to say how glad I am that the House of Representatives has seen fit to recognize the vital contributions of our Nation's Christian colleges and universities, and especially the contributions of my constituents at CCU. I join all my colleagues today in congratulating all these institutions of higher learning, their students, their faculty and staff across the Nation for their ongoing contributions to education and for the key role they play in promoting and ensuring a brighter and stronger future for this Nation.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the outstanding contributions of the faculty, staff and students and alumni of Christian colleges and universities.

I am fortunate to have Greenville College, a Christian college, in my district, which I would like to recognize at this time. Greenville College is a 4-year, coeducational Christian liberal arts college located in Greenville, Illinois, founded in 1892 and affiliated with the Free Methodist Church. Its mission is to transform students for lives of character and service through a Christ-centered education in the liberal arts and sciences.

The school currently has record high enrollment. It has partnered with community colleges in my district to provide quality degrees to students around the State. In particular, this public-private partnership has given adult students the opportunity to obtain degrees in underserved careers such as teaching. The school has a national reputation for its Christian music degrees and has a very vibrant and exciting campus with motivated staff, faculty, and students.

I am a staunch supporter of the religious freedoms we have in this country. One of those freedoms is the ability of our young adults to freely practice their religious beliefs at a Christian college. I am pleased that more than 1.5 million students attend religious-affiliated colleges around the country. They provide a rich diversity to our local towns and communities, and exemplify the set of values that I and many of my colleagues hold so deeply.

Mr. HOEKSTRA. Mr. Speaker, I yield 4 minutes to my colleague, the gentleman from the great State of Michigan (Mr. EHLERS).

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

Mr. Speaker, I thank the gentleman from Michigan (Mr. HOEKSTRA) for introducing this important resolution, and I would particularly like to commend three affiliates of the Council for Christian Colleges and Universities that are located within my district: Calvin College, Cornerstone University, and Reformed Bible College. Combined, these schools enroll approximately 6,600 undergraduates.

As a former professor at Calvin College, I fully realize the value of Christian higher education. Intentionally Christ-centered colleges and universities encourage students to consider their studies in light of God's word and creation. This perspective enables students to develop moral principles and a sense of purpose in life. It also encourages the students to place a high priority on community service and on helping the disadvantaged.

Christian colleges and universities not only prepare students for a life of service but also provide a well-rounded, academically excellent education. Let me once again refer to Calvin College as an example, because I am most familiar with that institution.

Calvin College offers nearly 100 academic options, and its largest programs are education, engineering, and economics and business. Because Calvin is a liberal arts college, its graduates are exceptionally well prepared for a variety of vocations, regardless of their major.

Furthermore, Calvin instills in its students a desire to serve others. Beginning at Streetfest, during first-year students' orientation, Calvin's Service and Learning Center encourages all students to serve people who are in need within the Grand Rapids community. In addition, most Calvin students have the opportunity to engage in service learning as part of their course work. This service orientation also extends to faculty. When faculty members are considered for promotion or tenure, their service to the community is one of the factors considered.

The overarching goal of Calvin's service-oriented, academically excellent education, is to enable students to better understand how they can serve God in their chosen vocations and in their lives.

I have used Calvin as an example simply because, as an alumnus and professor of 16 years at Calvin, I am very familiar with the college. But Calvin is just one of many Christian colleges and universities that make efforts to effectively equip students with a well-rounded education and the desire to serve others.

Again, I support the goals of Christian Higher Education Month, and I commend the more than 125 members and affiliates of the Council for Christian Colleges and Universities for their vital contributions to our Nation.

As the Committee on Education and the Workforce proceeds with reauthorization of the Higher Education Act, I am hopeful that the committee will be mindful of the valuable, faith-based education these colleges and universities provide.

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

Mr. Speaker, I would like to thank my colleague from Michigan for recognizing Calvin College. I would also like to express appreciation to Calvin College, because tomorrow they are going to let Hope College beat them in soccer, and Hope College will take the MIAA championship one more time.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I am here to work on another bill, but I could not let the opportunity pass to speak a little bit of my alma mater. I attended Brigham Young University, as have all of our six children and hopefully soon some of our grandchildren; and I also have in my district at home the Master's College, which is a Baptist college that works with young people in the Santa Clarita Valley and attracts students from all around the country.

□ 1630

Both of these schools, as many others that have been named and many that are not being named today by name, are doing a tremendous job in the country educating our young people about life and preparing them for life, but also are teaching Christian values and virtues along with the book learning that they are getting.

I started school in 1956 and actually graduated in 1985, and had the opportunity of chairing a subcommittee here that we titled Subcommittee on Education and Lifelong Learning. I guess the reason they gave me that one was because it took me 30 years to graduate. But I had the opportunity of graduating from Brigham Young University in 1985 with my oldest daughter. We both received our bachelor's and her husband received his master's on that day.

I had a great experience in school. I think it has had a lot of impact on my

life, and I really appreciate the opportunity of serving in the Congress and working on the Committee on Education and the Workforce. I am thankful that the gentlemen from Michigan (Mr. HOEKSTRA) and (Mr. KILDEE) are presenting this bill here today.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, again, I want to commend the gentleman from Michigan (Chairman HOEKSTRA) for his leadership in recognizing the incredible role that Christian colleges and universities and institutions of higher learning have provided for this country. Being from the Eighth District of North Carolina, we certainly have wonderful examples, not only in the Eighth District, but throughout North Carolina: Camel College, Methodist College, Montreat College. As a matter of fact, if one checks the history of our institutions, one would probably find a very short list that did not have some connection to our Christian heritage and the Judeo-Christian values that we all hold dear.

I particularly want to take this opportunity to thank all of those men and women who over the years, going all the way back to our Founding Fathers, have instilled the values in our young people that are so important for this Nation to maintain the greatness that it enjoys today.

Christian institutions are not about imposing anyone's values on someone else; they are about proposing the values that have stood the test of time and which provide for us today those lessons learned that we can use to maintain the freedom and the democracy that is ours only in America.

Again, I thank the gentleman from Michigan (Mr. HOEKSTRA) for his leadership, and the gentleman from California (Mr. MCKEON). I think it is an important legislation, and I strongly urge all Members to support it.

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

Mr. HOEKSTRA. Mr. Speaker, I yield myself the balance of my time.

I thank the gentleman from Michigan (Mr. KILDEE) for participating with us in moving this resolution forward, and for his support. I thank my colleagues for coming to the floor and speaking about the institutions that they have in their districts or their personal experiences and demonstrating the value of Christian colleges and how they present a rich mix of higher-education opportunities in the United States and how important of a component that they are.

With that, I urge my colleagues to support this resolution.

Mr. STENHOLM. Mr. Speaker, I rise in strong support of House Resolution 300, a bill that recognizes the outstanding contributions of the faculty, staff, students, and alumni of Christian colleges and universities.

America has benefited greatly from the more than 900 Christian colleges, beginning with the nation's first such college in 1636.

Christian colleges add to the rich diversity of higher education, offering students and faculty a place to learn and grow in a Christ-centered atmosphere.

There are four Christian universities in the 17th Congressional District of Texas: McMurry University, Abilene Christian University, Hardin-Simmins University and Howard Payne University. These Christian universities are actively rewarding scholarship and meaningful service. They help develop in their students respect and love for intellectual pursuits and faith in a loving and beneficent creator God.

They graduate students with a broad and biblical worldview, an appreciation for human diversity and dedication to a life of service.

I am truly honored to commend the high moral standards, Christian character and intellectual strength of the faculty, staff, students, and alumni of McMurry University, Abilene Christian University, Hardin-Simmins University and Howard Payne University.

These individuals teach us how to achieve success while engaging Christian principles.

I also want to acknowledge the invaluable contributions these Christian institutions bring to the Abilene and Brownwood communities.

The students and staff place a high priority on community service, and these West Texas communities benefit from their dedication and servant leadership.

Please join me in recognizing the unique contributions of the faculty, staff, students, and alumni of Christian colleges and universities, and other faith-based institutions, throughout this Great Nation.

I am pleased to support House Resolution 300, and I urge my colleagues to lend their support.

Mr. BOEHNER. Mr. Speaker, I rise in support of H. Res. 300, recognizing the contributions of the faculty, staff, students, and alumni of Christian colleges and universities.

The month of October is recognized by the Council for Christian Colleges and Universities as ''Christian Higher Education Month.'' The United States has benefited tremendously from the over 1000 Christian colleges and universities that have been founded since the Nation's first Christian college was founded in 1636. My home state of Ohio has a number of Christian institutions, including my alma mater Xavier University.

In a national survey by the Council for Christian College and Universities of Council member schools' alumni, 95 percent reported that their Christian college education helped them develop moral principles that guide their actions and 90 percent said their Christian college helped them develop a sense of purpose in life. I have found that my foundation in Catholic education, including higher education, has helped me to strengthen my sense of purpose in life and prepared me to achieve my goals and ambitions.

I urge my colleagues to vote ''yes'' on this important resolution. The postsecondary education experience is enriched when students have the opportunity to determine their educational environment. H.R. 300 supports the goals and ideas of Christian Higher Education Month by recognizing and honoring the important work of all our Christian colleges and universities.

Mr. MCKEON. Mr. Speaker, I rise in support of House Resolution 300, introduced by the gentleman from Michigan, PETE HOEKSTRA. This resolution recognizes the university campuses affiliated with the Council for Christian Colleges and Universities, and other faith-based campuses and supports the goals and ideals of Christian Higher Education Month.

As Chairman of the 21st Century Competition Subcommittee, which has jurisdiction over the Higher Education Act, I believe that institutions of higher education that are Christ-centered play an important role in providing a quality post-secondary education to our Nation's students. These institutions are vital to the well-being of our country and offer their students an education which focuses on service and a dedication to God and their community.

In particular, I would like to recognize a college from my district, The Master's College, which has provided a quality post-secondary education to residents of California. The Master's College was established in 1927 with the mission to empower students for a life of enduring commitment to Christ, biblical fidelity, moral integrity, intellectual growth and lasting contribution to the kingdom of God. Located in Santa Clarita, this institution, under the direction of President John MacArthur, has been rated as one of America's best colleges by US News and World Report. In the last five out of six years alone, the Master's College has been ranked in the first tier of the Best Comprehensive Colleges—Bachelor's where it competes with over 324 colleges from all across the country. I am proud of the record that the Master's College has earned over the years and would like to recognize their dedication and service to our country.

I would also like to recognize my alma mater, Brigham Young University, which has been responsible for educating a majority of family. Established in 1875, BYU provides an outstanding education in an atmosphere consistent with the ideals and principle of its sponsor, the Church of Jesus Christ of Latter-day Saints. BYU's mission is to assist individuals in their quest for perfection and eternal life. To this end, BYU seeks to develop students of faith, intellect and character who have the skills and the desire to continue learning and to serve others throughout their lives.

Mr. Speaker, I believe that these two institutions are two excellent examples of the type of academic institutions that H. Res. 300 recognizes and I join my colleagues in support of the resolution.

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Michigan (Mr. HOEKSTRA) that the House suspend the rules and agree to the resolution, H. Res. 300, 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.

A motion to reconsider was laid on the table.

VACATING ORDERING OF YEAS AND NAYS ON H. CON. RES. 262, EXPRESSING SENSE OF CONGRESS IN SUPPORT OF NATIONAL ANTHEM ''SING-AMERICA'' PROJECT

Mr. MCKEON. Mr. Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on the motion to suspend the rules and adopt H. Con. Res. 262 to the end that the Chair put the question on the motion de novo.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 262.

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

A motion to reconsider was laid on the table.

SENSE OF CONGRESS ON CRISIS IN RECRUITING AND RETAINING DIRECT SUPPORT PROFESSIONALS

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 94) expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other development disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce, as amended.

The Clerk read as follows:

H. CON. RES. 94

Whereas there are more than 8,000,000 Americans who have mental retardation or other developmental disabilities, including mental retardation, autism, cerebral palsy, Down syndrome, epilepsy, and other related conditions;

Whereas individuals with mental retardation or other developmental disabilities have substantial limitations on their functional capacities, including limitations in two or more of the areas of self-care, receptive and expressive language, learning, mobility, self-direction, independent living, and economic self-sufficiency, as well as the continuous need for individually planned and coordinated services;

Whereas for the past two decades individuals with mental retardation or other developmental disabilities and their families have increasingly expressed their desire to live and work in their communities, joining the mainstream of American life;

Whereas the Supreme Court, in its Olmstead decision, affirmed the right of individuals with mental retardation or other developmental disabilities to receive community-based services as an alternative to institutional care;

Whereas the demand for community supports and services is rapidly growing, as States comply with the Olmstead decision and continue to move more individuals from institutions into the community;

Whereas the demand will also continue to grow as family caregivers age, individuals with mental retardation or other developmental disabilities live longer, waiting lists grow, and services expand;

Whereas outside of families, private providers that employ direct support professionals deliver the majority of supports and services for individuals with mental retardation or other developmental disabilities in the community;

Whereas direct support professionals provide a wide range of supportive services to individuals with mental retardation or other developmental disabilities on a day-to-day basis, including habilitation, health needs, personal care and hygiene, employment, transportation, recreation, and housekeeping and other home management-related supports and services so that these individuals can live and work in their communities;

Whereas direct support professionals generally assist individuals with mental retardation or other developmental disabilities to lead a self-directed family, community, and social life;

Whereas private providers and the individuals for whom they provide supports and services are in jeopardy as a result of the growing crisis in recruiting and retaining a direct support workforce;

Whereas providers of supports and services to individuals with mental retardation or other developmental disabilities typically draw from a labor market that competes with other entry-level jobs that provide less physically and emotionally demanding work, and higher pay and other benefits, and therefore these direct support jobs are not currently competitive in today's labor market;

Whereas annual turnover rates of direct support workers range from 40 to 75 percent;

Whereas high rates of employee vacancies and turnover threaten the ability of providers to achieve their core mission, which is the provision of safe and high-quality supports to individuals with mental retardation or other developmental disabilities;

Whereas direct support staff turnover is emotionally difficult for the individuals being served;

Whereas many parents are becoming increasingly afraid that there will be no one available to take care of their sons and daughters with mental retardation or other developmental disabilities who are living in the community; and

Whereas this workforce shortage is the most significant barrier to implementing the Olmstead decision and undermines the expansion of community integration as called for by President Bush's New Freedom Initiative, placing the community support infrastructure at risk: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''Direct Support Professional Recognition Resolution''.

SEC. 2. SENSE OF CONGRESS REGARDING SERVICES OF DIRECT SUPPORT PROFESSIONALS TO INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

It is the sense of the Congress that the Federal Government and the States should make it a priority to promote a stable, quality direct support workforce for individuals with mental retardation or other developmental disabilities that advances our Nation's commitment to community integration for such individuals and to personal security for them and their families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from Michigan (Mr. KILDEE) 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. Con. Res. 94.

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 rise in strong support of House Concurrent Resolution 94, which expresses the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis of recruiting and retaining direct support professionals.

I want to congratulate and thank my friend, the gentleman from Texas (Mr. SESSIONS), for introducing this resolution to highlight a very serious problem facing this country and the disability community.

As the resolution states, it is vitally important that our Nation increase its attention on recruiting and retaining these support personnel who work directly with individuals with disabilities and help them to become a contributing member of society.

From developing the skills of existing personnel to preparing new leaders and researchers to replace those who are leaving or retiring from the field, we must expand our capacity to recruit new and retain existing personnel.

Last month, the Department of Health and Human Services announced five new demonstration grants aimed at helping recruit, train, and retain direct service workers to aid those who need help with eating, bathing, dressing, and other activities of daily living. These grants will also test offering health insurance benefits to workers to determine if that helps keep workers on the job.

These grants were offered through the President's New Freedom Initiative which promotes the goal of removing barriers to community living for people with disabilities. Under this initiative, 10 Federal agencies have collaborated to remove barriers to community living for people with disabilities. Secretary Thompson and others who have championed the New Freedom Initiative should be commended for their hard work to improving the lives of individuals with special needs.

But we all know that much more needs to be done. As a Nation, we have a commitment to improve the opportunities available for all of our citizens, especially individuals with disabilities.

Over the past 30 years, we have made important strides in enhancing the lives of individuals with disabilities. The Workforce Investment Act, the Vocational Rehabilitation Act, and the Assistive Technology Act are a short list of the important laws that the

Congress has passed since 1998 to better the lives of our fellow citizens with disabilities.

We know that those individuals with mental retardation or other developmental disabilities face significant challenges and obstacles in participating in their community and in the workforce. But every day, every week, and every year we continue to make more progress.

I am particularly pleased with the improvements we have made to support individuals with disabilities through the Workforce Reinvestment and Adult Education Act of 2003 which passed the House in May. In this legislation, State workforce investment boards and local workforce investment areas must develop strategies to address the employment needs of individuals with disabilities consistent with the goal of community integration. In addition, by increasing the coordination among employment and training programs in the one-stop centers created under the Workforce Investment Act, this reauthorization legislation seeks to ensure appropriate services are available to all job seekers, including those with disabilities. Through this legislation, we will give individuals with disabilities the opportunity to participate more fully in the workforce by enhancing their ability to receive training, and we have increased the emphasis on serving individuals with disabilities.

Next year, I hope to work with my colleagues to improve the Assistive Technology Act so that we can provide greater access to technology that improves the quality of life for individuals with disabilities. We will work to ensure that the program is focused on the needs of individuals to secure technology for them so that they can participate in their community and at work.

I am pleased to support this important resolution to improve the opportunity for individuals with mental retardation and developmental disabilities to participate more fully in society, and I ask my colleagues to support this resolution.

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

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

Mr. Speaker, I rise in support of H. Con. Res. 94. This resolution expresses our concern that there should be an adequate supply of direct care providers to provide services to individuals with disabilities in community-based settings.

Individuals with disabilities, including those with mental retardation or other developmental disabilities, have long sought to work and live in their communities. This allows them to join with the rest of society in being productive and contributing citizens.

Access to services in the community, rather than institutional-based services, is critical to many individuals with disabilities. The U.S. Supreme Court, as part of the Olmstead decision, affirmed the right of individuals with mental retardation or other developmental disabilities to receive community-based services as an alternative to institutional care. Unfortunately, there is a shortage of direct care providers.

Low pay and other factors are leading to a high turnover and a struggle by service providers to maintain a full complement of support staff and quality supports. High turnover rates can result in major negative implications, including heightened stress levels, injury, and the inability to live in the community.

With the advancements we have seen to date as a result of the Olmstead decision, many individuals with mental retardation and related developmental disabilities live in community-based residences. Nevertheless, many more are listed on waiting lists for community-based services.

I believe this resolution is the first step in Congress recognizing the significance of the problem in this area.

Our colleagues, the gentleman from Texas (Mr. SESSIONS) and the gentlewoman from California (Mrs. CAPPS) should be recognized for bringing this issue to our attention.

Mr. Speaker, in closing, I urge all Members to support this resolution.

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

Mr. MCKEON. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Texas (Mr. SESSIONS), the author of this bill and one who speaks about this subject from the heart.

Mr. SESSIONS. Mr. Speaker, I also would like to thank the gentleman from California, who has had personal relationships in his life where he dealt with people who might well be impacted very directly by this bill, and his kindness and his insight is not only appreciated, but also respected.

Mr. Speaker, I am pleased that the majority leader, the gentleman from Texas (Mr. DELAY), has given us time to recognize H. Con. Res. 94, the Direct Support Professional Recognition Resolution which highlights a growing national crisis affecting community integration for individuals with mental retardation and other developmental disabilities.

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Mr. Speaker, I will include for the RECORD one piece of supportive data.

Mr. Speaker, in one of his first acts as President of the United States on February 1, 2001, our great President, George W. Bush, announced his groundbreaking New Freedom Initiative, a nationwide effort to remove barriers to community living for people with disabilities.

This New Freedom Initiative represents an important step in working to ensure that all Americans have the opportunity to learn and develop skills, engage in productive work, and choose to work and live in a participatory and a productive community life.

The goals of this initiative include increasing access to newly developed assistive technologies, expanding educational opportunities, promoting home ownership, integrating Americans with disabilities into the workforce, expanding transportation options, and promoting full access to community living.

If the President's New Freedom Initiative is to be successful over the long term, it is critical for there to be an adequate qualified, skilled workforce in place to help people with mental retardation and other developmental disabilities to help them live a self-directed life within their community. Indeed, in September of 2002, in a speech to private providers of community supporters and supports of services, the United States Labor Secretary, Elaine Chao, observed the following: ''The paraprofessional long-term care workforce is the cornerstone of America's long-term care system. Direct support workers are critical to the success of the New Freedom Initiative.''

In recognition of this reality, H. Con. Res. 94 calls on the Federal Government and States to make it a priority to promote a stable quality direct support workforce for individuals with mental retardation and other developmental disabilities that advances this Nation's commitment to community integration for such individuals and to personal security for them and their families. Direct support professionals are critical to fulfilling the national promises of community living made to people with mental retardation as articulated in the President's administration policy as outlined in the New Freedom Initiative.

These valuable front line workers provide a wide range of supportive services on a day-to-day basis to people with disabilities, including habitation, health needs, personal care, hygiene, employment, transportation, recreation, housekeeping, and other home management-related assistance. Without them, these people with mental retardation would not be able to live their lives in communities where they could enjoy the mainstream of the American life.

Unfortunately, today there is a national crisis in securing an adequate supply of qualified direct support professionals. Severe staffing shortages and turnover rates in the direct support workforce is now threatening the quality and continuity of community-based supports and services for these people who they serve, all this at a time when demand for community support and services is growing rapidly as States move more and more individuals from institutions into a community-based setting and aging parents find it necessary to seek outside support for the care of the children whom they love.

Tough work, increased demand for services, and aging population, all of this is threatening the quality and continuation of community support for

services for people with mental retardation and leaving parents extremely fearful that there will be no one there for their children.

It is my hope that each of our colleagues will join me in expressing sincere appreciation for the very important work performed by our Nation's direct support workers, and let us vow to put our heads together to develop a national strategy to address the recruitment and retention of this crisis that is affecting community support for people with developmental disabilities.

Mr. Speaker, I hope that each of my colleagues will join in not only the vote that they make here today, but by going back home and giving a pat on the back to those health care professionals and others who are engaged in the services for each of these people who are important to each and every one of us.

TONYA SIMMONS' REMARKS TO THE AMERICAN ASSOCIATION OF THE MENTALLY RETARDED (AAMR) REGION 9 SERVICE AWARD FOR CONTRIBUTIONS FOR IMPROVING SERVICES FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES LIVING IN A COMMUNITY SETTING

I am very grateful and thankful for this award. It is an honor. I was new to the human services field 2 years after graduating from the Baltimore County Community College and the AmeriCorps Program. I began working at Spectrum Support without the knowledge of what it was and without the required training: but it was okay because of the training I received and the knowledge that would come from hands-on experience. I was ready and excited about a new challenge. I was successful because I was committed, passionate, strong, and caring. I have a heart. I have feelings, I am concerned, but most of all, this job made me realize that I am a leader. My only brother died this year and what I found from the individuals that I support was that they were now supporting me. Many people do not believe or understand that when you love people they will love back. I received phone calls, they had the staff bring them to visit and they were at the services. I will always remember an individual saying to me, ''If you need anything, Tonya, I'll be here for you. It's going to be all right.'' At that moment I realized that my job was appreciated, that I was appreciated, respected and loved. This is all because this is what they receive from me.

I am working in an underpaid position, working 140 hours bi-weekly between jobs that support adults with disabilities, attending Coppin State College all to support my family. It's okay. I enjoy what I do and look forward to going to work each and every day. Why? Disabilities do not mean inability and I believe in what we do where I work. The individuals that I support and the program are not just my friends but family as well. It's because of them that recently I have learned so much more about myself. I am afraid of public speaking but because of being able to work in the wage campaign, I am overcoming that fear. Thank you for giving me an opportunity to advocate for Direct Support Staff in the Campaign for Increased Wages. At Spectrum Support I am in training everyday where I am encouraged and allowed to grow. I am learning from the best because we are the best. We believe that people can achieve their life goals. We recognize, respect and celebrate each person's contribution to his or her community and believe that each person has unexplored talents that when discovered lead to amazing outcomes. Co-workers we are growing, changing all while moving forward. We will continue to do our best.

Mr. LANGEVIN. Mr. Speaker, I rise today in support of H. Con. Res. 94, which expresses the sense of the Congress that community inclusion and enhanced lives for the 8 million Americans who have mental retardation or other developmental disabilities is at serious risk due to a professional shortage of direct support professionals.

I was proud to join Mr. SESSIONS and Ms. CAPPS in introducing the Direct Support Professional Recognition Resolution earlier this year, because I know the impact that the work of direct support professionals has on the families of people with developmental disabilities. America has come a long way from the days when warehousing of people with mental retardation and other disabilities was painfully routine. Today, seasoned professionals and families alike are deeply grateful for the advances of self-determination that many Americans with developmental disabilities enjoy through living and working within their communities.

Unfortunately, this progress is jeopardized by a real and immediate workforce shortage. As the demand for community supports and services has grown, so has the demand for Direct Support Professionals, people who devote their lives and careers to providing the day-to-day supports necessary for individuals with mental retardation or developmental disabilities to live and work in their communities. This support is crucial for people with disabilities to enjoy the daily freedoms and rights the rest of us take for granted. The current workforce shortage, reflected in high turnover and vacancies, will only worsen with an increased demand for long-term supports as family caregivers age, individuals with mental retardation or other developmental disabilities live longer, waiting lists grow, and services expand.

Mr. Speaker, we must make it a national priority to ensure a quality, stable direct support workforce that advances this Nation's commitment to community integration and personal security for people with mental retardation and other developmental disabilities, and their families. The recruitment and retention of quality, trained direct support workers is essential to providing quality supports and services to people with disabilities. I hear far too often from parents in Rhode Island who fear there will be no one available to take care of their sons and daughters with mental retardation or other developmental disabilities as they grow older—and I know their situations represent so many more across the country. While this resolution takes a small step in recognizing a professional shortage in the field, it is my sincere hope that it represents a commitment on the part of every Member of the House of Representatives to take bigger steps toward realizing the goal of community inclusion. We must do all we can to support the quiet heroes that choose this noble line of work.

Mrs. CAPPS. Mr. Speaker, I rise in support of H. Con. Res. 94, the Direct Support Professional Recognition Resolution. I was pleased to join Representative SESSIONS and Representative LANGEVIN in introducing this resolution. They have been tireless in their efforts to pass it and deserve credit for their leadership on this issue.

Right now more than 8 million Americans have mental retardation or other developmental disabilities. Though they need some degree of assistance, they deserve to live the fullest, most complete lives possible. And they can, with the help of America's direct support professionals.

But it is harder and harder for community-based homes and other institutions to find and keep men and women who want to do this kind of work. There are not enough new people taking up this calling and too many are leaving the field. Though this line of work can be very rewarding, it is also very challenging. Those in the field now are overworked and often underappreciated by our society. Those who commit themselves to it should be recognized and honored for their dedication.

But we need to do more to ensure that our support network for the developmentally disabled does not collapse in the face of this problem. That is what this resolution is about.

Demand for these services, and for direct support professionals will also continue to grow in the coming years. But right now our Nation's long-term care system relies on a variety of public and private funding sources that may not be reliable in the long run.

Medicaid supports many of these programs, but the amount of their support varies from State to State. And now some critics of Medicaid are trying to make sweeping reforms that may jeopardize the support this system has now.

Congress needs to take a serious look at this problem and begin developing solutions. We cannot afford to have a shortage of direct support personnel. I urge my colleagues to give these men and women the support they deserve. I urge my colleagues to dedicate themselves to helping avoid a shortage. And I urge my colleagues to support this resolution.

Mr. BOEHNER. Mr. Speaker, over the past few decades, our Nation has made tremendous progress in improving the opportunities of individuals with disabilities I am proud to say that Congress has significantly improved the ability of individuals with disabilities to become more involved in their communities.

We have passed historic legislation securing the rights of individuals with disabilities, including the Individuals with Disabilities Education Act and the Americans with Disabilities Act. We have clearly demonstrated our support for individuals with disabilities, and continue to be committed to improving opportunities for all individuals with disabilities.

However, we know that there are millions of individuals with disabilities that face significant challenges in their daily lives. Those individuals with mental retardation and developmental disabilities who want to maximize their ability to live independently, find meaningful employment, and join the mainstream of American life continue to need our support and commitment.

As a Congress, as a Nation, we must strive to help these individuals explore new and challenging opportunities. We must encourage people to pursue careers working with individuals with disabilities. We must provide opportunities to individuals with disabilities to make meaningful decisions about the jobs they pursue, the places they live, and the education they receive.

We have made important reforms to key pieces of legislation this past year. In the Improving Results for Children with Disabilities Act, we have provided greater coordination of services for students as they transition away

from school to postsecondary education, the workforce, or community living. We have made it easier for States to provide quality services, and enhanced the ability of individuals with disabilities, and their families, to choose what services they receive.

In the Workforce Reinvestment and Adult Education Act, we have given individuals with disabilities the opportunity to participate more meaningfully in the workforce by enhancing their ability to receive training, and we have increased the emphasis on serving individuals with disabilities.

I strongly support this important resolution, and I encourage my colleagues to support it as well. Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 94, 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. MCKEON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

HONORING THE LATE RICK LUPE, BUREAU OF INDIAN AFFAIRS FORT APACHE AGENCY

Mr. RENZI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (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.

The Clerk read as follows:

H. CON. RES. 237

Whereas Rick Lupe served as lead forestry technician for the Bureau of Indian Affairs Fort Apache Agency and was a long-time firefighter whose legendary intellect and skills made him a hero in 2002 when he saved the town of Show Low, Arizona, from the Rodeo-Chediski fire;

Whereas Rick Lupe and his crew of firefighters dug the fire line at Hop Canyon and created a back burn that stopped the fire from crossing U.S. 60;

Whereas Rick Lupe died on Thursday, June 19, 2003, as a result of severe burns sustained in a prescribed fire conducted in May;

Whereas throughout his career, Rick Lupe was a strong advocate of the prescribed burn program and supported and knew the value of fuels treatment programs;

Whereas Rick Lupe was extremely dedicated to his work and performed his job at the highest level;

Whereas friends and colleague describe Rick Lupe as ''. . . a shining example of a firefighter . . . super safety-conscious, and his family is his love and pride''; and

Whereas Rick Lupe is survived by his wife of 21 years, Evelyn, and their three sons, Sean, 19, who is studying forestry at Northern Arizona University, Daniel, 16, who is in high school, and Brent, 9, who is in grade school: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes and honors the late Rick Lupe for his dedication and service to the United States, for his long and essential service in fighting wildfires and caring for the environment, and for ultimately sacrificing his life for the people of Arizona.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

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

There was no objection.

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

Mr. Speaker, earlier this year I introduced legislation that honored the lifetime of work and service of a firefighter in Arizona's first congressional district. My legislation, H. Con. Res. 237, will allow the House of Representatives to honor Mr. Rick Lupe for his contributions to the people and the lands of the surrounding communities of rural Arizona.

Mr. Lupe was a forestry technician who worked for the Bureau of Indian Affairs for many years. His work with the BIA's Fort Apache Agency was both impressive and memorable for all those who came in contact with him. Moreover, he was able to touch the lives of many more who never had the chance to meet or thank this individual for his efforts.

Those living in my district know Mr. Lupe from his work in saving communities like Show Low, Pinetop-Lakeside, McNary, as well as Hondah Homesites from the destruction of the Rodeo-Chediski fire. Under Mr. Lupe's great leadership, firefighters created a back-burn that stopped the fire line at Hop Canyon so that the fire did not cross a major interstate, protecting numerous homes and valuable lives.

Our country tragically lost Rick Lupe on Thursday June 19, 2003, after he survived for 5 weeks in a burn unit from wounds sustained in a prescribed fire in May of this year. Mr. Lupe is remembered as a man who was a shining example of a firefighter. He took pride in his work and even more pride in his family. Mr. Lupe left behind a wonderful wife of 21 years, Evelyn, and three sons, Sean, Daniel, and Brent.

This resolution states that we in Congress should recognize and honor Rick Lupe for his immense contributions on behalf of thousands living in Arizona. Given the fires that recently raged across Southern California and the over 11,000 firefighters that battle the blazes, we should never forget how many men and women are putting their lives on the line in the same manner that Mr. Lupe did for decades.

I urge my colleagues to support this resolution honoring Rick Lupe. I look forward to the support of Members of both sides of the aisle with regard to H. Con. Res. 237 and its consideration today.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to honor Rick Lupe, White Mountain Apache, expert firefighter, loving husband, devoted father and true hero. Lately, we hear the word ''hero'' tossed around often, too often; but I am here to tell you that Mr. Lupe deserves this term being used alongside his name forever.

In his capacity as lead forestry technician and firefighter for the Bureau of Indian Affairs, he saved lives and even towns from death and destruction. Sadly, he paid the ultimate price, but not before leaving a legacy we should all admire.

Richard Glenn Lupe worked his way up the BIA forestry organization through hard work, dependability, and by earning the respect of his coworkers and bosses alike. In June of 2000, two wildfires which began on the Fort Apache Indian Reservation in Arizona merged into one massive fire which destroyed more than 450 homes and burned over 460,000 acres of forestlands.

This fire was the largest wildfire ever in the history of the Southwest. However, even more homes and property would have been lost had it not been for the tenacity and courage of Rick Lupe and his firefighting team. Rick's team set a dozer line strategically placed to foil the coming flames, and it worked. His actions saved the towns of Show Low, Pinetop-Lakeside, Hondah Homesites, and McNary from certain destruction.

To Evelyn, Rick's wife and life companion of 21 years, and to their sons Sean, Daniel, and Brent, I extend my heartfelt sympathies. I hope that in some small way the knowledge that we honor the life and work of your husband and father here today will comfort you in the months and years to come.

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

Mr. RENZI. Mr. 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 Arizona (Mr. RENZI) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 237.

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.

ARAPAHO AND ROOSEVELT NATIONAL FORESTS LAND EXCHANGE ACT OF 2003

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (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, as amended.

The Clerk read as follows:

H.R. 2766

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 ''Arapaho and Roosevelt National Forests Land Exchange Act of 2003''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Certain National Forest System lands near Empire, Colorado, are needed by the city of Golden, Colorado, to facilitate the construction of a water pipeline to transport domestic water supplies into storage for the city and its residents.

(2) Such National Forest System lands, comprising approximately 9.84 acres in total, are of limited utility for public administration or recreation and other use by virtue of their largely steep terrain, irregular boundary, and lack of easy public access.

(3) The city of Golden owns, or has an option to purchase, several parcels of non-Federal land comprising a total of approximately 141 acres near Evergreen and Argentine Pass, Colorado, which it is willing to convey to the United States for addition to the Arapaho and Roosevelt National Forests.

(4) The non-Federal lands owned or optioned by the city of Golden, if conveyed to the United States, will eliminate inholdings in the National Forest System, result in administrative cost savings to the United States by reducing costs of forest boundary administration, and provide the United States with environmental and public recreational use benefits (including enhanced Federal land ownership along the Continental Divide National Scenic Trail) that greatly exceed the benefits of the Federal land the United States will convey in exchange.

(5) It is in the public interest to authorize, direct, expedite, and facilitate completion of a land exchange involving these Federal and non-Federal lands to assist the city of Golden in providing additional water to its residents and to acquire valuable non-Federal lands for permanent public use and enjoyment.

SEC. 3. LAND EXCHANGE, ARAPAHO AND ROOSEVELT NATIONAL FORESTS, COLORADO.

(a) CONVEYANCE BY THE CITY OF GOLDEN.—

(1) LANDS DESCRIBED.—The land exchange directed by this section shall proceed if, within 30 days after the date of the enactment of this Act, the city of Golden, Colorado (in the section referred to as the ''City''), offers to convey title acceptable to the United States to the following non-Federal lands:

(A) Certain lands located near the community of Evergreen in Park County, Colorado, comprising approximately 80 acres, as generally depicted on a map entitled ''Non-Federal Lands—Cub Creek Parcel'', dated June, 2003.

(B) Certain lands located near Argentine Pass in Clear Creek and Summit Counties, Colorado, comprising approximately 55.909 acres in 14 patented mining claims, as generally depicted on a map entitled ''Argentine Pass/Continental Divide Trail Lands'', dated September 2003.

(2) CONDITIONS OF CONVEYANCE.—The conveyance of lands under paragraph (1) to the United States shall be subject to the absolute right of the City to permanently enter upon, utilize, and occupy so much of the surface and subsurface of the lands as may be reasonably necessary to access, maintain, repair, modify, make improvements in, or otherwise utilize the Vidler Tunnel to the same extent that the City would have had such right if the lands had not been conveyed to the United States and remained in City ownership. The exercise of such right shall not require the City to secure any permit or other advance approval from the United States. Upon acquisition by the United States, such lands are hereby permanently withdrawn from all forms of entry and appropriation under the public land laws, including the mining and mineral leasing laws, and the Geothermal Steam Act of l970 (30 U.S.C. 1001 et seq.).

(b) CONVEYANCE BY UNITED STATES.—Upon receipt of acceptable title to the non-Federal lands identified in subsection (a), the Secretary of Agriculture shall simultaneously convey to the City all right, title and interest of the United States in and to certain Federal lands, comprising approximately 9.84 acres, as generally depicted on a map entitled ''Empire Federal Lands—Parcel 12'', dated June 2003.

(c) EQUAL VALUE EXCHANGE.—

(1) APPRAISAL.—The values of the Federal lands identified in subsection (b) and the non-Federal lands identified in subsection (a)(1)(A) shall be determined by the Secretary through appraisals performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions (December 20, 2000) and the Uniform Standards of Professional Appraisal Practice. Except as provided in paragraph (3), the conveyance of the non-Federal lands identified in subsection (a)(1)(B) shall be considered a donation for all purposes of law.

(2) SURPLUS OF NON-FEDERAL VALUE.—If the final appraised value, as approved by the Secretary, of the non-Federal lands identified in subsection (a)(1)(A) exceeds the final appraised value, as approved by the Secretary, of the Federal land identified in subsection (b), the values may be equalized—

(A) by reducing the acreage of the non-Federal lands identified in subsection (a) to be conveyed, as determined appropriate and acceptable by the Secretary and the City;

(B) the making of a cash equalization payment to the City, including a cash equalization payment in excess of the amount authorized by section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(C) a combination of acreage reduction and cash equalization.

(3) SURPLUS OF FEDERAL VALUE.—If the final appraised value, as approved by the Secretary, of the Federal land identified in subsection (b) exceeds the final appraised value, as approved by the Secretary, of the non-Federal lands identified in subsection (a)(1)(A), the Secretary shall prepare a statement of value for the non-Federal lands identified in subsection (a)(1)(B) and utilize such value to the extent necessary to equalize the values of the non-Federal lands identified in subsection (a)(1)(A) and the Federal land identified in subsection (b). If the Secretary declines to accept the non-Federal lands identified in subsection (a)(1)(B) for any reason, the City shall make a cash equalization payment to the Secretary as necessary to equalize the values of the non-Federal lands identified in subsection (a)(1)(A) and the Federal land identified in subsection (b).

(d) EXCHANGE COSTS.—To expedite the land exchange under this section and save administrative costs to the United States, the City shall be required to pay for—

(1) any necessary land surveys; and

(2) the costs of the appraisals, which shall be performed in accordance with Forest Service policy on approval of the appraiser and the issuance of appraisal instructions.

(e) TIMING AND INTERIM AUTHORIZATION.—It is the intent of Congress that the land exchange directed by this Act should be completed no later than 120 days after the date of the enactment of this Act. Pending completion of the land exchange, the City is authorized, effective on the date of the enactment of this Act, to construct a water pipeline on or near the existing course of the Lindstrom ditch through the Federal land identified in subsection (b) without further action or authorization by the Secretary, except that, prior to initiating any such construction, the City shall execute and convey to the Secretary a legal document that permanently holds the United States harmless for any and all liability arising from the construction of such water pipeline and indemnifies the United States against all costs arising from the United States' ownership of the Federal land, and any actions, operations or other acts of the City or its licensees, employees, or agents in constructing such water pipeline or engaging in other acts on the Federal land prior to its transfer to the City. Such encumbrance on the Federal land prior to conveyance shall not be considered for purposes of the appraisal.

(f) ALTERNATIVE SALE AUTHORITY.—If the land exchange is not completed for any reason, the Secretary is hereby authorized and directed to sell the Federal land identified in subsection (b) to the City at its final appraised value, as approved by the Secretary. Any money received by the United States in such sale shall be considered money received and deposited pursuant to Public Law 90–171 (16 U.S.C. 484(a); commonly known as the ''Sisk Act'', and may be used, without further appropriation, for the acquisition of lands for addition to the National Forest System in the State of Colorado.

(g) INCORPORATION, MANAGEMENT, AND STATUS OF ACQUIRED LANDS.—Land acquired by the United States under the land exchange shall become part of the Arapaho and Roosevelt National Forests, and the exterior boundary of such forest is hereby modified, without further action by the Secretary, as necessary to incorporate the non-Federal lands identified in subsection (a) and an additional 40 acres as depicted on a map entitled ''Arapaho and Roosevelt National Forest Boundary Adjustment—Cub Creek'', dated June 2003. Upon their acquisition, lands or interests in land acquired under the authority of this Act shall be administered in accordance with the laws, rules and regulations generally applicable to the National Forest System. For purposes of Section 7 of the of the Land and Water Conservation Fund Act of l965 (16 U.S.C. 460l–9), the boundaries of the Arapaho and Roosevelt National Forests, as adjusted by this subsection shall be deemed to be the boundaries of such forest as of January 1, 1965.

(h) TECHNICAL CORRECTIONS.—The Secretary, with the agreement of the City, may make technical corrections or correct clerical errors in the maps referred to in this section or adjust the boundaries of the Federal lands to leave the United States with a manageable post-exchange or sale boundary. In the event of any discrepancy between a map, acreage estimate, or legal description, the map shall prevail unless the Secretary and the City agree otherwise.

(i) REVOCATION OF ORDERS AND WITHDRAWAL.—Any public orders withdrawing any of the Federal lands identified in subsection (b) from appropriation or disposal under the public land laws are hereby revoked to the extent necessary to permit disposal of the Federal lands.

Upon the enactment of this Act, if not already withdrawn or segregated from the entry and appropriation under the public land laws, including the mining and mineral leasing laws and the Geothermal Steam Act of l970 (30 U.S.C. 1001 et seq.), the Federal lands are hereby withdrawn until the date of their conveyance to the City.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 2766, introduced by the gentleman from Colorado (Mr. BEAUPREZ), would direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado.

□ 1700

This exchange would facilitated the construction of a pipeline leading in a reservoir near Empire, Colorado, to the city of Golden, Colorado. In exchange, the Forest Service will benefit by acquiring nearly 80 acres of inholdings near Evergreen, Colorado, as well as receiving a donation of 61 acres of private land along the Continental Divide National Scenic Trail.

Mr. Speaker, I urge adoption of this bill.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, H.R. 2766 would authorize the Secretary of Agriculture to consummate a land exchange in Colorado. The values of the lands would be appraised in accordance with the Federal appraisal standards.

The city of Golden, Colorado would benefit from the transaction. This bill is not controversial. I congratulate the sponsor of this legislation and the gentleman from Colorado (Mr. UDALL) for their hard bipartisan work on this legislation.

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

Mr. RENZI. Mr. Speaker, I yield 5 minutes to the gentleman from the Rocky Mountain State of Colorado (Mr. BEAUPREZ).

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

Mr. Speaker, I rise in support of H.R. 2677, which I introduced on July 17 of this year in order to help my constituents in Golden, Colorado with their efforts to increase their water supply system. I would also like to extend my thanks to the gentleman from Colorado (Mr. UDALL), who joins me in the Chamber, and the gentleman from Colorado (Mr. TANCREDO) for cosponsoring this important legislation with me.

Mr. Speaker, as many Members of this House are aware, the State of Colorado has recently suffered through what many scientists believe is the worst drought cycle to hit our State in the past 300 to 500 years. As a result, many communities' usage ran up against or exceeded their ability to store water. While the drought has abated in northern and central Colorado, it is still severe in parts of central and eastern Colorado, and both State and local government entities are urgently searching for ways to prepare for future drought and emergency situations.

To that end, the city of Golden, which I represent, is currently completing a new water storage facility, called the Guanella Reservoir near Empire, Colorado. When the construction is finished later this year, Guanella Reservoir will increase Golden's water storage capability by about 400 percent, which should be adequate to guard against any water shortage problems for the near future.

While the new Guanella Reservoir and the headgate to withdraw water from the nearby West Fork of Clear Creek are located entirely on private land, a small portion of the water pipeline needed to connect the reservoir with the water withdrawal site must cross a narrow finger of National Forest land. In addition, the city needs to begin filling this reservoir this coming winter, so they need authorization to construct the water pipeline across the National Forest land this fall.

To achieve the above mentioned goals, H.R. 2766 does two things. First, it authorizes and directs a small land exchange between the Forest Service and the city of Golden to give the city the Forest Service land it needs to complete the pipeline construction. If the land exchange cannot be completed for any reason, the Forest Service is directed to sell the land to the city.

Second, H.R. 2766 authorizes the city to complete the water pipeline across the National Forest land as soon as this bill is enacted into law. That provision is critical to the city's plans, as the pipeline is already completed up to the National Forest boundary, and the remaining small stretch of the pipeline must be completed as soon as possible in order for the city to begin filling the reservoir this coming winter. Unfortunately, there is not adequate time for the city to obtain an administrative permit from the Forest Service to meet the schedule, and thus, this Congressional action is required.

Mr. Speaker, in preparing this legislation, I have worked closely with my colleagues, the gentleman from Colorado (Mr. UDALL) and the gentleman from Colorado (Mr. TANCREDO), as this land exchange directly involves lands in their congressional districts. In particular, while the proposed exchange will assist the city of Golden, it will also bring two valuable particles of land into Forest Service ownership.

The first parcel is located in the Cub Creek drainage near Evergreen, Colorado. It is sought for acquisition by the Forest Service to eliminate a private land inholding in an area that is becoming increasingly popular for public recreation.

The second parcel is a 55-acre parcel which straddles the Continental Divide near Argentine Pass and is traversed by the route of the Continental Divide National Scenic Trail. It will be donated to the Forest Service by the city as part of the exchange transaction.

I want to commend the city of Golden for making the donation of the Argentine Pass lands to the Forest Service. Donating the land to the Forest Service will mean that scarce trail acquisition dollars can be used on other parts of the Trail. So that is a real win-win for all concerned.

In closing, Mr. Speaker, allow me to note that H.R. 2766 has been endorsed by all three counties where the exchange lands are located, that is Clear Creek, Park and Summit Counties, the nonprofit Continental Divide Trail Association, the city of Black Hawk Public Works Department, the Georgetown Loop Railroad, and the U.S. Forest service. This bill is truly a bipartisan consensus proposal in every respect. I hope it will be passed by our body today and by our colleagues in the Senate shortly and signed into law by the President at the earliest possible date.

Mr. UDALL of New Mexico. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. UDALL), a hardworking member of the House Committee on Resources.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong support of this bill. And as I begin to make some comments about it, I want to thank the gentleman from New Mexico (Mr. UDALL) for yielding me time.

Mr. Speaker, as my colleague and friend, the gentleman from Colorado (Mr. BEAUPREZ) explained, this bill would expedite an exchange of lands between the city of Golden and the Federal Government. I join the gentleman from Colorado (Mr. BEAUPREZ) in introducing the legislation. I want to extend my thanks for his initiative and for his great cooperation and hard work on this important piece of legislation, particularly the people of Golden and of this particular area.

I also want to join the gentleman in extending my appreciation to the subcommittee chairman, the gentleman from Colorado (Mr. MCINNIS), and the

ranking member, the gentleman from Washington (Mr. INSLEE), as well as our chairman, the gentleman from California (Mr. POMBO) and the ranking member, the gentleman from West Virginia (Mr. RAHALL) for making it possible for us to move the bill quickly to the floor of the House.

Finally, I would like to acknowledge our colleague, the gentleman from Colorado (Mr. TANCREDO) whose district abuts our district and without whose help we could not have moved this legislation.

The gentleman from Colorado (Mr. BEAUPREZ) exhaustively and with great detail explained what this measure does. And I wanted to just emphasize that not only does the legislation meet the needs and interest of the city of Golden, but it also benefits the public interest as well. The gentleman explained that this land that would be exchanged helps the Continental Divide Trail so that it can move ahead with the important work that it is doing on a noncash basis. This transfer does not involve resources so they can put them towards completing the trail and maintaining the trail.

It also gives the city of Golden certainty that it can proceed with this project, and if for some reason the exchange cannot be completed, the city will buy the lands. It has made a good faith commitment toward doing this.

In conclusion this is a win-win-win across the board. It will help us respond to what has been an unprecedented drought in our State. It is an example of how, if we work together in Colorado and in this Congress, we can meet the increasing needs for water in the west.

This is a bill that on its surface may appear to be modest, but it is very important for the city of Golden, for our Colorado residents, and for all the Americans who will take advantage of the Continental Divide Trail. I would urge its support and its adoption. It is bipartisan and noncontroversial. I would like to thank, again, the gentleman from Colorado (Mr. BEAUPREZ) for his hard work.

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

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 2766, as amended.

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

A motion to reconsider was laid on the table.

BLACK CANYON OF THE GUNNISON BOUNDARY REVISION ACT OF 2003

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 677) to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes.

The Clerk read as follows:

S. 677

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 ''Black Canyon of the Gunnison Boundary Revision Act of 2003''.

SEC. 2. BLACK CANYON OF THE GUNNISON NATIONAL PARK BOUNDARY REVISION.

(a) BOUNDARY REVISION.—Section 4(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff–2(a)) is amended—

(1) by striking ''There'' and inserting ''(1) There''; and

(2) by adding at the end the following:

''(2) The boundary of the Park is revised to include the addition of approximately 2,530 acres, as generally depicted on the map entitled 'Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications' and dated April 2, 2003.''.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—On the date of enactment of this Act, the Secretary shall transfer the land under the jurisdiction of the Bureau of Land Management identified as ''Tract C'' on the map described in subsection (a)(2) to the administrative jurisdiction of the National Park Service for inclusion in the Black Canyon of the Gunnison National Park.

(c) CONFORMING AMENDMENT.—Section 5(a)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff–3(a)(1)) is amended by striking ''Map'' and inserting ''Map or the map described in section 4(a)(2)''.

SEC. 3. GUNNISON GORGE NATIONAL CONSERVATION AREA BOUNDARY REVISION.

Section 7(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff–5(a)) is amended—

(1) by striking ''There'' and inserting ''(1) There''; and

(2) by adding at the end the following:

''(2) The boundary of the Conservation Area is revised to include the addition of approximately 7,100 acres, as generally depicted on the map entitled 'Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications', and dated April 2, 2003.''.

SEC. 4. GRAZING PRIVILEGES.

(a) TRANSFER OF PRIVILEGES.—Section 4(e)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Area Act of 1999 (16 U.S.C. 410fff–2(e)(1)) is amended by adding at the end the following:

''(D) If land within the Park on which the grazing of livestock is authorized under permits or leases under subparagraph (A) is exchanged for private land under section 5(a), the Secretary shall transfer any grazing privileges to the land acquired in the exchange.''.

(b) PRIVILEGES OF CERTAIN PARTNERSHIPS.—Section 4(e)(3) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Area Act of 1999 (16 U.S.C. 410fff–2(e)(3)) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (D);

(3) by inserting after subparagraph (A) the following:

''(B) with respect to the permit or lease issued to LeValley Ranch Ltd., for the lifetime of the last surviving limited partner as of October 21, 1999;

''(C) with respect to the permit or lease issued to Sanburg Herefords, L.L.P., for the lifetime of the last surviving general partner as of October 21, 1999; and''; and

(4) in subparagraph (D) (as redesignated by paragraph (2))—

(A) by striking ''partnership, corporation, or'' each place it appears and inserting ''corporation or''; and

(B) by striking ''subparagraph (A)'' and inserting ''subparagraph (A), (B), or (C)''.

SEC. 5. ACCESS TO WATER DELIVERY FACILITIES.

The Commissioner of Reclamation shall retain administrative jurisdiction over the Crystal Dam Access Road and land, facilities, and roads of the Bureau of Reclamation in the East Portal area,including the Gunnison Tunnel, and the Crystal Dam area, as depicted on the map entitled ''Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications'', and dated April 2, 2003, for the maintenance, repair, construction, replacement, and operation of any facilities relating to the delivery of water and power under the jurisdiction of the Bureau of Reclamation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. 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 S. 677.

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

There was no objection.

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

Mr. Speaker, S. 677 introduced by Senator BEN NIGHTHORSE CAMPBELL of Colorado would authorize the Secretary of the Interior to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area through various exchanges and purchases with willing sellers.

In addition, S. 677 would authorize the Secretary to transfer lands under the jurisdiction of the Bureau of Land Management and ensure that any grazing rights involved in the land transfer would be continued. Finally, Section 5 on the bill clarifies that the Commissioner of the Bureau of Reclamation shall have access to and retain jurisdiction over certain roads and areas in the park in addition to roads and facilities in the East portal and Crystal Dam areas.

Mr. Speaker, S. 677 is supported by the administration and the majority and minority of the committee. I urge adoption of the bill.

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

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 677 authorizes several additions to the Black Canyon of the Gunnison National Park and the Gunnison Gorge National Conservation Area through a combination of exchanges and acquisitions of both land and conservation easements.

If enacted, the legislation would add more than 2,700 acres of land to the boundary of the National Park and more than 7,000 acres to the boundary of the National Conservation Area while making other technical changes to the management of these areas.

The changes being made in this legislation are supported by the administration, and I am unaware of any controversy regarding this measure.

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

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I want to thank the gentleman for yielding me time. I want to thank the gentleman from Arizona (Mr. RENZI) for his work on behalf of this legislation today.

As a Coloradan but also as an American, I rise to tell the body what a beautiful and unique place the Black Canyon is. This bill which has already passed the Senate, would revise the boundary of the Black Canyon of the Gunnison National Park and the Gunnison Gorge National Conservation Area in Colorado. It was introduced by our senior Senator, Senator BEN NIGHTHORSE CAMPBELL. A similar bill was introduced by our colleague here in the House and the chairman of our Subcommittee on Forest and Forest Health of the Committee on Resources, the gentleman from Colorado (Mr. MCINNIS).

They took the initial lead back in 1999 and 2000 in securing the enactment of the legislation that established the National Conservation Area and redesignated the Black Canyon of the Gunnison National Monument as a national park. They deserve our special thanks today for their leadership and then also for making it possible for this bill to be on the House floor today.

The bill today authorizes additions to both the park and the National Conservation Area, the NCA. And according to the Interior Department, these transactions should meet the present and future land requirements for the park.

The present land owners are willing sellers and the legislation is also supported by the Montrose County Commissioners, the Montrose Chamber of Commerce, and the local and national land trusts involved in the project. So you can see it has widespread support.

The bill also provides for the expansion of the conservation area which is managed by the Bureau of Land Management, by the addition of about approximately 5,759 acres that were acquired by the Federal Government in February of 2000 from a willing seller through a land exchange. This acquisition was not completed in time to include the lands within the original conservation area boundaries, so we have come back to the Congress now to make that the law.

The parcel includes approximately five miles of the Gunnison River and provides important resource values and recreational opportunities.

□ 1715

Finally, there are an additional 1,439 acres of adjacent BLM-managed public lands that are in the public estate, but would now be transferred over to the conservation area.

So, in conclusion, Mr. Speaker, this is a bipartisan, noncontroversial bill. It will add important lands to both the park and the conservation area, help the economy in that area, and also make sure that Americans of all stripes and backgrounds can enjoy an even greater section of this beautiful part of Colorado. So I would urge its adoption by the full House today.

Mr. MCINNIS. Mr. Speaker, In 1999, I introduced legislation that established this Park and National Conservation Area, so my love of this place and belief in its continued protection is obvious. As you know, Mr. Speaker, I am a strong believer in local consensus and the preservation of western values. The Park and NCA were established on those ideals, and I am pleased that the bill I bring before you today continues on that path.

The legislation was originally scheduled for a hearing in the Resources Committee last June, after Senator CAMPBELL successfully saw it through the Senate. It took a few additional months, however, because I wanted to ensure that the water rights involved with these land transactions would remain protected for the people of Colorado. After working with the landowners and The Conservation Fund, I am now comfortable with the commitment that the landowners have made and am eager to see this bill move forward.

As you know, Mr. Speaker, water rights in the West are vital to our livelihood and even the murmur of losing control of them is enough to start a stampede. That is why language has been included in this bill to guarantee that the Bureau of Reclamation retains jurisdiction and access to water delivery facilities. For nearly 100 years, the Uncompahgre Valley Water User's Association has done a great job providing water to the valley; I want to make sure they can continue to do so. My 1999 bill establishing the Park did not intend to affect the Bureau's jurisdiction in any way, and neither does this boundary modification.

The Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area is a national treasure to be enjoyed by all. The park's combination of geological wonders and diverse wildlife make it one of the most unique natural areas in North America. I am proud to represent the area and believe that this legislation will greatly benefit those who live in the area and all who visit the Park.

I want to thank Senator CAMPBELL and the Resources Committee for their work on this bill. I close by urging all members to support this legislation, so it can move promptly to the President's desk and be signed into law.

Mr. UDALL of New Mexico. Mr. Speaker, having no further speakers, I yield back all remaining time.

Mr. RENZI. Mr. Speaker, I yield back all my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 677.

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.

AUTHORIZING EXCHANGE OF LANDS BETWEEN AN ALASKA NATIVE VILLAGE CORPORATION AND DEPARTMENT OF THE INTERIOR

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 924) to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes.

The Clerk read as follows:

S. 924

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

SECTION 1. DEFINITIONS.

For the purposes of this Act, the term:

(1) ''ANCSA'' means the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(2) ''ANILCA'' means the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.);

(3) ''Calista'' means the Calista Corporation, an Alaska Native Regional Corporation established pursuant to ANCSA;

(4) ''Identified Lands'' means approximately 10,943 acres of lands (including surface and subsurface estates) designated as ''Proposed Village Site'' on a map entitled ''Proposed Newtok Exchange,'' dated September, 2002, and available for inspection in the Anchorage office of the United States Fish and Wildlife Service;

(5) ''limited warranty deed'' means a warranty deed which is, with respect to its warranties, limited to that portion of the chain of title from the moment of conveyance from the United States to Newtok to and including the moment at which such title is validly reconveyed to the United States;

(6) ''Newtok'' means the Newtok Native Corporation, an Alaska Native Village Corporation established pursuant to ANCSA;

(7) ''Newtok lands'' means approximately 12,101 acres of surface estate comprising conveyed lands and selected lands identified as Aknerkochik on the map referred to in paragraph (4) and that surface estate selected by Newtok on Baird Inlet Island as shown on the map; and

(8) ''Secretary'' means the Secretary of the Interior.

SEC. 2. LANDS TO BE EXCHANGED.

(a) LANDS EXCHANGED TO THE UNITED STATES.—If, within 180 days after the date of

enactment of this Act, Newtok expresses to the Secretary in writing its intent to enter into a land exchange with the United States, the Secretary shall accept from Newtok a valid, unencumbered conveyance, by limited warranty deed, of the Newtok lands previously conveyed to Newtok. The Secretary shall also accept from Newtok a relinquishment of irrevocable prioritized selections for approximately 4,956 acres for those validly selected lands not yet conveyed to Newtok.

(b) LANDS EXCHANGED TO NEWTOK.—In exchange for the Newtok lands conveyed and selections relinquished under subsection (a), the Secretary shall, subject to valid existing rights and notwithstanding section 14(f) of ANCSA, convey to Newtok the surface and subsurface estates of the Identified Lands. The conveyance shall be by interim conveyance. Subsequent to the interim conveyance, the Secretary shall survey identified Lands at no cost to Newtok and issue a patent to the Identified Lands subject to the provisions of ANCSA and this Act.

SEC. 3. CONVEYANCE.

(a) TIMING.—The Secretary shall issue interim conveyances pursuant to subsection 2(b) at the earliest possible time after acceptance of the Newtok conveyance and relinquishment of selections under subsection 2(a).

(b) RELATIONSHIP TO ANCSA.—Lands conveyed to Newtok under this Act shall be treated as having been conveyed under the provisions of ANCSA, except that the provisions of 14(c) and 22g of ANCSA shall not apply to these lands. Consistent with section 103(c) of ANILCA, these lands shall not be included as a portion of the Yukon Delta National Wildlife Refuge and shall not be subject to regulations applicable solely to public lands within this Conservation System Unit.

(c) EFFECT ON ENTITLEMENT.—Except as otherwise provided, nothing in this Act shall be construed to change the total acreage of land to which Newtok is entitled under ANCSA.

(d) EFFECT ON NEWTOK LANDS.—The Newtok Lands shall be included in the Yukon Delta National Wildlife Refuge as of the date of acceptance of the conveyance of those lands from Newtok, except that residents of the Village of Newtok, Alaska, shall retain access rights to subsistence resources on those Newtok lands as guaranteed under section 811 of ANILCA (16 U.S.C. 3121), and to subsistence uses, such as traditional subsistence fishing, hunting and gathering, consistent with section 803 of ANILCA (16 U.S.C. 3113).

(e) ADJUSTMENT TO CALISTA CORPORATION ANCSA ENTITLEMENT FOR RELINQUISHED NEWTOK SELECTIONS.—To the extent that Calista subsurface rights are affected by this Act, Calista shall be entitled to an equivalent acreage of in lieu subsurface entitlement for the Newtok selections relinquished in the exchange as set forth in subsection 2(a) of this Act. This equivalent entitlement shall come from subsurface lands already selected by Calista, but which have not been conveyed. If Calista does not have sufficient subsurface selections to accommodate this additional entitlement, Calista Corporation is hereby authorized to make an additional in lieu selection for the deficient acreage from lands within the region but outside any conservation system unit.

(f) ADJUSTMENT TO EXCHANGE.—If requested by Newtok, the Secretary may consider and make adjustments to the exchange to meet the purposes of this Act, subject to all the same terms and conditions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, S. 924 is sponsored by Senator LISA MURKOWSKI of the State of Alaska. This legislation provides for a land exchange between the Newtok Native Corporation and the United States.

Newtok is a village in western Alaska located on a river that is rapidly eroding. Within several years, experts believe the river will eventually wash away key areas of the village. Newtok is inhabited by the Yupik Eskimo people who still live a natural subsistence lifestyle and they exist below the poverty line.

In order to avoid the problems the eroding river is going to cause, local leaders have chosen to relocate Newtok to another site. This is by no means an easy process, and there are many steps to get this done. The first step is in the hands of the Congress.

Because the 19 million-acre Yukon National Wildlife Refuge surrounds the existing village and the site identified for the relocation, a land exchange is necessary. After much work and negotiations between the villagers, the corporation, the Fish and Wildlife Service, and the environmental community an agreement was worked out.

The land exchange described in S. 924 is the product of that compromise. It will enable Newtok to relocate once it has secured the funds necessary to do so, and the United States will acquire lands of high value for waterfowl habitat. More importantly, this legislation helps people who wish to continue living in the environment their ancestors have inhabited for thousands of years.

All sides involved should be commended for fashioning a good agreement that is noncontroversial. I urge passage of the bill.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, I am pleased to rise in support of S. 924. This legislation would ratify a land exchange negotiated between the U.S. Fish and Wildlife Service and the Newtok Native Corporation.

The negotiation and resulting land exchange agreement was motivated by the current state of the Newtok village site. The village is rapidly eroding and is threatened by flooding. The 300 residents of the Yupik Eskimo village of Newtok live a largely subsistence lifestyle, which is heavily dependent upon fish and wildlife resources of the Yukon delta area of western Alaska.

Under S. 924, the Fish and Wildlife Service would convey about 11,000 acres to the Newtok Native Corporation, which would allow the village to relocate to safer ground. It is my understanding that the Newtok Native Corporation intends to donate the lands received under the exchange to the community.

In return, the Fish and Wildlife Service will receive over 12,000 acres of corporation lands which will be managed in the future as part of the Yukon Delta National Wildlife Refuge. In addition to the clear public interest in allowing the village to move to a safer location, the Fish and Wildlife Service will acquire high-priority lands for the refuge and, overall, considers this to be a fair exchange.

Mr. Speaker, on behalf of my colleagues on this side of the aisle, we thank the Alaska delegation for this worthy legislation.

Mr. Speaker, having no additional speakers, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I have no other speakers, and I also yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 924.

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.

GALISTEO BASIN ARCHAEOLOGICAL SITES PROTECTION ACT

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 506) to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes, as amended.

The Clerk read as follows:

H.R. 506

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 ''Galisteo Basin Archaeological Sites Protection Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Galisteo Basin and surrounding area of New Mexico is the location of many well preserved prehistoric and historic archaeological resources of Native American and Spanish colonial cultures;

(2) these resources include the largest ruins of Pueblo Indian settlements in the United States, spectacular examples of Native American rock art, and ruins of Spanish colonial settlements; and

(3) these resources are being threatened by natural causes, urban development, vandalism, and uncontrolled excavations.

(b) PURPOSE.—The purpose of this Act is to provide for the preservation, protection, and interpretation of the nationally significant archaeological resources in the Galisteo Basin in New Mexico.

SEC. 3. GALISTEO BASIN ARCHAEOLOGICAL PROTECTION SITES.

(a) IN GENERAL.—Except as provided in subsection (d), the following archaeological sites located in the Galisteo Basin in the State of New Mexico, totaling approximately 4,591 acres, are hereby designated as Galisteo Basin Archaeological Protection Sites:

Name	*Acres*
Arroyo Hondo Pueblo	*21*
Burnt Corn Pueblo	*110*
Chamisa Locita Pueblo	*16*
Comanche Gap Petroglyphs	*764*
Espinoso Ridge Site	*160*
La Cienega Pueblo & Petroglyphs	*126*
La Cienega Pithouse Village	*179*
La Cieneguilla Petroglyphs/Camino Real Site.	*531*
La Cieneguilla Pueblo	*11*
Lamy Pueblo	*30*
Lamy Junction Site	*80*
Las Huertas	*44*
Pa'ako Pueblo	*29*
Petroglyph Hill	*130*
Pueblo Blanco	*878*
Pueblo Colorado	*120*
Pueblo Galisteo/Las Madres	*133*
Pueblo Largo	*60*
Pueblo She	*120*
Rote Chert Quarry	*5*
San Cristobal Pueblo	*520*
San Lazaro Pueblo	*360*
San Marcos Pueblo	*152*
Upper Arroyo Hondo Pueblo	*12*
Total Acreage	*4,591*

(b) AVAILABILITY OF MAPS.—The archaeological protection sites listed in subsection (a) are generally depicted on a series of 19 maps entitled ''Galisteo Basin Archaeological Protection Sites'' and dated July, 2002. The Secretary of the Interior (hereinafter referred to as the ''Secretary'') shall keep the maps on file and available for public inspection in appropriate offices in New Mexico of the Bureau of Land Management and the National Park Service.

(c) BOUNDARY ADJUSTMENTS.—The Secretary may make minor boundary adjustments to the archaeological protection sites by publishing notice thereof in the Federal Register.

(d) WITHDRAWAL OF PRIVATE PROPERTY.—Upon the written request of an owner of private property included within the boundary of an archaeological site protected under this Act, the Secretary shall immediately remove that private property from within that boundary.

SEC. 4. ADDITIONAL SITES.

(a) IN GENERAL.—The Secretary shall—

(1) continue to search for additional Native American and Spanish colonial sites in the Galisteo Basin area of New Mexico; and

(2) submit to Congress, within three years after the date funds become available and thereafter as needed, recommendations for additions to, deletions from, and modifications of the boundaries of the list of archaeological protection sites in section 3 of this Act.

(b) ADDITIONS ONLY BY STATUTE.—Additions to or deletions from the list in section 3 shall be made only by an Act of Congress.

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—

(1) The Secretary shall administer archaeological protection sites located on Federal land in accordance with the provisions of this Act, the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), and other applicable laws in a manner that will protect, preserve, and maintain the archaeological resources and provide for research thereon.

(2) The Secretary shall have no authority to administer archaeological protection sites which are on non-Federal lands except to the extent provided for in a cooperative agreement entered into between the Secretary and the landowner.

(3) Nothing in this Act shall be construed to extend the authorities of the Archaeological Resources Protection Act of 1979 or the Native American Graves Protection and Repatriation Act to private lands which are designated as an archaeological protection site.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Within three complete fiscal years after the date funds are made available, the Secretary shall prepare and transmit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, a general management plan for the identification, research, protection, and public interpretation of—

(A) the archaeological protection sites located on Federal land; and

(B) for sites on State or private lands for which the Secretary has entered into cooperative agreements pursuant to section 6 of this Act.

(2) CONSULTATION.—The general management plan shall be developed by the Secretary in consultation with the Governor of New Mexico, the New Mexico State Land Commissioner, affected Native American pueblos, and other interested parties.

SEC. 6. COOPERATIVE AGREEMENTS.

The Secretary is authorized to enter into cooperative agreements with owners of non-Federal lands with regard to an archaeological protection site, or portion thereof, located on their property. The purpose of such an agreement shall be to enable the Secretary to assist with the protection, preservation, maintenance, and administration of the archaeological resources and associated lands. Where appropriate, a cooperative agreement may also provide for public interpretation of the site.

SEC. 7. ACQUISITIONS.

(a) IN GENERAL.—The Secretary is authorized to acquire lands and interests therein within the boundaries of the archaeological protection sites, including access thereto, by donation, by purchase with donated or appropriated funds, or by exchange.

(b) CONSENT OF OWNER REQUIRED.—The Secretary may only acquire lands or interests therein with the consent of the owner thereof.

(c) STATE LANDS.—The Secretary may acquire lands or interests therein owned by the State of New Mexico or a political subdivision thereof only by donation or exchange, except that State trust lands may only be acquired by exchange.

SEC. 8. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the archaeological protection sites are hereby withdrawn—

(1) from all forms of entry, appropriation, or disposal under the public land laws and all amendments thereto;

(2) from location, entry, and patent under the mining law and all amendments thereto; and

(3) from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

SEC. 9. SAVINGS PROVISIONS.

Nothing in this Act shall be construed—

(1) to authorize the regulation of privately owned lands within an area designated as an archaeological protection site;

(2) to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of privately owned lands;

(3) to modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to manage or regulate any use of land as provided for by law or regulation; or

(4) to restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I want to commend the gentleman from New Mexico (Mr. UDALL) for introducing H.R. 506, as amended, by the committee, which would establish 24 archaeological-protected sites in the Galisteo Basin in New Mexico to provide for the preservation, protection, and interpretation of nationally significant resources located in the basin. These sites contain the ruins of Indian pueblos dating back almost 900 years and are the largest pueblo ruin ever discovered.

In addition, the agreement that was agreed to by the committee assures landowners within the Galisteo Basin that their private property rights will not be compromised under this bill.

Mr. Speaker, H.R. 506, as amended, is supported by the majority and the minority of the committee, and I urge passage of the bill.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, I am pleased that the House has the opportunity today to consider this important legislation. H.R. 506 is a companion bill to S. 210 introduced by Senator JEFF BINGAMAN. S. 210 passed in March of this year and a similar version passed in the Senate in the 107th Congress.

Although I also introduced a similar version of this bill in the 106th and 107th Congresses, it has never been discharged by the House Committee on Resources or been taken up by the full House.

The Galisteo Basin, located in northern New Mexico, possesses a rich cultural heritage and is considered one of the Nation's most beautiful natural settings. The area is comprised of 24 archaeological sites containing artifacts and ruins of 17th century Spanish missions and impressive examples of Native American rock art and pueblo architecture.

H.R. 506 authorizes the Secretary of the Interior to enter into cooperative

agreements with willing private and State landowners who are interested in protecting, preserving, and maintaining these important archaeological sites. It also authorizes the Secretary to purchase such lands from willing sellers.

Each cooperative agreement or land acquisition would be strictly voluntary and would be negotiated by each landowner to contain only the terms and conditions that are agreed to by both parties.

H.R. 506 has been carefully crafted to protect private landowners. Numerous safeguards prevent the Secretary from forcing cooperative agreements on the private property owner or forcing a landowner to sell the rights to the land to the Federal Government. Under H.R. 506, any action affecting the disposition of a private landowner's rights is purely in the discretion of that private party.

H.R. 506 strikes an exacting balance between protecting and preserving these delicate archaeological sites in the Galisteo Basin and protecting the rights of the State and private landowners with property interests in these sites.

Considering this, I urge my colleagues from both sides of the aisle to support the preservation of the natural beauty and cultural significance of the Galisteo Basin.

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

Mr. RENZI. Mr. Speaker, I have no other speakers at this time, and I continue to reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield as much time as he may consume to the gentleman from Colorado (Mr. UDALL), a fellow member of the House Committee on Resources.

Mr. UDALL of Colorado. Mr. Speaker, I want to also thank the gentleman for yielding me the time, and I will be brief; but I did want to thank the gentleman from Arizona (Mr. RENZI) for his work on behalf of this important piece of legislation and commend my cousin, the gentleman from New Mexico (Mr. UDALL), for bringing this bill forward.

Those of us who live in the greater Southwest know that these archaeological sites are not only great attractions but they add to our quality of life and our sense of history in the greater Southwest. We also understand that these sites have much to teach us about what the people who lived in the Southwest experienced 1,000 and more years in the past, and I think they successfully lived on the land; but they also, in the long run, did not survive, it appears, or they moved to other parts of North America, and the lessons that are hidden in these ruins and these archaeological sites I think can help us be better stewards and live on the land lightly in the Southwest.

I want to thank the gentleman from Arizona (Mr. RENZI), as well, because we understand this is a great example of a public-private cooperative effort where landowners' rights are acknowledged and respected but also the interests of the public, and the public good are acknowledged in this important legislation.

So I rise in support and urge the House to adopt this significant piece of legislation for all of us who live in the Southwest.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself as much time as I may consume.

Let me congratulate the gentleman from Arizona (Mr. RENZI) and the other Members of the House Committee on Resources and the staff for their hard work on this bill.

Mr. Speaker, having no additional speakers, I yield back all remaining time.

Mr. RENZI. Mr. Speaker, I also yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 506, as amended.

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

A motion to reconsider was laid on the table.

CLARIFICATION OF TAX TREATMENT OF BONDS AND OTHER OBLIGATIONS ISSUED BY GOVERNMENT OF AMERICAN SAMOA

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 982) to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa.

The Clerk read as follows:

H.R. 982

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

SECTION 1. CLARIFICATION OF TAX TREATMENT OF BONDS AND OTHER OBLIGATIONS ISSUED BY GOVERNMENT OF AMERICAN SAMOA.

(a) EXEMPTION OF ALL BONDS FROM INCOME TAXATION BY STATE AND LOCAL GOVERNMENTS.—Subsection (b) of section 202 of Public Law 98–454 (48 U.S.C. 1670) is amended to read as follows:

''(b) EXEMPTION OF ALL BONDS FROM INCOME TAXATION BY STATE AND LOCAL GOVERNMENTS.—

''(1) IN GENERAL.—The interest on any bond or other obligation issued by or on behalf of the Government of American Samoa shall be exempt from taxation by the Government of American Samoa and the governments of any of the several States, the District of Columbia, any territory or possession of the United States, and any subdivision thereof.

''(2) EXEMPTION APPLICABLE ONLY TO INCOME TAXES.—The exemption provided by paragraph (1) shall not apply to gift, estate, inheritance, legacy, succession, or other wealth transfer taxes.''.

SEC. 2. EFFECTIVE DATE.

This Act shall apply to obligations issued after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

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

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

There was no objection.

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

I rise today in support of H.R. 982, a bill to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa. This bill, introduced by the gentleman from American Samoa (Mr. FALEOMAVAEGA), will permit the interest earned on bonds issued by the American Samoa Government to be exempt from both State and local taxation. Passage of H.R. 982 will provide parity in the tax treatment of their bonds with other territories in the United States.

It is my hope that this legislation would help to provide more funding to the American Samoa Government as well as putting this territory on the same playing field with others when investors look to the islands for economic development.

At this time, the House Committee on the Judiciary has also passed this legislation with strong bipartisan support by their Members. In the 107th Congress, we also passed this bill under suspension of the rules near the end of that Congress.

I thank the gentleman from West Virginia (Mr. RAHALL) for his work with us to move this bill more quickly during this session, and I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his cooperation in bringing this bill to the floor today. I ask Members to adopt H.R. 982.

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

□ 1730

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, H.R. 982, sponsored by our distinguished colleague, the gentleman from American Samoa (Mr. FALEOMAVAEGA), is intended to remove a barrier to economic development in the U.S. Territory of American Samoa.

In essence, H.R. 982 provides American Samoa parity with other U.S. Territories whose bonds are not taxed by the State or local governments. I congratulate the gentleman from American Samoa for his work on this legislation, and I urge my colleagues to support this measure.

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise to express my sense of appreciation to the gentleman from Arizona (Mr. RENZI) and the gentleman from New Mexico (Mr. UDALL) who are both managing several pieces of legislation this afternoon. I thank them for their assistance and leadership in doing so.

Mr. Speaker, I would also like to thank the gentleman from California (Chairman POMBO) and the gentleman from West Virginia (Mr. RAHALL), the ranking member, for the Committee on Resources; and the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS), the ranking member from the Committee on the Judiciary, for their continued support regarding the needs of the territory of American Samoa and for their efforts to bring H.R. 982 to the floor this afternoon.

H.R. 982 would amend the U.S. Code to allow interest earned from American Samoa bonds to be exempt from both State and local taxation.

Mr. Speaker, under current Federal law, Congress has expressly provided for the exemption of State and local taxes for bonds issued for or by the territories of Guam, the Virgin Islands and the Commonwealths of Puerto Rico and the Northern Mariana Islands. While American Samoa can issue bonds similar to the other territories, the interest earned from American Samoa bonds is subject to taxation by several States, Washington, D.C. and other territories. This proposed legislation would simply provide equity and parity to the territory of American Samoa.

It has been a slight oversight over the years, that is the reason I am having to propose this legislation. H.R. 982 would also make American Samoa bonds more attractive to investors and will save the local government between $20,000 to $50,000 in interest alone on municipal bonds it may issue. This legislation will lower the interest costs of the prospective sales and will also enable the government to address deficiencies in its current infrastructure.

Mr. Speaker, this legislation is identical to H.R. 1448, which I introduced in the 107th Congress, which was adopted by both the Committee on the Judiciary and the Committee on Resources, and finally agreed to by voice vote on September 24, 2002. Unfortunately, the other body was unable to consider this legislation before the 107th Congress adjourned.

However, the Committee on Resources and the Committee on the Judiciary have unanimously passed H.R. 982, and I urge my colleagues to support this legislation. In doing so, I want to thank committee staff, Tony Babauta, and my office staff, Judy Leilani and Lisa Williams, for their efforts in making the proper preparations and assisting tremendously in bringing this legislation to the floor for consideration.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to congratulate the gentleman from American Samoa (Mr. FALEOMAVAEGA) on all his hard work in the Committee on Resources, his tenacity, and his persistence. I know he has worked hard and long on this very important issue to American Samoa. I just want to recognize that here today.

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

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 982.

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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 35 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1829, FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT OF 2003

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 108–348) on the resolution (H. Res. 428) providing for consideration of the bill (H.R. 1829) to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations, 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. 2559, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2004

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 108–349) on the resolution (H. Res. 429) waiving points of order against the conference report to accompany the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 76, MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2004

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 108–350) on the resolution (H. Res. 430), providing for consideration of the joint resolution (H.J. Res. 76) 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Concurrent Resolution 176, by the yeas and nays; and

House Concurrent Resolution 94, by the yeas and nays. Both electronic votes will be conducted as 15-minute votes.

H.R. 2620 will be voted on tomorrow.

RECOGNIZING AND SUPPORTING FINANCIAL PLANNING WEEK

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 176.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TURNER)

that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 176, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 381, nays 0, not voting 53, as follows:

[Roll No. 602]

YEAS—381

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—53

Ackerman
Andrews
Bonner
Bono
Brady (PA)
Calvert
Carson (IN)
Conyers
Culberson
Davis (CA)
Davis, Tom
Doyle
Duncan
English
Fattah
Filner
Flake
Fletcher
Fossella
Gephardt
Harman
Hoeffel
Hunter
Israel
Issa
Jackson-Lee (TX)
Jenkins
Kucinich
LaTourette
Lipinski
Lowey
McNulty
Meek (FL)
Mollohan
Murtha
Nethercutt
Northup
Norwood
Oxley
Pallone
Pickering
Pomeroy
Reynolds
Rogers (KY)
Sanchez, Loretta
Serrano
Shays
Stark
Sullivan
Tancredo
Tanner
Taylor (NC)
Tierney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1853

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, I missed roll-call vote No. 602, because I was touring the wildfire damage in my district with the President of the United States. Had I been present, I would have voted "yea."

DIRECT SUPPORT PROFESSIONAL RECOGNITION RESOLUTION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 94, as amended.

The Clerk read the title of the concurrent resolution.

The Speaker pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 94, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 52, as follows:

[Roll No. 603]

YEAS—382

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)

Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—52

Ackerman
Andrews
Bonner
Bono
Brady (PA)
Calvert
Carson (IN)
Culberson
Davis, Tom
Doyle
Duncan
English
Evans
Fattah
Flake
Fletcher
Fossella
Gephardt
Gerlach
Harman
Herger
Hoeffel
Israel
Jackson-Lee (TX)
Jenkins
Kucinich
LaTourette
Lipinski
Lowey
McNulty
Meek (FL)
Mollohan
Murtha
Nethercutt
Northup
Norwood
Oxley
Pallone
Paul
Pickering
Pomeroy
Reynolds
Rogers (KY)
Sanchez, Loretta
Serrano
Shays
Stark
Sullivan
Tancredo
Tanner
Taylor (NC)
Tierney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded that 2 minutes remain in this vote.

□ 1910

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. STUPAK. Madam Speaker, last week I could not be present for votes on October 28, 29, or 30 due to the death of my mother. As a result, I missed a number of rollcall votes. Had I been present, I would have voted as follows:

On Octoer 28, I would have voted ''yes'' on rollcall 569, ''no'' on rollcall 570, and ''yes'' on rollcalls 571, 572, and 573.

On October 29, I would have voted ''no'' on rollcalls 574 and 575, and ''yes'' on rollcalls 576, 577, 578, and 579.

On October 30, I would have voted ''no'' on rollcalls 580 and 581, ''yes'' on rollcalls 582 and 583, ''no'' on rollcall 584, 585, 586, 587, 588, 589, and 590, ''yes'' on rollcall 591, ''no'' on rollcall 592, ''yes'' on rollcall 593 and 594 and ''no'' on rollcall 595. I would have voted ''yes'' on rollcall 596, ''no'' on rollcall 597, ''yes'' on rollcall 598, 599 and 600, and ''no'' on rollcall 601.

PERSONAL EXPLANATION

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, due to a death in the family, I was unavoidably absent and missed rollcall votes on October 30, 2003.

Had I been present, I would have voted ''aye'' on rollcall vote Nos. 580–585; ''no'' on rollcall votes 586 and 587; ''aye'' on rollcall votes 588–591. Furthermore, I would have voted ''no'' on rollcall vote No. 592 because the FAA Reauthorization Act, H.R. 2115, still privatizes our air traffic control system, does not mandate terrorist training for flight attendants, and jeopardizes our air space when greater security is needed.

Had I been present I would have voted ''aye'' on rollcall votes 593 and 594; ''no'' on rollcall vote 595; ''aye'' on rollcall vote 596; ''no'' on rollcall vote 597; and ''aye'' on rollcall vote Nos. 598–600. I would have voted ''no'' on rollcall vote No. 601 because although I support our troops, the Iraq Supplemental Appropriations bill diverts billions of dollars to reconstructing Iraq, while working families in America are struggling to pay their bills.

Finally, I would have voted ''no'' on the voice vote to H. Res. 424.

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

Ms. DELAURO Madam Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2660, Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 2004.

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 Senate level for part B of the Individuals with Disabilities Education Act.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. BECERRA. Madam Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, the Child Tax Credit bill.

The form of the motion is as follows:

Madam Speaker, I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster; and

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

□ 1915

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mrs. CAPPS. Madam Speaker, under 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.

The form of this motion is as follows:

Mrs. CAPPS of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two House on the Senate amendment to the bill, H.R. 1, be instructed as follows:

Number one, to reject the provisions of subtitle C of title II of the House bill.

Number two, to reject the provisions of section 231 of the Senate amendment.

Number three, within the scope of the conference, to increase payments for physician services by an amount equal to the amount of savings attributable to the rejection of the aforementioned provisions.

Number four, to insist upon section 601 of the House bill.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BIGGERT). 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.

KEEPING OUR PROMISES

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. Madam Speaker, I rise today to remind my colleagues that next Tuesday we will honor our veterans and the sacrifices that they made for our great country.

On Veterans' Day, we will each be back in our districts attending memorial events and letting our constituents know of our admiration for our veterans and our support for American troops currently in battle in Iraq and Afghanistan.

What we will not be telling our constituents, however, is that Congress has a history of breaking its promises to these men and women who have fought bravely to defend the values and ideals that this country was founded upon.

When the men and women of our Armed Forces signed up for military duty, the local military recruiting officer told them that, for their service, they would get health care at VA hospitals. What they did not tell them was that they may have to wait up to 6 months for an appointment.

We civilians find it tough enough to get a doctor's appointment through our HMOs. Yet 60,000 veterans have had to wait 6 months or more to get in at a VA hospital. Even worse, 14,000 of America's veterans who are entitled to expedited claims have waited more than 15 months to be seen. To me, there is nothing expedited about a 15-month wait.

This is not the deal we struck with our veterans. They deserve better. We promised members of the military that we will take care of them if they sustained a service-connected disability. We also promised them retirement if they served their country for 20 years. Yet for those veterans who are both retired and disabled, we deduct their disability pay, dollar for dollar, from their retirement pay. What it amounts to is a disability tax on our veterans' pensions.

Can my colleagues imagine a private sector corporation treating its employees this way? Can my colleagues imagine a retiree pension being reduced by the amount of workman's compensation an employee receives? We all know that would never fly in the private sector, but this is how the U.S. Government treats its veterans who have risked their lives and safety defending our country.

Currently, 560,000 disabled military retirees across the Nation are affected by this disability tax; 65,200 of them are from Texas and 264 reside in the district I represent. These military retirees in my own district lose an average of $5,310 each in much-needed veterans benefits each year. They fought bravely for our country and earned every penny of these benefits, and we should not be wasting time on half-a-loaf compromises or deals that make veterans wait years for these benefits.

No, our action on concurrent receipt should be driven by the commitment that we made to our veterans who have, without a doubt, upheld their end of the bargain. The sad fact is, this country is not treating our future veterans, the men and women currently serving in Iraq and Afghanistan, any better.

I have no doubt they all appreciate the opportunity to come home for 2 weeks for much deserved rest and relaxation, but I find it unconscionable that we give them a free ride back to a port of entry in the U.S. and then leave them there to pay their own way home. Do we really think an enlisted Army private has the financial resources to pay for a short-notice flight from BWI, Baltimore Airport, to his home or her home? I can guarantee my colleagues we did not ask our men and women in uniform to pay their own way for any leg of their trip to Iraq. We should not be forcing them to pay for any of their trip back home.

This past weekend, the harsh realties of war hit us in Houston particularly hard as we learned that one of our own was aboard the Chinook helicopter bringing 16 of our servicemembers home. Sergeant Keelan Moss graduated only 5 years ago from Eisenhower High School in the Aldine Independent School District. A young man of only 23 years old, he made the ultimate sacrifice for his country and will be forever remembered as an American hero. The loss of his life is a grim reminder of the constant dangers faced by our men and women in uniform.

And while we may often think of our military as a symbol of American strength and pride, we must also remember that it is comprised of individual Americans who are consistently putting their lives on the line, day in and day out, to defend our great Nation.

For their selfless patriotism, we owe it to our military members, both past and present, to keep the promises we made to them. As we send them in harm's way to defend us, that is the least we can do.

TRIBUTE TO RONALD REAGAN

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. Madam Speaker, it was my pleasure to serve in the Congress of the United States for 6 years when Ronald Reagan was the President of the United States. When Ronald Reagan became President, the economy was heading in the wrong direction. Early in his administration, we went into a recession which was caused by his predecessor, and he pushed through the Congress very large tax cuts which led to the economic recovery that started the last part of his administration and went on for well over a decade, 14, 15 years.

Ronald Reagan was a very affable man, is a very affable man, was a very kind and generous man, a very understanding man, one who had a big heart and who really cared about America.

Many people in his administration took issue with him when he decided to take on the Soviet Union. When he was about to make his speech talking about the Soviet Union being an evil empire, many people in the State Department cringed and said, my God, Mr. President, you cannot say that. Nevertheless, he did, because the Soviet Union held so many millions of people under bondage, and the captive nations of Eastern Europe applauded what he said.

When he stood before the Berlin Wall and said, ''Mr. Gorbachev, tear down this wall,'' I remember listening to that and thinking that is a great thing to say, Mr. President; but it will not happen in my lifetime. Yet I was in Namibia when they had the special elections over there, and I went into a German beer garden, and everybody was celebrating. They were raising their steins and dancing, and I said what in the world is going on, and they said do you not know, the Berlin Wall is coming down. The hair on my head and the back of my neck started to rise because I knew that Ronald Reagan got that job done. He raised the stakes against the Soviet Union, with the Soviet Union.

They had 50,000 T–55 tanks that started rusting away because he built up the American defenses so high that they could not keep pace, and their economy could not deal with the problem. So their whole economy started to collapse; and as a result, the Soviet Union collapsed. So Ronald Reagan, when he was President, brought this economy back from the ashes of disaster to where it went on for years and years and years in the right direction. He destroyed, I believe personally, the Soviet Union, along with Lech Walesa and the Pope, by putting pressure on the Soviet Union and Mr. Gorbachev and his predecessors until they just fell apart.

So I was very, very disappointed when I saw that CBS was going to do a miniseries denigrating this great President, this great man, especially at a time when he cannot defend himself. He is suffering from Alzheimers; and his beautiful wife, Nancy Reagan, whom I had a chance to get to know a little bit when she was in the White House, has to live with these horrible things that are being said about her husband, and she cannot do anything about it.

Well, we in the Congress that served with President Ronald Reagan know better. He was a great President. He was a great man. He was a humanitarian. He was a visionary, and he was a man who when he said something he meant it and everybody knew he meant it, and for them to try to destroy his memory is something I do not think we should tolerate.

I would like to just say that Peggy Noonan, who worked in the White House with Ronald Reagan, was one of his speech writers. She wrote a book that was called ''When Character Was King,'' and I wish all of the people who criticized Ronald Reagan and participated in this CBS miniseries will read that book because, if they read that book, they are going to see what the man was really like. He was a great man. He is a great man, and his legacy and his memory should not be tarnished by a bunch of trash being put out by CBS.

I understand they have pulled that miniseries, and it is not going to be on the network now; but they said that they are going to sell it, I guess, or use it in one of their other areas like ''Showtime,'' and it will be shown as, I guess, a made-for-television movie. I want all my friends to know that I watch ''Showtime,'' and I pay for ''Showtime,'' but I want to say to my friends, if they put that trash on ''Showtime,'' and they have a right to do it under the first amendment, but if they put that trash on ''Showtime,'' I will tell all of my friends and people across this Nation they ought to drop it because that is not the kind of thing you do to a great man like Ronald Reagan who served his country so well and did so much, not only for America but for the whole world.

LETTERS FROM CONSTITUENTS

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. Madam Speaker, I have always believed in free speech in this institution, and I have always thought that we should have free speech throughout the country. I have for the last 4 months come to the House floor and read letters from constituents who often do not have a voice in this body, especially when the conservative leaders of this body so often shut down debate. They shut down debate on the $87 billion for Iraq. They shut down debate on discussing whether the President told the truth about Iraq. They shut down debate on the Halliburton scandals and ineptness of the Bush administration in Iraq.

Those same people apparently want to shut down the debate in our country by browbeating CBS and threatening CBS to say we cannot run a documentary on a former President. I do not fully understand that; but Madam Speaker, I would like to share these letters about the concerns my constituents have, similar to what John Quincy Adams had done when the conservative leadership 160 years ago shut down debate in this House on slavery.

□ 1930

Madam Speaker, Amanda Harland from Brecksville, Ohio, writes: Congress has allowed too many cuts in America's education, housing, arts funding, jobs training, and other programs that are vital for working families in America. She says: Because of the tax cuts that President Bush and this Congress have given to the wealthiest Americans, every millionaire gets a $93,000 tax cut. Half of my constituents got exactly zero tax cut.

She writes: An $87 billion bill is nothing more than an excuse for the opportunity of infinite military occupation and corporate connections. Amanda from Brecksville is obviously referring to the Halliburton scandal, the fact that Halliburton has gotten well over a billion dollars in unbid contracts, Haliburton is a major contributor to the President of the United States, Vice President CHENEY is still receiving $13,000 a month from the Halliburton corporation while taxpayers are funneling money to that corporation to the tune of hundreds of millions of dollars a month.

Wesley from Strongsville writes: This administration's go-it-alone policy will not accomplish a long-term secure Iraq, and will only result in a bankrupt American economy and government. If there are sacrifices to be paid, they should be paid now and not by my children when they must pay off the growing deficits from too much spending and not enough revenue.

Madam Speaker, I get letters talking about shared sacrifice. The only people that are sacrificing in this war are the soldiers and the sailors, the young men and women in Iraq, and their families, and people who have lost jobs under the Bush economy, while the administration is not sacrificing at all because they have politically gained from giving these huge tax cuts to their friends who have turned around and given major campaign contributions to the Bush administration.

Wesley writes: I urge you to work to change the administration's unilateral policy on Iraq and to seek a more equitable manner of funding the transition to include more contributions from other countries, from future Iraq oil revenues, and from tax cut rollbacks for the most privileged people of our society.

Jeannie of Akron writes that $87 billion could be spent here for families, for senior citizens, and for college loans that people cannot repay. She says, by the way, we read the people in Washington got a raise. How nice. My husband has not had one in 3 years.

What Jeannie is also talking about is that almost 200 Republican Members of Congress voted for a raise for themselves, yet voted against a raise for our troops. A $3,000 raise for themselves, and against a $1,500 raise for our men and women in harm's way.

Richard of Valley City writes: They have created a real mess in Iraq and Afghanistan, now they want to take money from the taxpayers to help the people in Iraq and Afghanistan, who will never pay us back. There are so many things we need money for in our country. What about Medicare, Social Security, the space program, and cities and schools who are running a deficit.

Madam Speaker, there is a theme in these letters that people are sickened by the ineptness of the Bush administration in Iraq, they are sickened by the corruption of Halliburton and Vice President CHENEY and all that is happening in Iraq. They are saddened by the fact that while the administration is so focused on helping Halliburton and Bechtel get richer, they have lost their focus on supplying and providing for the troops. The fact that one-fourth of our troops still do not have enough antibiotics, they do not have safe drinking water, all of the things that the President and Vice President have forgotten to supply and protect our troops, while at the same time they are giving hundreds of millions of unbid dollars in contracts to these largest corporations who are major contributors to the President.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Members are reminded they should refrain from improper references to the Vice President.

CONGRESS NEEDS TO PUT TEETH IN PRESCRIPTION DRUG LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, outside the House Chamber, in fact it is the only statue in Statuary Hall which faces the House Chamber, there is a statue of Will Rogers. Will Rogers was an amazing person. One of my favorite quotes from Will Rogers was: All I know is what I read in the newspapers. Sometimes I feel like Will Rogers because all I know is what I read in the newspapers.

Let me read some things that were in a recent column in the Congressional Quarterly, the November 1 www.cq.com edition, talking about the prescription drug bill and what may happen to Medicare. ''Some observers speculate that Medicare conferees will include language in their final report that will express support for importation, but will also make certain it never happens.'' Here is a quote from one of the lobbyists, ''You can tell them, the lawmakers, that this will only kick in after FDA has appropriated $100 million for border safety or FDA has to have counterfeit, tamperproof packaging devices in place,'' said one health

care lobbyist who asked not to be named, ''Whatever that trigger is, just say it will never be met.''

In other words, pretend like we are going to do something and make sure it never happens. Talking about other things we read in the newspapers, here is a quote from Mark McClellan, the head of FDA, who says, ''These Members are out of touch with the realities of keeping our drug supply safe, and the clear and present dangers to America's supply of drugs that their bill would create.''

Madam Speaker, let me ask Mr. McClellan a rhetorical question: How many Canadians are dying, how many Europeans are dying, and then tell me who is out of touch.

The problem is that if we do not put some real teeth into whatever we do, the drug companies will figure out how to get around it. They say later in the article that even if lawmakers turn to Canada to soothe concerns about safety, the drugs Americans want to buy may not be available. Several drug companies, and they include Eli Lily and Co. and Wyeth, have decided to curtail sales to Canada anticipating that Congress could enact importation legislation.

Madam Speaker, that is called antitrust and that is why 22 Members of this House sent a letter last week to Attorney General Ashcroft, and I would like to read the letter. It says, ''Six major pharmaceutical manufacturers have moved to restrict supply of prescription drugs to Canadian pharmacies and wholesalers. It is obvious that these actions are an attempt to prevent American consumers from accessing affordable prescription drugs. This action is putting lives at risk in the United States and Canada.

''Americans should not have to wait for States' attorneys general to enforce antitrust laws. Therefore, we request a thorough investigation by your office. If any pharmaceutical companies are found in violation of antitrust laws, the Department of Justice must take all available steps to correct this injustice.

''We must not allow pharmaceutical companies to abuse American consumers, and place lives at risk, by illegally manipulating supply.''

Madam Speaker, this was signed by 22 mostly senior Members, including some of the highest ranking members of the Committee on the Judiciary. The American public now knows the dirty little secret, and that is American consumers pay the world's highest prices even though they are world's best customers for prescription drugs. If this Congress produces a bill that is filled with obfuscation, manipulation and pretending that we deal with the issue of affordability, well, as we say out in rural America, that dog will not hunt.

HONORING OUR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Madam Speaker, I rise today to pay tribute and honor the courageous men and women that have served our country. It has been over 2 years since our great Nation was attacked on September 11, 2001. That day, and every day since, we are reminded that our freedoms are protected by the men and women in the United States Armed Forces. These individuals have given their sweat, blood and sometimes their lives to protect our freedoms.

Today, American servicemen and women from the mountains of Tora Bora to the deserts of Iraq are, once again, in harm's way protecting and defending our freedoms all over the globe. I am standing before Members today with a deeply felt sense of gratitude and pride that these men and women in uniform are defending our Nation. In 2002, there were 25.6 million living veterans, and over the course of this country's history, more than 12 million servicemen have sacrificed their lives to defend our freedoms.

I want to take a moment to highlight the Latinos and other minorities that have contributed to the peace we have enjoyed for so many years in our country. According to the latest U.S. Census figures, there are 1.3 million living Latino veterans, with more than half residing in California, Texas and Puerto Rico. Many have fought and defended the United States during World War I, World War II, the Korean War, the first Gulf War, and now in Iraq. There are 41 Latinos that have received the highest Congressional Medal of Honor award, 11 were awarded for their bravery during World War II, a war in which as many as 500,000 Latino soldiers fought bravely for the U.S.

We honor our Nation's veterans, we must honor our brave men and women who are currently serving in Iraq, and as of today, 382 members of our U.S. troops have lost their lives.

In particular, two of my constituents have lost their lives. One is Lance Corporal Francisco Martinez Flores, and I display his photo, and Private First Class Jose Casanova, Jr., and I want to tell my colleagues about these fine young men. Lance Corporal Francisco Martinez Flores was not just a brave and self-sacrificing Marine, but he was a loving son, a brother, a friend, and someone who lived in my district who was outgoing and was the eldest of his four siblings who immigrated to this country at a young age. He was not even a U.S. citizen. He was one of the first soldiers killed in Iraq. He was granted citizenship posthumously. That is great that we can do that, but we have so many other soldiers like him who are serving our country who are not being granted the opportunity to become citizens. They are not asking for U.S. citizenship when they sign up, they are asking to be there to support us and defend our country.

I am asking Members of Congress to help appeal to the Senate and to this administration to grant the opportunity for over 37,000 U.S. soldiers just like this young man here who died and gave his life, and many others that are currently there in the line of battle protecting us, asking you to support them to have citizenship within a 2-year process. Instead of 3, 2 years, to grant them the opportunity if they have siblings or a wife or spouse, to also have an opportunity to become fully-fledged participants in our society. We do not ask our own kids to go to war, but we ask folks who represent us in our districts. We should do something for them as well, especially as Veterans Day nears, that we pay are tribute and honor to these young men and women, who all they want to do is look for a better life in our country, who look for a future, to become law enforcement officers, custodians, teachers, and government officials, but their lives are cut short defending us in the line of duty, something that they took as an oath of office to serve and defend our country. Let us remind ourselves of those many soldiers serving us now. I urge the Senate and other Members of Congress to support legislation to give citizenship to legal permanent residents.

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore (Mr. KING of Iowa). Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, I rise again this week as part of Washington Waste Watchers, a Republican effort dedicated to bringing the disinfectant of sunshine into the shadowy corners of the wasteful Washington bureaucracy. We are here to show the American people how Federal agencies need to be held accountable, for they routinely lose huge portions of taxpayer-funded budgets to waste, fraud and abuse.

This week, let us talk about the Department of Education. Today America's schools face a number of challenges. The Democrats have said time and time again that the answer is simply more Federal money, more Federal spending. Unfortunately, that is simply not true. Congress has already dramatically increased Federal spending for education. According to the Office of Management and Budget, from 1994 to 2002, funding for the Department of Education grew by a greater percentage than any other cabinet-level agency, number one. Yet test scores have either stagnated or actually declined. The problem is not how much money the government spends, the problem is how government spends the money. Unfortunately, much of the money that we spend on education is not going to the children. Enormous sums of the American people's hard-earned tax dollars intended to help teach our children are lost in waste, fraud and abuse.

□ 1945

Mr. Speaker, let me just give you a few examples. Over a 3-year period, just one executive director of a Head Start program received over $814,000 in salary and bonuses. One of those years he received over $343,000, more than the Secretary of Education, more than a four-star general, more than the Vice President of the United States. This same Head Start program leased this government employee a Mercedes-Benz SUV for $600 a month, in part with Federal funds. And Democrats want to raise our taxes to pay for more of this?

This compensation is being paid with Federal funds that are intended to help 3- to 5-year-old school children. While this administrator's salary could pay for the education of 50 Head Start kids, the program he administered was over $1 million in debt. And Democrats want to raise our taxes to pay for more of this?

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

Mr. HENSARLING. I yield to the gentleman from Arkansas.

Mr. BERRY. I would just remind the gentleman from Texas that all these facts he is throwing out happened to have taken place at a time when the President of the United States and the entire United States Congress was controlled by Republicans.

Mr. HENSARLING. Reclaiming my time, actually during 1999, I believe President Clinton, a Democrat, was President of the United States. That brings up a greater problem. Frankly, there is a Federal bureaucracy that is out of control, and Republicans are trying to do something about it.

To continue, in 1999, the Department of Education made a number of improper payments, during the Clinton administration, I might add, including about $125 million in duplicate payments to 45 different grantees, $664,000 in duplicate payments to 51 different schools, and a $6 million double payment to a single school. What accountability. And Democrats want to raise our taxes to pay for more of this?

In fact, Mr. Speaker, over a 3-year period, from 1999 to 2001, during the Clinton administration, the Department of Education wasted almost one-half billion dollars, enough to pay for 194,000 extra Pell grants, increase the charter school program by 80 percent, or double the amount given to States to keep schools free and clear of drugs. $450 million wasted. And Democrats want to raise our taxes to pay for more of this?

Mr. Speaker, these are just a few examples of the types of waste the American people are paying for. When you look at the reports, it is easy to see that many other Federal programs routinely waste 10, 20, even 30 percent of their taxpayer-funded budgets, and have for years. In the real world when people lose this much money, they are either fired or they go to jail. But in Washington, it is simply an excuse to ask for even more money next year.

If we care about our children, we will begin to measure success by focusing on the outputs of education, test scores and the realization of students' potential, and quit measuring success by merely focusing on the inputs, money thrown at the problem. There are a thousand ways that we can save money in Washington without cutting needed services and without raising taxes on hardworking families as the Democrats propose. Because when it comes to Federal spending, it is not how much money the government spends, it is how the government spends the money.

MEDICARE REFORM

The SPEAKER pro tempore (Mr. KING of Iowa). Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, people from around the world come to America for their medical care. Yet Americans are forced to go and travel around the world to get their medications. Right now the Medicare conferees are trying to devise a drug benefit for seniors and for Medicare. Just yesterday, the Newark Star-Ledger reported a $400 billion benefit would barely make a dent in the $2 trillion that seniors are expected to pay for prescription drugs over the next decade. Last week, Boston University came out with a study showing that, as constructed, the pharmaceutical companies would make $139 billion in additional profit under this prescription drug bill.

I know some very smart people wonder why the public gets cynical. Why would you be cynical about the fact that you would barely get a dent in the drug benefit for senior citizens, yet the pharmaceutical companies would walk out with $140 billion more money? I do not think the public is cynical at all. I think they are quite sophisticated. They do not think we are doing our work around here, and they have a good reason to think we are not doing our work around here. They are suffering under staggering increases in drug costs that are going up for seniors on average about 30 to 40 percent a year for the most important drugs that they need for their blood pressure, their heart, rheumatism, arthritis; yet we have a benefit that would accrue a greater benefit to the pharmaceutical companies than to the seniors.

Some are now talking about capping, cutting the cost of Medicare growth, but refuse to take on the subject of making medications more affordable. Anybody who has been around there knows that the number one issue affecting our seniors is the affordability of prescription drugs. We are talking about cutting Medicare, we are talking about increasing the profits of pharmaceutical companies, we are talking about barely making a dent in the cost to seniors; yet we will not address the issue on the table that seniors are asking us to address, which is the issue of affordability where they one month to the next month see their drug prices go up 18, $19 for the same medication, and nothing different has happened.

Pharmaceutical companies do a good thing. They come up with lifesaving drugs. I took some of those medications when I was in the hospital for 8 weeks. They do good work. They get rewarded handsomely. They get a tax credit on the front end for research and development. They have control over the patent laws affecting the pharmaceutical products. They have the taxpayers' funding, the National Institutes of Health, $10 billion a year on drugs and medications. I think the taxpayers have been unbelievably generous to a good industry, and I want them to develop new medications; but I want it at competitive prices. If we are about to expand Medicare to the tune of $400 billion, we owe the taxpayers the decency and the common courtesy to get them the best prices we can. Not the most expensive prices, the best prices.

We have a proposal, 88 Republicans, 153 Democrats joined in a bipartisan fashion. Governors of both parties, mayors of both parties are looking at it, which is to open up the market, bring competition to the pricing of medications and bring that choice and availability to consumers. People today, 2 million Americans are going over the border, grandparents and grandfathers, to get the medications they need that are lifesaving medications. The system we have here where Americans now subsidize all the research and development of these lifesaving medications, we have the distinct honor to do what? To pay the most expensive prices in the world. As my great aunt used to say, Such a deal.

We ask our elderly to pay premium prices when the poor starving French and Germans and Italians and Canadians and Dutch and British are paying 30 to 40 to 50 percent cheaper for cancer drugs, blood thinning drugs, heart drugs, rheumatism, arthritis, diabetic drugs. We funded the research to give them these lifesaving medications, and their government stood up for them and got them decent prices.

What are we asking for? We are asking that our American consumers get the same competitive prices so you do not see the disparity when it comes to a pharmaceutical product for blood pressure. Americans are paying 50 percent more than the people in France or in Germany. And it is based on the free market. I have never seen so many protectionists on the Republican side in my life who refuse to accept the notion of the free market and the principle of the free market.

In Illinois, my Governor did a study showing that of the $340 million we spend in the State of Illinois for pharmaceutical products for employees and retirees, the State of Illinois could save the consumers and the taxpayers $91 million. The New York Times noted of the study, not only could you save

$91 million, they noted that the Canadian system is far safer than the system we have here to guarantee the safety of the products sold. The issue is safety. When somebody tells you that it is about safety, it is not about money, folks, when they tell you it ain't about money, it is usually about money. That is the case. That is what we are dealing with. We are dealing with a product about money.

The other day Eli Lilly, now that we have demystified the notion about safety, Eli Lilly's CEO said that the whole issue related to here is about having the research and development dollars. The taxpayers have been funding the research and development for the last 20 years. They have been quite generous.

I would ask my colleagues and those who are meeting now in the conference to give the taxpayers and our grandparents a break, give them the medications they can afford rather than going into hock to try to do it and become drug runners and coyotes going over the border to get the medications they need to save their lives.

GAME PLAN FOR WINNING THE WAR ON TERROR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, in 1983, the United States embassy in Beirut was bombed. Sixty-three were killed; 120 were wounded. In 1983, the U.S. Marine barracks were bombed in Beirut. Three hundred troops, nearly all United States troops, were killed. In 1988, Pan Am 103 was bombed; 259 were killed. In 1993, the World Trade Center was bombed. Six killed, 1,000 injured. In 1996, the Khobar Towers was bombed. Nineteen U.S. soldiers killed, 240 injured. In 1998, the U.S. embassy in Kenya was bombed; 361 were killed, 5,000 injured. And in 2000, the USS Cole was bombed in Yemen. Seventeen sailors were killed and 39 were injured.

In those seven attacks, more than 1,000 people were killed. This was double our losses in Afghanistan and Iraq at the present time which total roughly 435. Yet during those seven attacks and after those seven attacks, there was very little response from the United States. As a result of those attacks, we withdrew from Lebanon in 1983 and from Somalia in 1993. I believe that this conveyed a very clear message to those who believe in terrorism. The message was this, that when attacked consistently over time, the United States will back down, will lose its will, and, of course, these attacks then led up to 9/11.

Following the loss of more than 3,000 Americans on September 11, 2001, we finally took a stand. The overwhelming majority of us in this body gave the President the authority to move aggressively against terrorism. We knew that this was hazardous. Sometimes we get the impression that we did not really know what we were doing. Yet I for one, and I think many people here, assumed that there might be some biological and chemical attacks against our troops, that taking Iraq was going to cost at least thousands if not tens of thousands of lives. Yet the results were remarkable. We gained control of Afghanistan and Iraq in a few months, and we lost less than 500 troops. I would say that a military accomplishment of this kind is pretty much unprecedented in military annals.

We also knew that securing the peace is always difficult. After World War I, after World War II, Kosovo, it was not easy at all; and it took a long time, and there was loss of life. Yet statements emanating from the Congress that we should pull out, that we should bring the troops home, that this war was created to boost the President's numbers, reading letters from those who have suffered loss or are discouraged, stating there is no plan for reconstruction, all encourage terrorists to believe that if they persist that we will fold, that we will lack the will and the resolve to win the war.

To not see this through is to dishonor the memory of every soldier lost and to render meaningless their families' suffering. To not see this through will leave Iraq open to Saddam's return and a betrayal of Iraqis who have helped. I am sure this is one thing that they all fear. It happened after the Gulf War. Many Iraqis who extended themselves to help the United States and allied forces suffered retribution. I think in the back of their minds is the idea that maybe this will happen again. The only satisfactory solution is to win. To lose will invite ever-increasing terrorism, and I think most people in this Chamber understand that.

To achieve victory in the swiftest possible manner with the least loss of life, this country and this Congress needs to stand united. We did so for a period of time after 9/11. This was the most encouraging period of my short tenure here in Congress. Because what I saw was that party loyalties and personal ambitions were put aside. I think the overwhelming motivation for everyone in this body was to simply serve their country the best that we could. Unity of purpose and a collective will to win will prevail. Division and second-guessing and finger-pointing and politicization will only serve to prolong the struggle and cause further loss of life and suffering.

From my perspective, failure is not an option. I hope the Congress can pull together. The threat is as real today as it was on 9/11.

HONORING NOVATO FIREFIGHTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise this evening to honor the memory of firefighter Steve Rucker, a resident of Novato, California, and to wish the speedy recovery of three other Novato firefighters: Captain Doug McDonald, Shawn Kreps, and Barrett Smith.

These four men were among the dozens of firefighters from my district who sped to Southern California to fight the recent fires that burned hundreds of thousands of acres. Yesterday I stood alongside Officer Rucker's colleagues, firefighters and police officers, and watched the mile-long procession that carried his casket down Highway 101 from the airport in Santa Rosa to his beloved city of Novato. My heart was filled with emotion as I watched the great sadness this community felt, the sadness and grief that comes with the death of a family member. But lingering in this grief, there was also pride, pride in recalling the life and heroism of one of their own.

□ 2000

These four firefighters served the Novato fire protection district. Novato is a prosperous place, a family town that touches San Francisco and reaches into the golden coastal hills. But the warm sun of Indian summer never lulls Novato firefighters. They know that the days before the rains come are the most dangerous time of the year throughout all of California. They also know that firefighters throughout the State are members of one large community, and when help is needed anywhere, they respond. So it was that without any contractual obligation, but out of compassion and comradeship that Shawn Kreps drove Novato fire engine 6162 all night a week ago Monday to join the fire lines at the Cedar fire more than 400 miles away. And so it was that Steve Rucker, Doug McDonald, Shawn Kreps, and Barrett Smith found themselves Wednesday on a back road 5 miles from the rural village of Julian, fighting to protect a scattering of homes.

Fire can be a fierce and swift enemy, and when flames suddenly threatened to engulf the men, all they could do was run for their lives. Steve Rucker did not make it. Apparently the intense heat of the fire seared his lungs, and when Captain McDonald went out to look for his friend, he too was critically burned.

Fortunately, Kreps and Smith suffered minor injuries, and I expect they will have many fires to fight in the future. Captain McDonald, however, remains hospitalized with serious burns, the wounds of a hero. My prayers go out to him and to his family.

It was too soon for 38-year-old Steve Rucker to leave this earth. He left behind a loving wife, Cathy; a 7-year-old daughter, Kirsten, a 3-year-old son, Wesley, and a home he had just built. His friends in the department knew Steve as ''the Ruckster,'' a cheerful, enthusiastic man ready to joke and laugh, a man they could count on to be a calm and competent firefighter and paramedic, a man who loved his job. He

was, according to his friend and colleague Tom Gaulke, ''a firefighter's firefighter.'' And yesterday when I stood with Steve's firefighting companions, they told me that Steve was the go-to person when they needed somebody in times like this. They needed his counsel yesterday and his support during their sorrow, but he was gone, and that is why they have such sorrow.

Twelve thousand firefighters battled the armies of flames that once threatened to burn from Southern California's mountains to the Pacific ocean. Steve Rucker was the only firefighter to die in this historical battle. In this he receives a measure of immortality. He stands for all of the brave men and women who unselfishly risk their lives to save others, whether facing a wall of flames on a rural back road or the billowing smoke of the World Trade Center.

Mr. Speaker, Steve Rucker was an irreplaceable man, but his family must go on with life without him. I wish them consolation in knowing that this man, son, husband, and father, died giving the gift of himself.

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore (Mr. KING of Iowa). Under a previous order of the House, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is recognized for 5 minutes.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, as a member of the Washington Waste Watchers and of this body, I feel it is my duty to bring to the public's attention instances of fraud, waste, and abuse. Such actions of fraud, waste, and abuse not only steal from the taxpayers, but also from the beneficiaries very much in need of the benefits. A perfect example of fraud, waste, and abuse is actually occurring right now in my district. In July, after 10 years of service, the Department of Labor decided not to award the contract for senior employment to the group called Experience Works. It is a not-for-profit organization that has been working extremely well with seniors. The Department instead decided to award the contract to the American Association of Retired Persons or AARP. One might think this might be okay.

The transition that I have seen for my seniors going from Experience Works to AARP has been deplorable. At least ten of my constituents call my offices every day with complaints of verbal abuse. Imagine that. AARP abusing seniors. Some have left meetings with AARP in tears. I can only imagine how any Member in here would feel if they received calls from senior constituents claiming that AARP is abusing them. What happened is AARP has instituted new policies that seniors in my area are simply not used to. They have decided that they are going to shuffle these senior employees, who, by the way, are earning $5.15 an hour, from job to job every 6 months, without exception, and many times without any warning. Today they are working for agency X; Monday they may be working for agency Y. It seems to me as if we did not learn from the shuffle game that we played with foster children. Nobody is nourished and nobody grows when we have a shuffling process where there is no continuity.

And, by the way, it is not just the seniors that I am hearing from. Many host agencies in the district are having problems as well. One of the agencies recently said that they have ''had it with AARP.'' A gerontologist contacted me who has been working with seniors, and he said that he actually witnessed this verbal abuse of seniors by an AARP staff member. AARP is ''looking into it.'' I am sorry, but that is not enough. There is not any reason why anyone should tolerate any employee who verbally abuses seniors.

I have also been working with the Department of Labor. AARP is not doing this out of the kindness of their heart. They receive $75 million for operation of the SCSEP employment program in 27 States and in Puerto Rico. By the way, that is up from the $52 million they received last year.

In the 10 years that I served as a Florida Senator and worked with Experience Works seniors, I never had one single complaint from my constituents, nor did I ever hear of any complaints from the time that I was elected. If AARP cannot spend taxpayer dollars that they receive helping seniors and working with the host agencies, I can think of a number of groups that certainly can accomplish this goal.

In addition to this case I cited in my district, I was also dismayed to learn that there was another Medicaid scandal happening in South Florida. Between 1999 and 2000, Medicaid actually paid roughly $2 million to dead beneficiaries. Most of these funds were distributed despite the fact that the department's database had the dates of the deaths already logged in. Simple fact, we have some fraudulent providers out there who are trying to bilk the system.

Another example of the waste, obviously, is the $600,000 that we are spending this year to have a blimp fly at sporting events to promote Medicare. I do not know of one senior out there who is not very familiar with Medicare.

When we look at all these expenditures, I know of lots of veterans back home who could suggest a lot better way to spend that taxpayer money.

Waste, fraud, and abuse throughout the Federal agencies is, obviously, decades old, and Republicans led by the gentleman from Iowa (Mr. NUSSLE), chairman of the Committee on the Budget, and President Bush are working to eliminate the culture of waste that exists at the Federal Government. As a Republican, I will work to reduce wasteful spending in the government and to protect everyone's tax dollars.

IN SUPPORT OF A HEALTH-MONITORING PROGRAM FOR FIREFIGHTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Mr. Speaker, I would first like to thank all the firefighters and public servants who worked so hard this past week to help combat the devastating wildfires that occurred all over southern California and the Inland Empire. On behalf of myself and the people of the 43rd California Congressional District, I say ''thank you.''

In southern California and the Inland Empire, we have witnessed devastation like we have never seen before. Homes were destroyed, properties were damaged, lives were lost. More than 740,000 acres were burned. Nearly 3,600 homes were lost and 20 people lost their lives. At one point, nearly 16,000 firefighters were battling the blazes at the peak of devastation.

When the highway patrol and I toured the fires in my district 1½ weeks ago, we went into the ruins where residents had been evacuated. We saw the devastation of the homes and felt an overwhelming heat and breathed in the thick smoke of the fire. It was hard for us to be there simply for a few hours, but our firefighters did this for weeks, round the clock, with very little rest. They battled the blazes, inhaled the fumes, while the entire time reaching out to the communities. When I was there with the firefighters, we would come out of the fires and people would instantly stop us. They would beg us to check if their homes were still standing. And do my colleagues know what the highway patrol and I did? We charged back to where the flames were to see if the homes were still there. Often, as many know, we simply found an address on a curb and no home.

But who was still there, fighting the fires and trying to save the homes? The firefighters. We owe a great deal of gratitude to the brave men and women who fought these devastating fires, our American heroes.

That is why I believe that we should make sure that they have access to health care that they need so they can go home to their families safe and healthy. We do not know what the long-term effects of exposure to the smoke and fumes will be to the firefighters who fought the blazes in California. But with early evaluation, monitoring, and analyzing, we can offer them better treatment, the treatment they deserve for putting their lives on the line.

That is why I have introduced a bill that will require the Department of Health and Human Services to work with local health experts to conduct long-term health monitoring on firefighters who have responded to the California wildfires. This bill will create a health-monitoring program for

the firefighters who respond to catastrophic Federal emergencies like we recently experienced in California.

I want the firefighters to have constant monitoring about their health. I want them to be able to have access to health care that they deserve. That is what my bill will do.

At least 15 studies have shown statistical links between brain cancer and firefighting. According to the Center to Protect Workers' Rights, firefighters often jeopardize their health when they respond to disaster. Often these disasters are so severe that their equipment cannot even protect them. The health consequences for these firefighters can be as great as cancer or heart disease.

In nearly all of these instances where firefighters have responded to Federal disaster, they have often been provided with very little or no health monitoring. This is wrong, and we must change it to make sure that there is monitoring.

Firefighters risk their lives protecting our property, our families, our way of life. They deserve better. We must have more resources devoted to monitoring firefighters after they respond to Federal emergencies when there is prolonged exposure to dangerous smoke, fumes, and chemicals.

A program like this was developed after the collapse of the World Trade Center. It has been very successful in identifying the health problems of those first responders.

□ 2015

Many of these firefighters at the World Trade Center suffered serious coughing illness after dealing with the wreckage of the towers. Thanks to monitoring programs, we can evaluate the health of these fire responders and get them the care that they need.

I want early detection for the men and women who responded to fires in California. I want them to be able to go back to their families safe and healthy. We must make sure that our firefighters are safe and healthy after they respond to a Federal disaster. We must make sure that we decrease such possible risk.

We owe a great gratitude to these brave men and women who fought the recent fires in California and the Inland Empire. Providing them adequate health care is the least we can do to say thanks to these American heroes.

ROOTING OUT WASTE, FRAUD AND ABUSE IN GOVERNMENT

The SPEAKER pro tempore (Mr. KING of Iowa). Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, my Washington Waste Watcher colleagues and I, Republican members of the freshman class, have come to the floor tonight to devise new and innovative ways for trimming the fat out of government. I believe we owe it to the American taxpayer to hold Washington bureaucrats accountable for wasteful spending and to discover new ways for reducing fraud in government at all levels. A great American from Ellijay, Georgia, Mr. Joe McCutchen, reminds me of this at least once a month.

Mr. Speaker, after spending 28 years as an OB–GYN doctor, it should be no surprise that part of my legislative agenda is to reorganize and revamp this Medicare program, which is currently responsible for billions of dollars of waste, fraud and abuse. The General Accounting Office has estimated that one of every 10 dollars is wasted because our current Medicare system is open to poor management and fraud. Dishonest individuals find new and more creative ways to cheat our Medicare system every day, burdening Americans with higher taxes, higher premiums, and higher copays.

For example, according to the Bureau of National Affairs in an April 25, 2003, article of ''Health Care Daily,'' a Florida woman was sentenced for her role in a scheme that allegedly billed Medicare and Medicaid more than $25 million worth of false claims for, get this, wheelchairs, alternating pressure mattresses, and other durable medical equipment; $25 million of taxpayer money that is lost and unrefundable, money that could have been used to improve our schools or aid our soldiers in Iraq or provide health care for the uninsured.

Another example comes from the Health and Human Services Inspector General report to Congress, April 2000. It was reported that Medicare paid an estimated $20.6 million for services that started after the posted death dates of certain recipients. My good friend and colleague, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), just a few minutes earlier mentioned the same thing. Of this amount, $8 million was paid, despite the fact the Department had already noted their deaths in the main database.

These are just examples of the mismanagement of time and resources that are costing Americans billions of dollars every year. In these times of war and emphasis on homeland security, we cannot afford to spend another dollar on wasteful programs, and we must save money by eradicating fraud against and within the Federal Government.

Mr. Speaker, it is time to restore responsibility and accountability to government programs by rooting out this waste, fraud and abuse in our government. I urge my colleagues to help pass needed Medicare reform.

REPUBLICAN EFFORT TO PRIVATIZE GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, I rise to discuss something I believe goes virtually unsaid in this institution every day, not merely the ramifications of what Congress does on a daily basis, but rather the underlying intentions of those in the majority. And that is how this majority, in concert with the administration, is acting to remake how our Nation governs and thinks of itself. Indeed, it is remaking the very role of government itself.

I think it is particularly appropriate that we discuss this matter at a time when Congress is heading toward its annual appropriations endgame, when many of the most important budgetary decisions affecting millions of citizens are being made behind closed doors by a handful in this Republican majority. So this week I am going to be talking about Republican efforts to privatize functions that are currently the responsibility of government and specifically how that relates to our failure to meet public commitments.

Let me be clear: the goal is not more government. Far from it. In most cases, we want our business enterprises and the market to flourish. But there are some very important areas where we want community values, not the market, to prevail or to set limits on behavior. There is a reason we have public schools, environmental regulation, and retirement programs, because there are things we want to ensure for all individuals, whatever their station in life or wherever they live in the country.

For nearly 75 years, our approach to government has reflected the idea that our society can act with a shared sense of purpose and responsibility to address tasks before our country. But it is no secret that this leadership has some very different ideas about the role of the Federal Government and helping us meet those challenges. Accordingly, the budget Republicans put forward earlier this year was designed simply and efficiently to destroy the capacity and obligation of the government to provide key social support. Their plans are to debase the quality of public services so much that citizens will give up and turn, out of necessity, to the private market.

The examples are many, and they are far-reaching. The twin pillars of our retirement security safety net, Social Security and Medicare, environmental protection, transportation safety, education, all public commitments historically the responsibility of the Federal Government, all undermined by this administration and majority.

Republicans pass legislation to create new tests and higher standards for public schools, then support a budget that cuts the funding to enforce those standards by $8 billion, in effect guaranteeing failure and providing a justification for the shift to vouchers and private education.

Their Medicare plans offer prescription drug coverage for seniors, but moves seniors into the private insurance market and into HMOs for their Medicare coverage. The budget cuts

coverage for Medicare at the same time the administration reduces hospital reimbursements, denies beneficiaries information on coverage and limits rights of appeal on denial of coverage. All are part of a concerted effort to turn Medicare into essentially a Third World health program for seniors. They want to privatize Medicare.

The story with Medicaid, child care, Head Start, and job training is little different. They propose to turn these programs into block grants for States, offering less and less funding. They say they are offering Governors flexibility; but considering the fiscal crises our States are experiencing, this becomes flexibility only in deciding how to cut services, the flexibility to decide which recipients to jettison.

As a Member of the Committee on the Budget, I was privy earlier this year to witness Republicans on the committee taking the breathtaking step of instructing other congressional committees to cut Federal mandatory programs by $98 billion, in effect an instruction to reduce benefits and to limit eligibility. If it had been successful, it would have forced the government to cut funding, but not to end the commitment that we have in each of these areas.

So although America has committed itself to helping disabled veterans, to providing loans for college education, to offering school lunches to children and providing school assistance, housing and health care to families, the government would have been forced to breach those commitments and those contracts.

Now as we near the appropriations end game, we are seeing the impact of these budgetary sleights of hand. For example, last week we saw the imminent privatization of 69 air traffic control towers. This despite the fact we have the most productive and safest air traffic control system in the world.

Or ''worker efficiency studies'' at Department of the Interior designed to justify the shift of public jobs to private corporations, the results of which studies have been dubious, to say the least. We have spent $16 million in outsourcing studies at the Bureau of Land Management that have generated $600,000 in savings; $18.6 million in outsourcing studies at the Forest Service that found that 47 out of 1,000 jobs studied should be handed over to private contractors. The only waste of public funds found in these studies was their own price tags.

And these are but two examples of Republicans seeking to establish that citizens cannot depend on public commitments—even ones that embody America's shared values about service to country, opportunity and help for those most in need.

The time has come to call them out on this bait-and-switch maneuver—to fight this initiative and promote the capacity of our country to act together on our shared values. And so I look forward to further special orders in the coming days and weeks on this subject, and invite colleagues on both sides of the aisle to join me in this discussion. I think it will be a very enlightening one, indeed.

Mr. Speaker, I will continue over the next several days and several weeks to talk about how this administration and this majority is not about cutting one program after another, but, in fact, starving the Federal Government of the resources it needs in order to meet its public commitments.

CUTTING BENEFITS FOR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, soon we will be observing Veterans' Day in our Nation; and there will be parades, pictures will be taken, and flowery speeches will be made. But I want to just point out to my colleagues here in the House and to those who may be watching what the record is in terms of veterans and veterans funding and veterans health care.

In 2002, the Veterans Administration decided that they were going to raise the cost of a prescription drug that a veteran would have to pay from $2 to $7 a prescription. At the time I thought that was outrageous, because many of the veterans that I represent take 10 or more prescriptions a month; and I felt like that was an unnecessary burden, financial burden, to place upon our veterans.

But there is a pattern of actions that have been taken by this administration that I think I would call shameful as far as the treatment of veterans is concerned, because following this increase in the cost of a prescription drug, the VA issued a gag order. They literally changed VA policy. They sent out a memo that went out to all the health care providers across our country, the doctors and nurses and social workers who work in our VA clinics, and they forbade them to continue to proactively inform veterans of what benefits they were legally entitled to receive. The memo was very specific. It told these health care providers that they could no longer participate in a community health fair, they could no longer send out newsletters informing veterans of the benefits that they were entitled to, they could no longer make public service announcements.

Now, think of that. Here is this agency of the Federal Government, under this President, an agency that is supposed to be looking out for the welfare of veterans, literally forbidding the health care providers in our VA facilities from informing veterans in a proactive manner of the benefits they were entitled to receive under the law.

Well, not long after they issued this gag order, the VA made a decision that they were going to exclude an entire group of veterans from VA health care. They called this new category of veterans Priority 8. You can be a Priority 8 veteran and be a combat-decorated veteran; but if you have an illness that is not service-connected and if your income is deemed to be too much, and in this case it can be as little as $24,000 a year, you are told by the VA, you are out of here. We do not want you coming to us for medical care. You are excluded. You are a Priority 8 veteran. Pretty pathetic. All of this is happening, by the way, under the Presidency of George W. Bush.

Then in January the President sent his budget to the Congress, and in his budget he asked that the cost of a prescription drug be increased from $7 to $15 a prescription. Think of that. At a time when we were getting ready to send our young men and women into war, the President wants to increase the copayment for a prescription from $7 to $15. His budget also asked that a new first-time enrollment fee be imposed upon veterans, Priority 7 and 8 veterans, an enrollment fee of $250.

You can see the pattern. It is a pattern of neglect and, I believe, abuse of veterans.

Then we could talk about the disabled veterans tax. The country is becoming aware that if a veteran has served 20 years, he or she is entitled to a retirement benefit; and if they are injured as a result of their military service, they are entitled to disability benefits, but they cannot receive both.

□ 2030

But they cannot receive both. Now, if they were in any other part of the Federal Government, they would get both. But if you are a veteran, for every dollar in disability benefit you get, you lose a dollar in pension. In other words, veterans are being required to fund their own disability compensation. We tried to correct that in the House and Senate, but the President put out a veto threat that if this was in the bill, if this correction was in the bill, he would veto it.

Then there is a matter of VA funding for this year. It is $1.8 billion short of what this House promised. We need $1.8 billion additional dollars in VA funding simply to maintain the current level of VA health care services, but the Republican leadership and the President say no. So the Senate, just last week, passed an amendment to increase VA funding, not by the full $1.8 billion, but by $1.3 billion, and they wanted to take it out of that $87 billion that is being provided for Iraq. The same day, the White House put out a statement saying they oppose this.

I think the veterans of this country are coming to understand that they are being treated in a shabby and a shameless manner.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BERRY) is recognized for 5 minutes.

(Mr. BERRY 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.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

(Mr. EDWARDS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Texas (Mr. EDWARDS).

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

There was no objection.

BUSH ADMINISTRATION SHOULD REEVALUATE SPENDING PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tonight, several Members on the Republican side of the aisle gave 5-minute Special Orders on government waste, while today's New York Times talks about the war in Iraq and the difficulty that the Bush administration is facing in managing that war and in restoring Iraq's economy. Now, I do not think most Americans thought when we went into Iraq that we were supposed to restore the economy, but there has been a great deal of mission creep, obviously, and with no stability there and, with no security, investment does not happen. Of course, it is not a free-enterprise economy, and a lot of their former businesses and State-owned companies are in trouble.

This particular article talks about a shoe company that would fashion leather and finish shoes. Thousands of people there are without work as a result of the war and the bad conditions. So the Bush administration is taking cash and paying over 2,000 workers in just that company; imagine how many companies there are in Iraq, just to kind of ''buy the peace'' so that there is not more unrest.

Meanwhile, here in Congress, about a week ago, we tried to get a bill passed that would give $1,500 to each of our soldiers' families who are in combat in Iraq and Afghanistan. Guess what? The very same Republican party that is handing out $100 bills in Iraq forced the defeat of that measure offered by the gentleman from Michigan (Mr. STUPAK) here in the House. Very interesting priorities, in my opinion, and absolutely wrong.

Now, last Friday, President Bush came to Ohio, our State, and I thought he might be coming to stop the loss of jobs, because that particular day there had been an announcement of another 525 jobs, this time Federal jobs, that had to do with the Department of Defense that were being taken out of Cleveland, Ohio. The President did not say anything about those jobs when he came. He probably did not want to because his own Department of Defense made a big mistake. They took these Federal jobs that had been with the Defense Finance Accounting Service at the Department of Defense through the Cleveland office, and they decided they were going to move them to Texas. They said, we are going to contract these jobs out. Now, did they provide the workers in Cleveland with the same kind of money they are providing to the workers in Iraq? No.

What they did was they moved the jobs to Dallas, Texas because they contracted out the jobs to a company, and I want to get the name of the private company correctly here; oh, Dallas-based Affiliated Computer Services. The President said he was going to save money by contracting out these Federal jobs. But do my colleagues know what? They made a big mistake, because the government workers actually saved the taxpayers $20 million. The subcontractors that the President hired in Texas and, gee, is that a coincidence, is going to cost the taxpayers of our country 20 million more dollars, not less dollars. It is funny that it was in Texas. While the President was in Ohio, while our jobs were leaving for Texas and costing the taxpayers of our country $20 million more, the President took down a cool $1.2 billion in Columbus, Ohio for his campaign. He bagged a cool million in Ohio, a little bit over $1 million. Then he went to Texas and took $1.4 million down there in a big fund-raiser. Very interesting.

Now, he was in California, I think it was yesterday, and he stood in front of people's homes that have had their properties burned to the ground. Unlike Iraq, he did not hand out any money; he just sympathized, empathized with the people and said they would get FEMA loans. Give them loans in California. And then he proceeded, while these people have just lost everything and they are getting loans from FEMA, to talk about Iraq and the $87 billion that he is going to spend in Iraq.

What I really want to know from President Bush is, how are we going to know, as the American people, when we have won in Iraq?

Now, back in May, I think the President got on a ship and it said, ''mission accomplished.'' So the American people thought things were winding down. Well, they were just beginning. We have now lost more troops in Iraq than before the President stood in front of the sign that said ''mission accomplished,'' and I want to know how will we know when we have won? When we have trained 200,000 Iraqi police to keep the security in the country? At what level will we have to have their force in order to know that we have to leave? Will we have won when we finally find Saddam Hussein? Will we have won when Iraq holds their own elections next year? Will we have won when we assure ourselves that there are no weapons of mass destruction? The President already said when Hurricane Isabel hit the East Coast here and captured all the headlines, there was a story that was buried in the paper where he said: Well, there were not any weapons of mass destruction. But that is why we went in.

So I would like to ask the President, please, tell us what the exit strategy is. How will we know when we win in Iraq, and how much is it going to cost us?

$87 BILLION BETTER SPENT IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, the Senate on a voice vote yesterday, kind of pathetic, voted to borrow $87 billion from the American people for the conflict in Iraq. A substantial portion of that is to go to rebuild, or build, not rebuild, build the infrastructure of Iraq. As the gentlewoman from Ohio said, some of it is going to pay Iraqis for make-work or no-show jobs when we cannot get unemployment benefits for Americans here. If we took that money and we divided it up, there are 435 of us here in the House of Representatives, and we divided it up among our congressional districts, that would be $220 million per congressional district.

Now, my district has just about the highest rate of unemployment in the United States. My State has the highest rate of unemployment, my district and the gentleman from Oregon's (Mr. WALDEN) are unfortunately right up there in the State. Mr. Speaker, $22 million could mean a lot for us. It could put a lot of people to work.

Albany, Oregon, under Federal mandate, is going to borrow money to build a new water system. Of course, we are going to give $50 million to Iraq to build a new water system for one city. Sweet Home, Oregon, same thing. Federal mandate. They can borrow some money, but we are going to give money to Iraq to build them new water systems.

My port of Port Orifice sewage system, fell into the ocean after a big storm. Problem. The Federal Government says this depressed little coastal community, they will lend them some money to help them do that project; lend them some money. But, in Iraq, we are going to give them new sewer systems. The American people are borrowing money to build these projects

in Iraq with no prospect of being repaid under the leadership of President Bush.

We could also, with the same $220 million, guarantee my coastal ports, which were zeroed out in the President's budget for continued dredging maintenance, we could dredge those ports for 5 years. We still have not spent $220 million yet. We are working on it. This is just one district. Just imagine what this would mean across the United States of America if every Member of Congress got to take that $220 million home instead of sending it over to this deep pit in Iraq.

We could give 1,000 students full tuition, room and board at the University of Oregon or Oregon State in my district; 10,000 community college scholarships. Instead of them having to borrow money from the Federal Government, we could have given them scholarships. This is just one congressional district. We could give thousands, more than 10,000 students full tuition, a free ride for the year. We could put thousands to work on infrastructure projects meeting Federal mandates. That is just one congressional district. Imagine if that were repeated across the United States of America. If only the President would borrow money to invest here, or even spend money like the unemployment trust fund.

Now, since this $87 billion that was borrowed or authorized yesterday by the Senate, the President will probably sign the bill soon, following the $79 billion that we borrowed last April which is not yet spent, we have to wonder, what is the plan? The plan was to vote on borrowing another $87 billion before they spent the $79 billion. And so what are we going to do to bring stability? Well, now they say what they are going to do is train Iraqis. Now, on September 5, Donald Rumsfeld said there were 55,000 Iraqis all told, including security guards, et cetera, trained. Since then the estimates of the Iraqi forces have grown at the rate that would mean they have trained 1,000 people a day. Wow. Must be some program. Unfortunately, they have not yet begun the $1.2 billion program to train Iraqis in Jordan to become police and security. Yes, that is right. We are going to pay $1.2 billion. The French and the Germans offered to do it for free, and they are good at training people do to that, but God forbid that we should save the American taxpayers $1.2 billion and take something from the French and Germans that they are good at. So the Jordanians and, of course, we know they are really good at this, are going to be training the Iraqis to become police. But somehow, magically the numbers keep going on up. It is like zip, zip, zip.

Then last week Deputy Defense Secretary Paul Wolfowitz speaking in Georgetown raised that figure to 90,000. Three days later Rumsfeld said 100,000.

Now, how is this happening? Do we think this is really happening? Do we think we can believe these folks? Now remember, these are the same people who told us, this is a country that can afford to rebuild itself and pay for its own reconstruction, and soon. That is what we were told. That is what the American people were told. They would be waving little flags, welcoming us as victors. Our kids do not have the flak jackets they need because Rummy said there would only be 30,000 Americans there by now, and we have more than 30,000 flak jackets. They have planned miserably.

I would recommend to my colleagues and everybody, Blueprint for a Mess from the New York Times on Sunday, November 2, New York Times magazine, the best compilation of the total abysmal failure to plan and, in fact, to reject planning for the postwar Iraq by this administration.

ECONOMY SUFFERS UNDER BUSH ADMINISTRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from South Carolina (Mr. SPRATT) is recognized for 60 minutes as the designee of the minority leader.

Mr. SPRATT. Mr. Speaker, last week, the Commerce Department released the growth rate for the third quarter. It was good news, welcome news, the kind of news we can all cheer. According to the Commerce Department, the economy grew at a rate of 7.2 percent in the third quarter this year.

Now, we all doubt, the President and all the rest of us, that this pace can be sustained, but we all hope that it signals the start of a strong recovery because, Mr. Speaker, it has been a long time coming.

Most Americans will be surprised to hear it, but this economy officially moved out of recession 2 years ago, November 2001.

□ 2045

And yet for 3 solid years, ever since even the recovery from the recession, the official recovery, the economy has continued to creep along, to scrape bottom.

All together, we have had a net job loss in the private sector since 2001 of 3.2 million jobs; 3.2 million jobs have been lost; 2.6 to 2.7 million of those jobs have been lost in manufacturing, some of the best jobs we have got. And I am afraid some of those jobs are not coming back, even if the economy recovers.

So before anybody hangs out a ''mission accomplished'' banner over this economy, I think it is important we recognize tonight and henceforth that there is a lot left to be done.

Here in a nutshell is what this administration has been able to accomplish, or not accomplish, on its watch with respect to the budget and the economy since January of 2001, things that still cry out for correction, notwithstanding the growth rate that we are experiencing right now.

This chart shows that the private sector has shed 3.2 million jobs. That is the worst job record since the Hoover administration, the Great Depression. Long-term unemployment, that is, people who are unemployed for 6 months or more, has tripled. That is when it really begins to get tough. The growth in the economy over the last 3 years, it has grown, it has not been all recession, but the growth has been 2.1 percent on average for 3 straight years. There is only one administration in history who has a worse record than that, that is George Walker Herbert Bush in the 1990s, early 1990s.

Real business investment, that is investment in productive assets, business assets that generate jobs and generate profits, has fallen 6.6 percent a year, the worst rate for real business investment since the Second World War.

And our other deficit, the so-called balance-the-payments deficit, the trade gap, has also increased by $100 billion over the last 3 years.

Let me just show you in further detail more about what has happened to the economy. Growth during this administration, 2.1 percent for the last 3 years. As I said, to find an administration with a worse record since the beginning of the Truman administration, the end of the Second World War, you only go back to the Bush administration. Every other administration has experienced better growth than that.

The unemployment rate has increased from 6 million people to 8 million people. You can see from this chart what has happened to unemployment. It has gone from 4 percent to as high as 6.5 percent and now rests at around 6.1 percent, persistent unemployment, even though we pulled out of the recession.

Let me make that point more clearly. As I said earlier, the economy pulled out of recession in November of 2001. Now, in all of the postwar recessions since the end of the Second World War, if you measure them in jobs lost and jobs recovered, from peak to peak the length of the business cycle downturn has been about 26, 27 months. And here you see that average recession plotted on this chart. You also see across the bottom the red line which indicates the path of this recession. Typically, in every other recession of nine that have occurred since the end of the Second World War at about the 13th, 14th month, you begin to see the job recovery. We begin to regain the jobs that we have lost in the first 13 months. And by the 25th or 26th month we are back to where we were a couple of years before, the jobs have been restored.

But look what has happened here. In the 13th, 14th, 15th month of this recession, this red line keeps going down. It does not turn up. And this is where we are right now today in November of 2003, barely holding our own, hardly improving at all over the dismal loss of 3.2 million jobs over the last 3 years. That is what is happening to jobs in

our economy. That is why this is a jobless recovery. That is not just a turn of phrase, that is not just some rhetorical creation. This is a jobless and a joyless recovery. That is why the people in this country have not felt the recovery even now officially when we did recover in November of 2001.

Now, one of the concerns that we all have when you look at this 7.2 percent growth rate is that it represents one quarter. You have to ask yourself what does the future hold? We hope that this means that the economy as a whole is beginning to pick up. But we have, I think, reason to be worried about the long-run future, not the next several months, not the next quarter, not the next year, but 3 years from now, 10 years from now, 15 years from now when we look at what it has cost to turn this economy around and in terms of tax cuts.

The Bush administration is sure to credit what has happened to the tax cuts that it has implemented, three different series of tax cuts over the last 3 years, totalling about $3 trillion in all in revenue reduction. And they say that this has been the key factor in turning the economy around. Of course, it has played a significant part, I am sure. But we argued all along that this same level of stimulus could be achieved with a lot less damage to the long-term budget, that you could have short-term stimulus with the right tax cuts and still have long-term balance. And that is where the Bush administration comes up short.

Because you will see that in running the budget, running this economy, in trying to deal with the recession, in putting through ahead of everything else preemptively its series of three tax cuts we have seen here this red line here the most precipitous decline, the most drastic reversal in the fiscal fortunes of the United States since at least the Second World War, maybe since Woodrow Wilson. It has just been a tremendous decrease.

Here in a nutshell is what has happened. In the year 2000, fiscal year 2000, the Government of the United States booked a surplus of $236 billion. That was 4 years ago. Hard to believe, but we had a surplus 4 years ago of $236 billion. Three years ago the Bush administration came to office with an advantage that few administrations in history, none in this country, have enjoyed and that is a budget surplus, bigtime surplus. And they had some major decisions to make, but they went first and foremost with their tax cuts.

Their economists looked out over the next 10 years, and they foresaw surpluses totalling $5.6 trillion between 2002 and 2011. In 3 years they have changed that picture from a cumulative surplus of $5.6 trillion to a cumulative deficit of nearly $4 trillion, 3.5 to $4 trillion if you simply assume that what we know to be on the Bush agenda is implemented and carried out over that period of time with respect to prescription drugs, with respect to the war in Iraq, with respect to other tax cuts which it is still calling for.

And when you factor that all in, we see not a surplus of $5.6 trillion but a deficit of 3.5 to $4 trillion. And that is the question we would like to address tonight.

We are pleased, we are excited, we are hopeful to see the 7.8 percent growth rate that the economy racked up in the last quarter. But we have to stand back and ask ourselves at what cost have we come, what long-term damage have we done to the budget in getting here.

Let me show you one little piece of math that everybody can understand. If you take the tax cuts that have been implemented to date and look just at the cumulative cost in terms of revenues lost to date, which is about $860 billion, and you divide that by the jobs that the Treasury Department, the Commerce Department claims have been created during this period of time so that we would have had, they say, 5.2 million jobs lost but for the tax cuts, instead of 3.2 million jobs lost we would have 5 million but for the fact that these tax cuts have actually generated a total of 2 million jobs, divide the cost of the tax cuts through this year by the jobs created, it comes to $3,420,000 per job in terms of revenues lost to the Treasury. That is the situation we want to talk to you about tonight.

Where are we going? The budgets that have been produced here, the deficits that have been generated over the last 3 years have been generated with an attitude almost of indifference to the bottom line as if the deficits being run were not consequential, as if they will be wiped out, which we know they will not. All the forecasts of the deficits we will talk about tonight assume that the economy will be growing at 3 percent and we are still accumulating deficits of 3 to $4 trillion despite that rate of growth. But they, nevertheless, have been incurred without any kind of sense of urgency or consequential effects.

It seems to be that those who are overseeing this budget believe that these numbers are not consequential. We believe, those of us here in this Chamber, those on this side of the aisle, and many in this House, we believe those numbers are consequential and they will affect our future and that once we get this economy up and running and on its feet again, it is going to hit hurdle after hurdle as it has to deal with the fact that these huge deficits are there, record deficits, 3, 4, $500 billion a year.

They will have several different effects on our economy. One is the government itself will have to pay more interest every year, bigger and bigger sums in interest, so eventually we will have to raise taxes to pay just interest. That creates cynicism in the American public because they are paying taxes to their government and seeing nothing in return for it, just interest payments.

And, secondly, when the government goes into the open markets to finance its 4 or $500 billion deficits every year, it crowds out private borrowers and runs up the costs of capital.

What are the consequences in the long run of the policies we have been pursuing for the last 3 years? That is the question we pose tonight.

Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN) to respond to the issues we have just raised.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT) for leading this Special Order tonight to call attention to the misrepresentations and the consequences that follow on this country as a result of the disastrous economic policies pursued by this administration.

One good quarter of economic growth is something to celebrate because we have had so many bad quarters, but it is not an answer to what has gone before. The truth is that the administration of George W. Bush has done more damage to this country in a shorter period of time than any administration in my lifetime, largely because it has pursued economic policies that are reckless and irrational.

Let me call up one chart here that I think will be helpful. The line at the bottom of this chart shows the total surplus or deficit without Social Security or Medicare over the last several administrations. What you can see is how the deficit, the non-Social Security deficit exploded during the Reagan and Bush years. And then as President Clinton came to office and instilled a greater sense of fiscal discipline, we drove that deficit down every year until finally we had a surplus.

But no sooner had President Bush taken office than he immediately enacted very large tax cuts and drove us back into deficit again. That kind of record, that kind of policy has a consequence for jobs, because this President has racked up the worst private sector job growth record since World War II. Only in the second administration of Dwight D. Eisenhower has there ever been negative job growth during a Presidential term. But today, 1 year from completion of President Bush's term, we are down 3.2 million jobs in this country. And that is the worst record for any President since the Great Depression.

What we need in this country is to get back to a sense of fiscal discipline so that we are not having the Federal Government suck up all the revenues that need to go to the private sector, that need to go to investment in this particular country.

□ 2100

We had Members down here earlier from the other side of the aisle, and those Members were saying that there is waste, fraud and abuse in the Federal Government; and surely there is. But Medicare remains the most efficient deliverer of health care services

in this country. Medicare does not pay multimillion dollar salaries to its executives, and Medicare is able to hold down the price of those health care services that are so important to people here.

What we have in this country today is a neglect of basic principles of the management of the Federal budget, and it seems to me that there is a lot more going on here than simply the inability to pay attention. It seems clear that this third tax cut passed in 2003 can only be explained as an effort to drive down Federal revenues to a point where we are not able, as a country, to preserve Medicare as we know it and to preserve Social Security as we know it.

In conclusion, I would call to mind on that point what the chairman, the Republican chairman of the Committee on Ways and Means said the other day when asked on television. Someone said to him in a television interview: Will not this Medicare bill that you are working on destroy Medicare? And he said, I certainly hope so because fee-for-service Medicare is outmoded and not good for the American people.

It is the only program we have. What is going on here is, in my opinion, a systematic effort to undermine the Federal budget so that these programs that are in many ways the great achievement of the last half of the 20th century will be not able to be continued in their current form.

We need to return to fiscal discipline. We need a concentration on jobs for ordinary Americans instead of tax cuts for the wealthiest Americans, and then maybe we can get this country back on track.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I want to thank the distinguished gentleman from South Carolina (Mr. SPRATT) for the wonderful work he does as our ranking member on the Committee on the Budget. I will be followed in just a few minutes by the distinguished gentleman from Texas (Mr. STENHOLM), who has served on the Committee on the Budget. He has been a deficit hawk and a debt hawk and a very responsible person with this country's money for a long, long time, and I want to publicly acknowledge the great work that both these gentlemen have done and tell them how much the rest of us appreciate it.

I can state that to be here this evening talking about this very issue is a heartbreaking thing for me, Mr. Speaker. I came here in 1993, shortly after the historic vote when they changed the course of the economy in this country with only Democratic votes to pass the economic recovery plan of then-President Bill Clinton. I was part of the Clinton administration. I know how hard it was to reduce spending, and we did reduce spending. And we continued to reduce spending until we had the budget in balance with the help of both of these gentlemen. I know how difficult it was to achieve that.

We reduced the number of Federal employees by 20 percent. And it was a hard thing to do. And yet, the President now says, this current President, he comes in, he squanders the surplus, and he says: We are going to stay the course. We are going to keep doing what we have already done that has been such a disaster. I guess what he means is, as near as I can tell, he is going to cut taxes on the wealthiest people in this country some more.

There is nothing in the minority we can do about it. The Republicans have the White House. They have the House. They have the Senate. They can pass whatever they want to pass. But I can tell you where I come from, Mr. Speaker, it seems to me that some people they just do not know a good deal from a bad one, and we have obviously been given a bad deal.

Let us look at the record, and it will be talked about over and over and over. We are not able to fund education. We cannot fund veterans benefits; we have to cut them. There are 3.2 million lost jobs, and we are losing more every day. There is a $5.6 trillion surplus that was inherited by this administration that has just, simply, been squandered. Two million people that do not have health insurance. This is the plan that we are going to stay with. And it is a heartbreaking thing because we did have a surplus when this President came into office.

Now, I find the other gentlemen from across the aisle this evening, they were talking about we had wasteful spending, and they had found places where the government had not spent the taxpayers' dollars very wisely, and I do not think we ought to do that either. I agree with that. But the sad part of this story is if we did away with the whole department that they were talking about, we could not balance the budget. If we did away with an entire Department of Defense, Department of Transportation, Department of Education, and the list goes on and on, we could not balance the budget.

The budget is so far out of whack that we would not salvage anything but about 15 or 20 percent of the discretionary spending. If we tried to balance the budget, that is all we would have.

The wasteful spending they talk about is shameful, but at the same time it does not even come close to addressing the problem. We need to understand the magnitude of this problem.

The Concord Coalition says that if we were to balance a budget within the next 10 years, we would have to cut Social Security benefits by 60 percent, we would have to cut the Department of Defense by 73 percent, and those massive Draconian cuts go on and on and on. And this is what the President says that he is going to stay with, the plan. He is committed to his economic plan.

At some point, Mr. Speaker, you have got to recognize a bad deal when you have one and deal with it in an appropriate fashion. We simply cannot afford to continue to do this as a Nation. I am sure our Founding Fathers would be horrified at this. I am horrified by it. But the most heartbreaking thing that I find, and that I feel when I see this happen, is the fact that we are passing it on to our children and grandchildren.

Why would any responsible adult do this to their children and grandchildren? We are putting a tax on our children and grandchildren that they will not have a choice about. They will have to pay exorbitant taxes just to pay the interest on the debt, not to pay the debt off. And also I cannot forget the fact that our troops are on the battlefield losing their lives, making enormous sacrifices, in some cases the greatest sacrifice; and those that are lucky enough to return will have to go to work to help pay the interest on the debt where we borrowed the money while they were in battle. And they will have to help pay off the interest and the debt that we have incurred in such an irresponsible way. I think that is a heartbreaking set of facts.

I think that it is absolutely unacceptable that we would allow this to happen to the next generations. I thank the gentleman from South Carolina (Mr. SPRATT) for his leadership in this matter.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank my colleague for his leadership, and I wanted to just expand on what was said.

President Bush in the State of the Union address, and then later on, made a comment that I strongly agree with, in principle, but not in the way he has put it into practice. The President said, ''See, I ran for office to solve problems, not to pass them onto future Presidents and future generations.''

That is with merit to say that. But what has he, in fact, done?

This is the budget outlook under the current Republican policies. And I want to call your attention to a couple of things, and I know it is something that the gentleman from South Carolina (Mr. SPRATT) raised before.

Virtually every Member of this body voted to put Social Security and Medicare in a lockbox. The President said he would put it in a lockbox. But what he did not say is he would keep the key to that lockbox in his back pocket and if budget numbers look bad, he would open up to lockbox and borrow from it to make his deficit projections look smaller.

The gentleman from Arkansas (Mr. BERRY) pointed out that the deficit is so great under this administration that we could completely eliminate the Department of Education, the National Institute of Health, the National Park Service, transportation funding at the Federal level and a host of other programs, lock up the National Parks,

shut down all the research at the National Institute of Health, and we are still not out of deficit.

When the President and the leadership of the Republican party say we have a $400 billion deficit, what they are not telling you is we are borrowing hundreds of billions more from Social Security and Medicare. That debt is going to come due at precisely the time that the tax breaks these folks have passed expand.

Our friends would have you believe that Democrats want to raise taxes. That is not true. In fact, this party offered a number of constructive and responsible tax breaks. But what we do believe is we should not pass debt onto our kids.

Let us look at the debt we are putting on. You hear about all of $400 billion debt or $400 billion deficit or a $500 billion deficit, and the Republicans would have you believe, well, it is not so much. It is a percentage of gross domestic product. But the American people have more sense than that. The American people understand that even in Washington, D.C., $400 billion is a lot of money. And they also know that it adds up year after year after year.

Look at this chart. This chart shows the cumulative effects of the Bush deficit and the Republican Congress deficit, because make no mistake about it, the fiscal policies in play in this country right now are solely, solely the responsibility of the Republican majority because they control the House of Representatives, the Senate of the United States, and the Presidency. And their deficit adds up to $7 trillion more debt over the next 10 years. They will double, effectively double the debt in just 10 years. And that is a debt our children are going to have to pay. I would submit to you that this is not an economic policy. It is a Ponzi scheme. Ponzi schemes are outlawed because they do not work, because you promise people things that they cannot deliver, and that is what this budget does. They would have you believe it is going to recover magically. The growth fairy will come save us.

I will state that in April I gave a speech, and I said we should be aware, and we should hope that the economy is going to recover because, quite frankly, if you give me 2 percent interest rates or any President 2 percent interest rates for a period of a couple of years, and if you pump in a trillion dollars of deficit spending, just like if Disney dads whip out the credit cards and buy their kids all kinds of treats, you will think the economy has gotten better. But the long-term cost of that short-term celebration will be paid by our children and that is not responsible. That is not conservative and that is not compassionate.

The American people deserve to know the truth. I applaud the gentleman from South Carolina (Mr. SPRATT) for being able to tell them the truth and my good friend, the gentleman from Texas (Mr. STENHOLM) who has been a leader on this.

Mr. SPRATT. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. BISHOP of Utah). The gentleman has approximately 30 minutes.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding to me. I think it is particularly important to point out that the gentleman here is from South Carolina.

A few weeks ago we had a hurricane called Isabel that was heading in on the East Coast, and the folks from South Carolina, North Carolina and Virginia began to plan for that hurricane because through modern technology, we can see it coming through, and we followed it. And there were a lot of homes that were boarded up. There were a lot of preparations made, a lot of batteries were bought and other supplies were bought preparing for what we could see coming.

It is amazing to me that the majority party in this House refused to acknowledge the coming perfect storm. The perfect storm of fiscal deficit, now as far as the eye can see, of 400, $500 billion, trade deficits as far as the eye can see, $500 billion this year and growing, and these are the jobs that we are losing, the exporting of the jobs that are occurring.

□ 2115

That is happening under current policy and then the third component of this perfect storm, the upcoming baby boom generation that will begin retiring in 2011. We know that is going to hit all 50 States. It is not going to pick out Virginia or North Carolina. It is going to hit all 50 States, and what are we doing in this body to prepare for it today? Zero. In fact, worse than nothing we are doing. We are digging the hole deeper.

Fiscal deficits now do not matter anymore, and it is amazing to me, someone who has been around here and used to vote with my friends on the other side for attempting to bring fiscal responsibility to this body, we are now told deficits do not matter anymore. Oh, they are tried to be explained away as a percent of gross domestic product. The last one we come in with was $374 billion deficit last year; and folks say, hey, good news, it is less than the 450 we projected last July. And we are supposed to rejoice? The 374 happens to be the biggest deficit in this history of our country. Amazing.

Another little perspective perhaps that people might begin to pay attention in this body is who I am talking to. It took this country 204 years to borrow the first $1 trillion. In the first 2½ years of this administration, we borrowed another $1 trillion. In the next year and a half, we are going to borrow another $1 trillion. I would hope with $1 trillion we could get one quarter of 7.2 percent gross domestic product increase. I would hope that because as we saw on my colleague's chart a moment ago, the math on this does not add up to being good business practices.

Oh, when we start down this line, how many times have we heard somebody say, well, if only Congress would control spending. There are still a lot of folks out there, particularly on the talk radio shows, still blaming it on Democrats. Well, we have been in the minority for 8 years in this body, and let me give my colleagues the record of the last 8 years of Republicans in the Congress.

Spending went up 6.5 percent per year compared to an average 1.6 percent in the previous 8 years. Now, I happen to agree that we have got to constrain spending. I have promised on this floor, and again, tonight, I will, to the best of my ability and knowledge, not vote for one penny more spending than President Bush asked us to spend, period; but let us stop blaming spending unless my colleagues are willing to control spending, and that means all spending. We cannot just pick out that which we like, because in the economy it is all spending.

I happen to be personally of the opinion that it is worse policy to borrow and spend than it is to tax and spend; and I say that because when we tax and spend, the voters take it out on us; but when we borrow and spend, the voters are still in diapers, and they cannot take it out on us. Therefore, it is easy to borrow and spend to get through the next election; but then somebody's got to pay the piper, and boy, the hole we are digging is getting deeper and deeper.

My friends and colleagues on both sides of the aisle and Mr. President and this administration, the perfect storm is gathering. The idea that we can borrow at the rate we are borrowing and spend at the rate we are spending and not have somebody pay the piper is redefining basic economics.

The trade deficit is the second leg of that perfect storm, and the baby boomers are going to begin retiring in 2011, guaranteed. What are we doing? Tax cut a week. Tax cut a month. New economics. Dig the hole deeper. Well, I do not know whether it was Confucius or Garfield that first uttered the words, When you find yourselves in a hole, the first rule is to quit digging.

The second observation I make in closing tonight, in listening to my colleagues on this side earlier tonight, 5-minute speeches talking about waste, fraud and abuse, it is on my colleagues' watch. If we are spending too much, Mr. President, veto some bills because they do not spend or they spend too much.

Also, I am reminded of the words of the late Will Rogers, ''It ain't ignorance that bothers me so much. It's them knowing so much that ain't so is the problem.''

We listened to the debate tonight, we listened to some of the statements that

were made earlier, and we look at charts that the gentleman from South Carolina (Mr. SPRATT) is showing. These are facts. What I have just said about the deficit are facts. They are not made up. They are not made up. But what are we doing about it? Not one cotton-picking thing except digging the hole deeper, until somebody starts paying attention.

I thank the gentleman tonight for attempting to cause some of us, hopefully to get 218 of us, to start paying attention again and do something about the deficit and the approaching perfect storm before it is too late. I thank the gentleman.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from Texas. I yield to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, I thank the gentleman from South Carolina for his leadership as ranking member of the House Committee on the Budget, and I am here tonight joining my friend from South Carolina and the gentleman from Texas and others because I am concerned about our country and its future.

Let me preface my remarks by saying that I am one of 37 members of the fiscally conservative Democratic Blue Dog coalition. I am as sick and tired of all the partisan bickering as anyone else. I do not look at an idea and look at whether it is just a Democratic idea or Republican idea. I look at it, is it a commonsense idea? If it is, then I support it. But when it comes to the budget and when it comes to the tax cut that was passed earlier this year, the Republican leadership and this administration are dead wrong. Do not take my word for it; look at the numbers.

Under this administration, 3.2 million people have lost their jobs. We now have 9 million people out of work, unable to provide for their families. People have lost $.6 trillion in the stock market, and much of that is retirement savings for so many working families. There are 43.6 million people in America without health insurance. Ten million of them are children. Most of the rest of them work for a living. They are working the jobs with no benefits.

Trade deficits have increased nearly $100 billion. We had a $5.6 trillion projected surplus when President Bush took office. That has become a $3.5 trillion projected deficit over the same period of time. In fact, we have the largest deficit ever in our Nation's history; 374 billion is what they want my colleagues to believe it is, but when we take Social Security out of it and not count Social Security, it is really a $535 billion deficit. Does it matter? Either way we cut it, it is the largest deficit ever in our Nation's history.

The Republicans like to say the Democrats are the ones who spend the money. This is the first time in 50 years that the Republicans have controlled the White House, the House and the Senate; and they have given us the largest deficit ever in our Nation's history.

The first bill I wrote as a Member of Congress was a bill to tell the politicians in Washington to keep their hands off the Social Security trust fund. The Republican leadership refused to give us a hearing or a vote on that bill, and now we know why. Because they were borrowing $374 billion from the Social Security trust fund to help fund this budget, the largest deficit ever in our Nation's history.

Let us think back a moment from 1997 to 2001. We had a balanced budget. We were beginning to pay the debt down. Now we have a $7 trillion debt. This country is spending $1 billion a day, $1 billion a day simply paying interest on the national debt. How much is $1 billion? I put that number to a calculator and get a little E at the end.

I will tell my colleagues how much $1 billion is. We could build 200 brand-new elementary schools every single day in America just for the interest we are paying on the national debt. Better yet, we could provide 1 million senior citizens on Medicare prescription drug coverage for a year just with the interest that we are paying in 1 day on the national debt, $1 billion a day in interest payments on this $7 trillion debt. We are not talking about principal payment; we are talking simply interest payments.

What are we seeing from this administration? We are seeing cuts in education. It was President Bush who said his top priority was education reform in this No Child Left Behind business, and he is the one who told us how much it would take to implement this program. My colleagues know how it works in this body. If it had been my program and he was cutting it, that makes sense. We are talking about he cut his own program. Arkansas's cut, $87 million for next year. What does that say about our commitment to our children and their future?

Veterans benefits are being cut left and right. What kind of message are we sending to the men and women in uniform serving us today in Iraq and Afghanistan and around the world when we are cutting the benefits for the veterans who came and served before them?

These may be Republican priorities, but they are not American priorities. These may be Republican values, but these are not America's values. I believe it is time for us to get our fiscal house back in order, to restore common sense and fiscal discipline to our Nation's government.

Finally, let me say that I raise these issues because I believe our priorities and values should be centered around our children ensuring they get the very best education possible, Head Start, after-school programs, providing our veterans with the help that they so desperately need. We need to be investing in infrastructure. That is how President Roosevelt got us out of the Depression, with the WPA program. I drove over bridges yesterday that were built as part of the WPA program. We are there folks. We are there. All 50 States collectively are faced with the largest shortfall they have seen since the Great Depression. We should be investing in our infrastructure, and we need to be investing in jobs.

I raise these issues because my grandparents left this country better off than they found it for my parents, and my parents left this country better off than they found it for our generation, and I think we have got a duty and an obligation to leave this country a little better off than we found it for our children and grandchildren.

I thank the gentleman from South Carolina for yielding.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank my friend from South Carolina (Mr. SPRATT) for leading this Special Order. It is timely and so important, and it is really about the failure of the Republican regime here in Washington on the budget, at a time when the other side in the budget debate is engaging in, I think, deception and misinformation and sometimes down right dishonest figures.

The gentleman from South Carolina (Mr. SPRATT) is not only an expert on the Federal budget, but he is engaging as a lone voice of truth and really what the facts are and I thank him for that. The American people need to know that.

The truth of the matter is that the Republican economic record is in shambles and is leading this country in the wrong direction. This failed economic record has three main features: huge budget deficits, massive job losses, and festering domestic problems. The Bush administration and the congressional Republicans have sought to deny their budget calamity of the blown surplus and the return to huge deficits, and they are going to be there as far as the eye can see; but the Congressional Budget Office has determined that the budget would be balanced, as we have already heard, by 2006 if it were not for the administration's tax policies.

□ 2130

As bad as the budget situation is, as has been shared by my colleagues, the administration and the leadership in this Congress will not stop digging. The first thing to do, as our colleague from Texas said when you get in a hole, the first thing to do is stop digging. Well, they are going to bring more programs out that will dig the hole deeper.

The economy has lost roughly 3.2 million private sector jobs, the worst record of any administration since Herbert Hoover and the Great Depression. My home State of North Carolina has seen devastating job losses. We are the second largest State with manufacturing job losses in the country. The national unemployment rate has gone from 4.1 percent to 6.1 percent. North Carolina Statewide unemployment is

roughly 6.6 percent, and I have counties in my congressional district where the unemployment rate is approaching 15 percent.

For all their talk about appealing to the investor class, as we have heard this evening, Republicans have presided over the loss of $4.6 trillion in stock market wealth, and a lot of that is income of retirees.

The problem is made worse by the record deficits and massive national debt that is going to make it impossible for us to make the investments that we need to make in America's long-term economic prosperity. As has been shared this evening, we need to be investing right now, for example, just in education, the administration is proposing to shortchange its Leave No Child Behind by roughly $20 billion over 3 years. I met on Monday with international business officers of this country, they know already because they are seeing the cuts, what this is going to be about is it is going to be unfunded mandates to local governments at a time when they are hurting. Critical needs at the local level are going unmet in a whole lot of areas, and problems are festering because the national debt crisis is getting worst.

Just last week, WRAL-TV, the largest television station in the Raleigh market, talked about a school in North Carolina that is bursting at the seams with overcrowding; specifically, New Hope Elementary School in Wilson, where 135 students are going to classes in closets, literally in closets. That is wrong at a time when we could be doing better if we were doing the right thing about our budget.

The Democrats had a plan to do it. We could get the economy going without massive debts. We have sponsored legislation to fund school construction, but my colleagues on the other side of the aisle will not let it happen. The administration and the Republican leadership in Congress refused to act because they have blown the budget surplus, so there is no money left.

In conclusion, Mr. Speaker, Democrats have a better idea to return to a balanced budget and return sanity and honesty to the Federal budget. I thank the gentleman from South Carolina (Mr. SPRATT) for leading this Special Order.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT) for his leadership in this budget issue. We have seen a lot of charts, and I would like to remind the public of this chart right here which shows the deficit from the Johnson administration, Nixon, Ford, Carter, the deficit created during the Reagan and Bush years. And then when President Clinton came in, as noted, we passed a budget without a single Republican vote that created the momentum carrying up towards an actual surplus. We got ourselves out of the ditch into a surplus.

Some have suggested that since the Republicans used this vote and took over the House and the Senate, that they ought to get some credit for this improvement. Unfortunately, they should not get the credit because as soon as they took over, they passed trillions of dollars in tax cuts, and President Clinton vetoed those tax cuts. They threatened to shut the government down, he vetoed them again. They shut the government down, President Clinton stuck to his guns, vetoed it again, and as a result, this line continued up.

Unfortunately, when President Bush came in, he signed those trillion dollar tax cuts, and we see what would have happened a long time ago had President Clinton not vetoed those budgets.

Now, this goes down to an on-budget deficit of almost $700 billion. We have to put that into perspective and the fact of the line item individual income tax, how much revenue we get from individual income tax in the United States, less than $800 billion. In a couple of years, we are going to be almost $700 billion in on-budget deficit, spending almost $150-$200 billion in Social Security and Medicare, and then almost $700 billion in on-budget deficit.

We cannot sustain this for very long. Let us see what this next chart shows, the height of fiscal irresponsibility, because this shows how much of their budget was paid for with borrowed money. Back in the depression in World War II, obviously, a substantial amount was paid for with borrowed money, but we are getting to numbers now, and this goes to 2010, we are getting to numbers now that we have not seen on a sustained basis since World War II. This year we are breaking the record. Since World War II, we have not seen almost a third of the budget being paid for with borrowed money. Of course, during the Clinton years, the amount paid for with borrowed money went down due to the fact that it was actually a surplus. And as soon as President Bush came in, we started paying for the budget with borrowed money, and we are up in a couple of years with almost a third of the budget being paid off in borrowed money, and it looks like it is not going to get any better in the future.

How did we get there, we got there with tax cuts. And who got the tax cuts, the top 20 percent got most of the tax cuts. In fact, half of the tax cuts went to the upper 1 percent. Most people do not know how big the tax cut was because most people did not get very much. As we can see from the chart, the middle 20 percent did not get very much, and on down. By income, if the taxpayer made more than a million dollars, they would be off the chart, a $90,000 tax cut in 1 year. If all they made was $500,000 to $1 million, you got $13,000 in 2003. $200,000 to $500,000 on average got $2,000. And as we get down to $50,000 to $75,000 on average, the taxpayer hardly noticed what they got. Going down, we do not even need any red ink to show what they got. Most Americans do not know how big this tax cut was.

But we were told we had to cut taxes to create jobs, and the gentleman from South Carolina (Mr. SPRATT) told us how many jobs have been created. We, in fact, lost jobs. On a 4-year basis back to Truman, everybody is gaining jobs. Eisenhower in his two terms, almost two million jobs. Everybody is creating jobs until we get to this administration. We have lost 3.1, 3.2 million jobs already lost in this administration.

We cannot blame this on 9/11 because going back to the Truman administration, and that includes the Korean War, coming forward it includes the Vietnam War, the hostages in Iran, Somalia, Grenada, the Cold War, everybody is still creating jobs, until we get to this administration.

This is a complicated chart, but it shows what the Republican-led Joint Committee on Taxation thought about the tax cuts. Since they are done with borrowed money, there might be a short-term spike in jobs that we should expect, but depending on which model we use, we will be losing jobs, at best, and end up where we started in the fullness of time. So the Joint Committee on Taxation told us this was a job killer.

When we run up deficits, we run up debt and interest on the national debt. This shows the interest on the national debt that has to be paid in cash. More actually has to be paid, because we have to pay interest on trust funds, but that is internal. This is what we need to come up with every year in terms of cash. By 2010, $300 billion every year just to pay interest on the national debt. This line here shows what we would have been paying had we not messed up the budget in 2001. The projection was that we would be paying no interest on the national debt by 2008, but instead because we messed up the budget, $300 billion a year.

This is happening at a time when the Social Security trust fund becomes a challenge. We see in this chart the Social Security trust fund. The blue is the surplus that we are running now. We are bringing in more in Social Security than we are paying out. We ought to keep it in the lockbox which has been referenced because, obviously, we are going to need it shortly. But unfortunately, we are spending it all. This shows the deficit. By 2030, it is almost $900 billion a year in shortfall that we are going to have to come up with every year to pay Social Security as promised.

Members may look at this chart and conclude maybe it was a lost cause, maybe we just could not pay Social Security, maybe it was just a matter of time before the thing went broke, but there is one little interesting fact. When we go back to this tax cut in 2001, this tax cut was so large that if we had taken what the top 1 percent got and instead of giving a tax cut to

the upper 1 percent, if we put that money into the Social Security trust fund, just what the top 1 percent got, everybody else gets what they got, just the top 1 percent, put that into the Social Security trust fund, we would have built up the surplus enough to have paid benefits under Social Security without reducing benefits for 75 years. For 75 years, Social Security would have been secure, or tax cut for the upper 1 percent. Those are the kinds of choices we have been making and the reason we have been fighting for fiscal sanity. If we do not get this straight, we are going to lose Social Security.

We cannot pay increasing interest on the national debt and this increasing deficit in Social Security without something having to go. By all likelihood, it is going to be the Social Security program unless we get things under control.

So I would hope we can get the budget under control and people will follow the leadership of the gentleman from South Carolina (Mr. SPRATT) in maintaining fiscal discipline so we can have Social Security in the future for us and the next generation.

This is a very challenging chart, but as I said, if we had allocated the same amount of money as we had for the upper 1 percent in tax cuts, just 2001, we could have had a secure Social Security program for 75 years. Those are not the kinds of decisions we ought to be making. We have to reverse that direction, and that is why I am delighted to participate with the gentleman from South Carolina (Mr. SPRATT) in this Special Order.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for his contribution.

RULING CLASS HAS COMPLETELY PACIFIED SWINDLED CLASS

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, it is near the end of the session, and I have listened closely to the comments of my colleagues just leaving the floor, and I think they were all appropriate at this time for us to take a hard look at money matters most. I would like to discuss a number of issues which relate to resources and money.

I have chosen to sort of use a theme of class warfare. There is no class warfare in America. When we raise that issue, people get excited. I agree with everybody who says there is no class warfare. The problem is the ruling class has completely pacified the swindled classes. The swindled class includes more than the working class, I assure you. The simple-minded notion of the communist, that there is a war of working-class folks against the rich, et cetera, that is very simple-minded. It is much more complicated than that. There are swindled classes in our democracy, and they are not fighting back so there is no war. One of the duties of the Congress should be to make certain that we stir our people up and start a war, an overt war. That is what democracy ought to be all about, a war of ideas and a war of confrontations with policies and principles that guide the way we live.

□ 2145

The whole system of checks and balances built into our Constitution and our government in a very formal way is very important. Those checks and balances have kept the Nation going in some critical times. They have stopped the hysterical from overriding and overruling the logical and the reasonable. They have done a number of things, the formal checks and balances. But beyond the formal checks and balances, democracy has to have a whole lot of informal checks and balances. The labor unions, the town meeting maverick who gets up and challenges the school board. There is a whole set of people who are a part of a checks and balances system. The newspapers, the magazines, the media. All that is part of the checks and balances.

When some part of that checks and balances system goes silent or becomes dormant, then we are in trouble. I think that we have large numbers of people in classes who are silent and dormant, pacified at this point, and that is the problem.

This is my prevailing and my overwhelming thought as we near the end of the first session of the 108th Congress, that we are a Nation that has no class warfare because the ruling class has completely pacified the swindled classes. I think it is important to note that today is election day. In a democracy we should not ever minimize or trivialize any election day. But the Republican majority that runs this House has chosen to bring us back to Washington here on election day when every public official ought to be close to his constituency. If we think voting is important, then any election, whether it is a local election, a State election, it is important. It is ridiculous that we are here today. It is symptomatic of what is wrong in terms of a handful of people making stupid decisions. I think that the leadership of this House has done that in bringing us back here to deal with two ceremonial bills. We did not have to come back because the Nation needed some basic decision to govern, some decision related to the budget or some decision related to the war. We came back for two ceremonial bills. That is part of the problem, the way this House has been run.

As we approach the end of this session, we should reflect on that. In this session, Democrats have been shut out of any kind of meaningful participation. It is amazing how the Constitution is one thing, but the rules of the House are another. There is no check and balance built into the rules. In other words, the rules of the House are established, and there is nowhere you can go to appeal the way the rules are established or the way they are executed. In our checks and balances, we have a problem because the legislative body, the executive body and the Supreme Court, the judicial, are three separate bodies. There are checks on the executive body. There are definitely checks. Both the legislative body and the judicial body can check the executive section of our government. But there is no check on the rules of the House. There is nowhere to go. So we have had totalitarian rule in this House during this session. We have had the least amount of participation and the least productivity and the most totalitarian set of rules here in this first session of the 108th Congress.

As we come to the end, part of the process of swindling all the classes is certainly carried out by the ruling class of the majority Republicans here in this House. It is not a pleasant thing to stand here and say this and admit that we are the greatest and most powerful legislative body anywhere in the world at this point, but the Members of this body are treated in a very trivial manner. We are like ants. Certainly if you are a Democratic Member here, you are like an ant shoved aside.

Recent outrage was expressed by the gentleman from New York (Mr. RANGEL), who stormed into a meeting, a conference meeting. He felt he belonged there. The school books and the textbooks still say that legislation is made in a certain way. Both Houses of Congress vote separately, the House votes, the Senate votes, and they come together in a conference committee to iron out the differences. That is what the civic book says. That is the way the Founding Fathers meant for it to happen. But with Republicans in charge of both the House and the Senate, they have chosen to just shut out the Democrats in the conference process, as they have chosen in many cases to bring legislation to the floor on very short notice, with no participation, and on and on it goes.

I am not going to waste anybody's time with a litany of the things that have gone wrong here. But I think the American people, and our colleagues, I am addressing the House, my colleagues, wake up. We are part of the process of allowing the ruling class to continue to overwhelm, pacify, and exploit the swindled classes.

I think it is important to look at the end of this session in terms of unfinished business, and some of that was discussed by my colleagues who preceded me. It all fits together. What is happening and not happening in one area flows into another, just as all the elections that are taking place at the various levels, State and municipal today, are interwoven with what we do and what we can accomplish here. Local governments are very important. They have an impact on people, probably greater than any other level of government.

I have served in every level of government. I served as a commissioner in

New York City government. I served as a State senator in the State legislature, and I am a Member of Congress. Having served at all three levels, nothing is more important than the people who are on the front lines, who are the most important in the dialogue and delivery of policies and services and programs to ordinary citizens. They are on the front lines. It is the hardest job level in terms of governing that we have, the local level. Therefore, we should not trivialize city council elections, local county legislature elections. We should not tear our Congresspeople away from that and bring them to Congress and have them do nothing and not have them participate in the process of the citizens dealing with that level of government in an appropriate way. We are making people suffer a great deal at the local level. We are setting our legislators up in counties and cities for very difficult jobs in terms of the way in which we are managing the resources of the Nation.

One of the unfinished agenda items is the appropriations process. The appropriations process is far from finished, including a very important area, Health and Human Services. The Health and Human Services appropriation has the appropriation for education. At the local level, nothing is more important than education. I want to salute my city's mayor. He is a Republican, but I will engage in some nonpartisan or crosspartisan praise here.

The Republican mayor certainly has kept his word in terms of making education a priority. I have watched skeptically as things have developed in his administration; and the issuance today of a $13.5 billion proposed capital budget for schools, building, renovation, restructuring, equipping with modern equipment, I think, was a step to show that for this mayor, education remains a high priority. I am not so naive as to believe that the development of the budget and the announcement of the capital budget of $13.5 billion means it is going to be achieved, that the funds will be there to carry it out; but he has made it a priority.

From some sources, some of that money will be found. It ought to be found, some of it, for school construction at the Federal level. Tip O'Neill said, ''All politics is local.'' All taxes are local. The only retreat to this whole business of the Federal Government has no role in education when it is convenient for us, it ought to be well established now that the Federal Government has a major role in education and has played a role throughout our history from the time Thomas Jefferson established the University of Virginia. If we had not had a major role in later on taking that University of Virginia model and expanding it into the land grant colleges, the education level of the American people at the time of World War I and World War II would have been inadequate for the challenges that it faced.

Not enough credit is ever given to the fact that there was a very educated population that made the productive capacity of America overwhelm Hitler. There was a very educated population even that hit the beaches of Normandy, engineers and a whole set of people who probably would not have been there with the same competence if there had been no land grant colleges spread throughout a whole Nation where we were teaching more than Latin and classics and English composition, but also teaching engineering and agriculture, et cetera. Education has always played a role.

We finally, under Lyndon Johnson, began to give aid to elementary and secondary education. This President as he came in made a statement and took action which showed that he considered education a great priority. No Child Left Behind is a law which was the outgrowth of the President mobilizing, marshaling all of the Members of Congress behind a bill that passed overwhelmingly. It certainly makes a great commitment to continue the role of the Federal Government in elementary and secondary education.

The problem is that before the ink was dry on the President's signature for the bill, he moved away from his commitment to provide funding at a level that would make the bill work, make the law work. The $6 billion that was promised is not there. That is part of our problem. The appropriations process for Health and Human Services is stalled, partially because there are some people who are trying very hard to regain that committed $6 billion or some portion of it. The appropriations process is stalled for Health and Human Services, I think, primarily because the majority party knows that it cannot go to America, it cannot go back home and admit that we have neglected certain basic needs in education.

We have maybe complicated the problem by adding mandates, requirements through No Child Left Behind that we are not willing to fund and made life miserable and more difficult for teachers and students, and school reform is suffering instead of being benefited. So the appropriations process with respect to Health and Human Services should go forward. I hope it will go forward with a break in the logjam that creates the funding stream that is necessary to make No Child Left Behind live up to its promise.

Another unfinished business here, I hesitate to even bring it up because it has not been discussed at all anywhere in any meaningful way, that is, the increase in the minimum wage. It is still stuck where we were more than 3 years ago at a $5.15 minimum wage. There is nothing on the floor, nothing at the committee level that deals with the increase in the minimum wage. It is just tossed aside as being inconsequential.

What does this have to do with swindling people? The working class, the working people at the very bottom are the ones who make the minimum wage. There are many more than you would imagine, more than 10 million in this country still at that level. $5.15 an hour. Those people are being swindled. Those people should be protected more by the government, if that is the only way we can get the wages up, deal with the realities of the 21st century and make certain that employers pay a minimum wage. It is not a living wage. Some States have passed what they call a living wage. They have calculated how much the cost of living is, and they have come up with a living wage. New York has one which they passed, but they are not implementing. It is 2 years away before they fully implement it. But they recognize that families cannot make it on $5.15 an hour, even when two members are working in a family of four. $5.15 an hour will not produce enough to take care of a family. So minimum wage is very important, if you care about working families, if you care about people at the very bottom.

Ninety-five percent of the troops in Iraq come from working families. Ninety-five percent of the troops in our military come from working families. They happen to be on the front lines now, but they are a class. They are mothers and fathers and brothers and sisters and they are children trapped in a situation where they cannot realize a decent wage. I will talk more about that later.

In health care, the same thing is true. They cannot depend on the government to help guarantee that their families back here have decent health care. Health care bankrupts the average middle class family. We are not talking about the poor. The very poor, thanks to Lyndon Johnson and the Great Society programs, Medicaid, for which not a single member of the Republican Party voted, Medicaid, Medicare, a fundamental safety net for health care for the poor.

□ 2200

But there are many who fall outside that net, and some of the people who fall outside that net are not working families in the usual sense. They are middle-income families who, for various reasons, do not have insurance, and when they have to start paying for medical care, some have gone bankrupt as a result of trying to pay for health care costs, a burden that no family should be asked to bear in certain cases. So we have the unfinished business of health care. Prescription drug benefits is on the table somewhere. That is just for senior citizens. We just started. The need for universal health care, the need for a single-payer plan, that is like minimum wage. Nobody will discuss that around here. All the industrialized nations of the world have something close to universal health care, but in our great American democracy, the richest Nation that ever existed on the face of earth, we will not even discuss a universal health

care plan. This 108th Congress is no different. A discussion of the prescription drug benefit is frightening because there is an attempt to try to make that a means-tested program with overtones of welfare that would drive a wedge and set up divisiveness among our senior citizens and the families who have to support senior citizens.

Transportation, I understand, is stagnated. We will not have any major action on that. Home security and terrorism, two things that are high on the agenda of this administration, have made no great breakthroughs where they are needed most. I still have police stations in my district which have telephone systems that can only take three calls at a time. The police precinct serves something like 200,000 or 300,000 people in a New York police precinct, but the phone systems are so old that they can only take three or four calls at a time. We do not need a 9/11-type emergency to show us that we have got a problem. Everyday citizens are complaining about the fact that that system does not work. We do have 911, a number of ways to deal with that, but why such antiquated systems?

The firemen who lost lives in great amounts, more than 300 firemen died in the September 11 World Trade terrorism attack. They still do not have equipment that is up to par in terms of communication. Many of them died because the communication equipment was inadequate, and they could not be warned properly about what was happening outside as they went up the steps to rescue people. A simple matter of radios that were not tuned in to the frequency of police radios and things that we have known for some time were a problem. Those problems are not being corrected. In the House and the Senate, many Members have talked about security in our ports and how vulnerable our ports are, and I heard on some television station today about a new program that is being launched by the Secretary for Homeland Security, and that is welcomed, but it is just beginning to creep off the ground, slowly, because we have our priorities diverted into other areas. Each one of these items would be getting far more attention and could be dealt with in a more realistic way if we did not have the war in Iraq. The war in Iraq is a blunder, a quagmire that sucks down dollars. It sucks up the energy and the attention of the highest policymakers in our government. It destroys lives unnecessarily. So the great evil that hangs over this 108th Congress at this time is the great blunder of the war in Iraq.

Accountability for the war in Iraq is unfinished business. We do not, as a Congress, have the accountability that we should be able to expect. As part of a system of checks and balances, certainly we should get more information, we should have more dialogue, we should be told more about what the gentlewoman from Ohio (Ms. KAPTUR) had called an exit strategy. She talked about a plan to train people, the Iraqi police force, the army. When are we going to declare that we have sufficiently done that and say we can go home. There are a number of questions that she asked earlier tonight that go to the heart of the accountability question. Beyond the Permanent Select Committee on Intelligence, and they complain that they do not have respect and they are not given the kind of accountability that they deserve, but there ought to be more general accountability to the Congress and the American people about just how we spent the money. Seventy-nine billion dollars was appropriated earlier. Now, another $87 billion, and yet the question with respect to the helicopter explosion, and it is pretty much conceded now that it was a Stinger-missile-type, shoulder missile which we call our Stingers. We perfected that in the war against the Soviets in Afghanistan. We taught the Taliban how to do that. We gave them those modern weapons which helped drive the Soviets out, but we learned they are very skilled. The terrorists who came out of the Taliban in Afghanistan are very skilled in the use of shoulder missiles; plus I understand that they are so well-designed that they are fairly easy to use. The helicopter was probably hit by that kind of surface-to-air missile fired by one or two people. One question being raised is did the helicopter have a device that has been designed to protect aircraft from heat-seeking missiles? Was it equipped with it or was it not? And the very fact that the question is being raised and there is no immediate answer tells me that it was not. If it was equipped and it failed, we would have known. We would have been told that by now: It was equipped properly, but it failed.

There are some other questions about how the troops inside the helicopter were protected. And these kinds of micromanagement questions are being raised all the time. The bulletproof vests, there are two types, they say. One just protects them from flak and shrapnel. Another protects them from flak, shrapnel, and bullets. And many of our troops only have the old one. And on and on it goes. My colleagues who have visited Iraq, Republicans as well as Democrats, this is not a partisan matter, are very upset by the shabby way in which some things have been done. We should have a chance to talk more openly about what is going to be done to correct all of this or what exactly is happening. If Rumsfeld is the kind of person who just does not want to talk to Members of Congress, it is one more reason to call for Rumsfeld's resignation. Several people have called for his resignation. I would like to add my voice to that. I think in a situation like this, he should have been asked to resign long time ago. The President is elected. The buck stops with the President. But we ought to say to the President that if he wants to show that he is trying to deal with this problem, then he has got to get rid of the chief planner, the chief policymaker, the person who made the mess. It does not make sense to keep Rumsfeld on as the Secretary of Defense if he wants to convince us that he is trying to solve this problem. We would like to have a dialogue with the President about why he insists on keeping Rumsfeld there when such a mess has been made on so many different levels. The failure to plan for postwar, what happened after the war, is totally unacceptable. It is an outrage because we have been in these situations before. There was so much experience and so much knowledge available, so much history, that we cannot comprehend how basically intelligent men and women could have done such a bad job of anticipating what happened. These are not basically intelligent people; these are brilliant people. Intellect was not a problem. The problem is mindsets and old men indulging in juvenile fantasies about war. All that is part of what has happened, and I make these charges and statements, and I would love to have a dialogue with somebody to tell me they are not true.

The punishment of corporate crime is part of an economic swindle, probably the biggest swindle that the swindled classes suffer from, and I repeat, what I am talking about tonight is there is no class warfare in America. There is a ruling class which has completely pacified the swindled classes, and the present administration here, along with its Republican rule in both Houses, have demonstrated how the ruling class can be very efficient and very effective in executing its policies, even when the policies are wrong. Tax cuts to make the ruling class stronger and more powerful at a time when the economy is in trouble.

Yes, the economy suddenly surged forward, more than 7 percent growth in the last quarter, but that is more disturbing than if the economy was just dragging along. When we look at the surge forward that took place, and we look at the number of jobs that still were lost in the last quarter, 47,000 jobs to make up the total of 3.2 million jobs that have been lost since the Bush Administration came into power, we are having a terrible economic situation develop where the economy can improve, profits can go up, wealth can increase, but there are no jobs for the working families. There are no jobs for college graduates soon because our jobs are being exported. The ruling class has decided they can get computer specialists, they can get Ph.D.s, they can get all kinds of people by traveling around the world, and they can get them for less than one-quarter of the price that they pay here. Computer specialists, now the best school for training for computers is not MIT, computer and related matters, not MIT and some of the first-rate American

universities. At the very top is the University of India, and everybody is clamoring for their graduates from our corporations. Beyond that, at lower levels, people who can do computer work are the beneficiaries from India, Pakistan, a few other places. They just merely have to learn English. They can be beneficiaries of lower-level jobs related to computer services.

And, also, simple matters like telemarketing, telemarketing now is being outsourced at a very rapid rate. Listen carefully, if my colleagues have the occasion when somebody calls them about an item, especially something related to a big corporation, a utility, listen carefully and sometimes we do not have to listen carefully. They have been trained to disguise their voices, and those who call Brooklyn from India, some of them have got a Brooklyn accent, but I picked up phone the other day and there was a person talking from AT&T who had a bit of an accent. So I said, ''Where are you calling from?'' And she said, ''Why are you asking that?'' I said, ''Are you calling from India or Pakistan? Where are you calling from?'' So she got a bit ruffled and she fell into her real accent. So I knew very well she was not an American, and she was calling from some foreign place, having learned to speak English very well.

Telemarketing is not a great job. That is one of the jobs where we might call it an entry-level job. A lot of college graduates have got out of college and drifted around, cannot find anything else. Telemarketing is one of the places they go to get a start. A lot of people who have not been to college can find a lot of jobs in telemarketing. Telemarketing jobs are going rapidly, and it will go right up the ladder. Anybody who thinks they are exempt because they have a Ph.D. or a master's degree are going to find that the master's degrees of India and Pakistan, even Russia, China, those master's degrees and Ph.D.s will be competing at much lower wage levels if we do not do something about policy.

□ 2215

What we do in our government has to deal with the fact that we have got a standard of living that is being steadily eroded by this kind of exporting of jobs. But corporations are doing that, and there is no countervailing force. We waste our time here on ceremonial bills and do not even tackle the problem.

Finally, the failure to punish corporate crime is one of the greatest swindles of all that has taken place in the last few years, one of the derelictions of duty that has taken place, the worse dereliction of duty that has taken place in the last few years.

The failure to deal with corporate crime, to have the appropriate investigations, to have the appropriate follow-up and to punish people who have been stealing from the investing class, the middle class, the investing class, people who are well off enough to have invested some portion of their income, they are the worst victims; not the working class, but the middle class, upper-middle class in particular, who had extra income to invest.

I do not know what the figure is, but my colleague who just left the floor from North Carolina said it is $4.6 trillion; $4.6 trillion has been lost in investment income. It is an astounding figure.

People have lost that kind of money, many of them. Of course, pensioners, people whose pensions got caught up in this. But $4.6 trillion has been swindled away. These people have been swindled, and they are not really fighting back, and nobody is fighting for them. The ruling class has prevailed, and they do not even call hearings in Congress to really deal with it in a forceful way.

Enron, the criminals at Enron are still at large. There are a few that they put in handcuffs and paraded before the cameras, but it was a massive, massive swindle. WorldCom was even larger. Then every day there is some new revelation about the way in which the banks are in collusion with these swindles. Even the stock market has finally been exposed to be riddled with conflicts of interest and all kinds of questionable dealings that resulted in income being lost by this class of people that had enough money to invest.

Investors have lost a tremendous amount of money. The ruling class has completely prevailed over these investors, and the investors, the middle class, upper middle class, educated people, they are now part of the swindled class. They join the ranks at the very bottom who cannot even get an increase in the minimum wage.

If there is anything that stands out, it is the way we have failed as a Congress to protect our people from the ruling class swindles that have taken place. The greatest economic swindle on jobs is the worst. Corporate swindles against small investors is probably the most far-reaching and the most devastating in terms of the volume of stealing that is taking place.

We have got a surge with our jobs lost which shows we are going to have more of a swindling taking place at another level of what used to be the middle class. We have lost manufacturing jobs. We have given up on that.

We joined in the great argument in many cases. The great argument was that we are America, we are ahead of everybody in the area of high-tech production. We will be the high-tech gurus of the world. We will provide high-tech services. And we still do lead everybody else in terms of nations. But the assumption that this is automatic, that, as we surrender manufacturing jobs, that automatically we will benefit from the new world order, where global trade will mean trading services as well as trading goods, and we will trade our services, we will provide the innovations, we will provide the science, all of those assumptions might have made sense 10 years ago; but you would have to be blind not to see that China is not waiting to develop its high-tech class, its high-tech workers. Russia certainly always has had high-tech workers; they have just been out of the world markets, and many other nations have, as a matter of national policy, set out to take over certain sectors of the high-tech economy.

It is not by accident that China sent a man up in space. They have been sending up satellites for some time. The man in space in China is just one more piece of evidence that shows you how hard they are working at this high-tech development of high-tech personnel brain power.

The brain power is the question, not military power. Military power is backed by brain power. That is why we won the war in Iraq so rapidly. It was by a tremendous amount of brain power that went into developing the weapons system. But that is not the way of the future. We have done it probably for the last time, made the mistake of believing we can really gain a greater foothold for democracy or for our economy or anything by military action against a nation as large as Iraq. It is a pitfall, a bottomless pit that we have fallen into, and we must get out of it and get out of it with honor. But we cannot do that unless we make some radical changes in the way we do things, the swindle I will come to later, because lives are being swindled away from American citizens.

The refusal to consider the minimum wage, I want to come back to that. The refusal to consider the minimum wage increase is the most hard-hearted, cold-blooded piece of mindset that we are faced with. It originates from Democrats and Republicans, unfortunately.

We have an economic guru, a person who has been guiding our economic policy in this country for some time now, Alan Greenspan. Alan Greenspan does not believe in the minimum wage. Alan Greenspan thinks we should not have a minimum wage. He is a disciple of Ayn Rand, the individualist, great fascist, rugged individualist, in my opinion.

Ayn Rand said the government should never be involved in the lives of people, it should never interfere with business; we do not need government until we have a war. Ayn Rand said we need government only for wars. So the government should use its power to send soldiers off to die to protect the rugged individuals, the capitalists, the Greenspans, the Rands. People should go off to die to protect them, but it should ignore their health care, ignore laws which establish minimum wages and allows them to earn a decent living. All that should be ignored. It is all unnecessary.

I marvel at how long they have gotten away with this and how revered Mr. Greenspan is in this Capitol still by Democrats and Republicans. He has

been reappointed twice by a Democratic President, and nobody wants to touch Mr. Greenspan.

I think we should dwell for a moment on the fact that all the surveys show that the soldiers fighting in Iraq, like the soldiers who died in Vietnam, like the soldiers who died in Korea, mostly come from working families, people who would benefit from government actions such as an increase in the minimum wage.

We have a situation where basic questions need to be asked, about whether or not an individual should have the right to refuse to go to war. We had a draft in the case of Korea; we had a draft in the case of Vietnam. If this administration is reelected, and I say this standing here on this 4th of November, 2003, if this administration is reelected, there will be a draft, because there is only one way to solve their problems, and that is more manpower.

I would like to see them put more manpower in Iraq right away, because I think part of the solution to the problem in Iraq is you have to secure the place and you need bodies to secure the place. You need soldiers to secure the place. For political reasons they want to keep the number of soldiers involved in Iraq down low, but by that political decision we are going to lose more lives. Every life lost in any war is unfortunate, but a life lost in the war in Iraq, a war which never should have been, a blunder, a disgrace, that life is much worse, the tragedy is much worse, because it is needless. We are going to lose more people because of the politics of not putting enough troops in place to secure Iraq.

While I am on the subject, I would like to mention there is a conference being scheduled by my colleague, the gentleman from Illinois (Mr. DAVIS), sometime next week, I think it is the 14th of November, a conference on the black male and the problems faced by black males in America. Of course that conference will have to deal with the first and greatest problem, the tremendous unemployment problem faced by black males, by young people in general; and our society as a whole better take note that things that happen to blacks always get multiplied and transferred into the larger society.

There was a time when drug addictions and problems related to drugs started out in the African American community. The hustlers and the criminals and organized crime took advantage of the weaknesses in the African American community. They got a base there. They capitalized and expanded and got such a tremendous base until there is nowhere in America right now, small towns, large towns, nowhere, where the menace of drugs, particularly for young people, is not there.

So the menace of unemployment on a mass scale, unemployment of a group of people, will not stay just with the black males. But right now it is very high, 25 percent. Before you get into the figures of how many unemployed there are, look at the figures that relate to the lack of jobs and the lack of any stabilizing factors in their lives, like the figures, the numbers in prison, on probation and on parole. Staggering numbers of young black males are in prison, on parole or on probation.

Even Secretary Rumsfeld brought up the subject of education in one of his interviews, where he talked about the dilemma that we face as we fight terrorism in the world. The dilemma is that the terrorists are always training more people. They have sort of an unlimited supply of potential terrorists; and they are even training them formally, openly, in the madrassas, madrassas, particularly he mentioned madrassas of Pakistan.

Well, that is an appropriate observation, because the Taliban came out of the madrassas of Pakistan. The Taliban did not organize themselves by themselves, but the cannon fodder, the personnel of the Taliban, are graduates from the madrassas of Pakistan. These are schools that were set up by the fundamentalists, Islamic fundamentalists. They taught them reading, writing, science, and hatred. They still are going.

I visited Pakistan. Because I have a large Pakistan community in the lower part of my district in Brooklyn, they kept inviting me to come visit. Three years ago I visited Pakistan. Because I was most interested in education, I was taken around to various places, three cities, and talked to people, visited schools, et cetera. It became apparent to me after one day that they had no respect for their education system.

Public education was a very low priority in Pakistan. So the public education was receiving pennies, while they were spending money heavily, of course, on the military and in a number of other places. But public education was still being treated as though it was trivial, inconsequential. So the madrassas, the religious private schools, step in and fill the vacuum by providing reading, writing, science, math, food. You get a meal. A mother who sends a child, they are mostly males, sends her son to a madrassas, knows he is going to get a decent meal, be taken care of all day, and get basic education.

If you have no public school system, then who can blame a mother or father for sending their child to what does exist? The madrassas of Pakistan and a number of other places, these madrassas, by the way, are able to do what they do because they get funding from Saudi Arabia and some other rich oil countries, but mostly Saudi Arabia, because they are based on the Wahhabi sect. I am not well versed enough to know whether it is a sect or not, but there is a group that pushes what they call Islamic fundamentalism. It is based in Saudi Arabia, and they have financed these madrassas in Pakistan and other places. So they will keep going. Our ally, Saudi Arabia, has not indicated they will stop funding it.

But for a parent, it is an alternative that makes sense, if you do not have a public education system. The public education system in this country in areas where the black males are concentrated has been treated as a low priority, trivialized.

□ 2230

Obvious problems have not been dealt with. You can look at the physical facilities and the lack of equipment and supplies and books and before you get to the quality of construction and see that there is a great difference, it is almost as if you had de jour, de jour segregation in our big cities. When you look at the contrast between the way our big cities look in one section versus in another, or the way our big city schools look in the cities, the inner city versus the suburbs, you can see the great difference, as if somebody had consummated a decision to give inferior education to the African American students and to not deal with their needs.

The greatest need, of course, is outside of school, and that is income. Families need income in order to support children in school. School children's families are struggling to survive and are inevitably going to suffer. They are going to suffer. I do not see that it is inevitable that they will not succeed, because I came from a very poor family. My father never earned more than the minimum wage, and he had eight children. So you cannot get much poorer than we were and, yet, just about every member of my family has to some degree achieved some degree of success.

We have those stories of very strong families and people who overcome. The African American community would have withered away a long time ago if we did not have these people who overcome: the super people. But that is not human nature. Most human beings faced with tremendous adversity do not overcome, they succumb. They succumb to drugs, they succumb to the easy money on the streets selling drugs or other kinds of crime, and our dilemma with the black male conference is that we do not know how we are going to get out of this without the help of government. It is such a monumental problem, such a huge problem, we do not know how to get out of it.

Of course, the prejudices in our policymaking do not help at all. The fact that our prisons are already full of people who really should not be there and that many of the black males who go back on the street after serving time in prison, never should have been put in prison because they had drug problems, drug addiction problems. And all intelligent people agree that the first avenue of attack for a drug addiction problem ought to be treatment. But these people have never been in treatment in large numbers, and it is generally considered a luxury to provide treatment for a drug addict.

Of course, if a drug addict happens to be Rush Limbaugh, not only does he

get the best treatment in the world because he can afford it, but he also does not admit that he is an addict. I do not know whether what he did was criminal or not, but I do take exception, and I resent the way in which the information about Rush Limbaugh's situation is being handled. I know of many young people who have been put in prison and served terms for the kinds of things that are implied in Rush Limbaugh's behavior. Definitely, he was an addict seeking drugs that were not prescribed, or seeking amounts of drugs that were not prescribed.

I have been told that it is intemperate, it is bad manners, it maybe is uncivilized to criticize Rush when he is down, but if there is anybody who ought to be criticized when he is down, it is Rush Limbaugh. Heartless, merciless, he specialized in ridiculing people. He is the kind of person who calls for drug addicts to be put in jail. So why not comment on the fact that there is one standard for the black males and females who happen to get caught up in drug use, drug users, and another standard for another set of people. The swindled set of people. There are large numbers of blacks, but the number of whites is increasing all the time. The number of other groups is increasing. The number of females is steadily increasing who are caught up in using drugs, and they get into the criminal system that refuses to provide adequate treatment, but will spend $15,000 or $20,000 a year to keep them in prison, and $15,000 is a low figure. Some prisons in New York and a few other places, it is $30,000 a year to keep a person in prison. Half the people in prison are there for nonviolent crimes relating to drugs. But Rush Limbaugh can go to a private place and people are afraid to say he has committed a crime.

I would like to read a bit from an article that appeared in the Miami Herald on October 12 related to Rush Limbaugh's situation. The article was written by two reporters, and I will not submit the entire piece for the RECORD, but I want to read some sections. Lisa Anderson and Raoul Mowatt wrote this article and I quote from certain sections of it. One quote: ''Limbaugh did not specify if the medicines he abused had been prescribed. And he did not address allegations by his former maid, Wilma Cline, that she had procured OxyContin, Lorcet and other painkillers for him.''

''At the present time, the authorities are conducting an investigation,'' Mowatt said, ''and I have been asked to limit my public comments until this investigation is complete.''

Quoting again, from the article, ''I do wonder if it is going to cause any softening in the way he perceives personal failings and weaknesses in others,'' said Rendall, who coauthored the book ''The Way Things Aren't: Rush Limbaugh's Reign of Error.'' A critic of him said, ''I wonder if this is going to cause any softening in the way he perceives personal failings and weaknesses in others.''

Maybe we should all pray for Rush Limbaugh. Why not pray for him as we pray for other addicts. But I think somewhere there ought to be an acknowledgment of the fact that he is an addict and some request for forgiveness.

To continue from the article, ''He has been incredibly uncharitable. He has relentlessly exploited the personal weaknesses and failings of others. He has not extended the same understanding one suspects he would like to be getting right now,'' said Rendall. ''Some of his listeners are bound to be shaken by the fact that Rush has feet of clay.''

''While humility has never been the style of the bombastic Limbaugh, a dose of it might not hurt his image,'' said Harrison, another person who was asked to comment. ''Well, I guess he has to now join the rest of humanity and fess up to the fact that some of us are not as strong as others. If he is a hypocrite, well then so be it. He is not the only one.''

''Indeed, Limbaugh hardly is the first prominent conservative figure to tumble from the realm of sanctimony to shame. Once wildly popular television evangelists Jim Bakker and Jimmy Swaggert famously fell from their pulpits in the late 1980s, undone by missions of adultery and addiction to pornography, respectively. And just 5 months ago, former Reagan administration education Secretary William Bennett, best-selling author of such moralistic tomes as ''The Book of Virtues'' was revealed to have a major gambling habit. In Limbaugh's case, many thought his conservative listeners would be compassionate. This is a beloved man to his listeners. It would only draw them closer like a family gets closer in a time of crisis. The worst thing Limbaugh could do is to return to the air in too chastened a form,'' said one commentator. ''The only thing that can destroy Rush Limbaugh's career is Rush Limbaugh suddenly becoming a boring person, and it doesn't seem that he is about to become that,'' implying that to be compassionate is to be boring. To be tolerant is to be boring.

The excitement of Rush Limbaugh is that he has no mercy on people in trouble. It is another way in which the ruling class dominates the swindled classes. Rush Limbaugh is a jester. He is a joker. The kings had jesters, you know, and jokers. Sometimes they were very well paid. He stands for the ruling class and provides laughs for them by denigrating the poorest people who are being swindled at the bottom.

The great education reform swindle takes place because we do not recognize the problem that I just cited in Pakistan. If we do not educate people, we run the risk of them falling into the hands of a Taliban. I am not going to make any extreme projections, but Islam is the fastest growing religion in America today, and the people who are converting to Islam are black males. If you want to know what is relevant, how to relate one thing to another, black males are the people converting to Islam faster than anybody else. I am not saying that they are ready to rush out and become terrorists and join the Taliban, but it is an interesting development. They see something there that I do not quite understand, but it ought to be watched and understood.

People who are treated like dirt, if they are drug addicts, of course, they are even below that level, they are going to respond, the whole class is going to respond in ways which are not healthy for America. The great health care swindle goes on, the people who are going bankrupt, and a lot of them are middle class and upper middle class. I mentioned them before.

But the biggest swindle, of course, is the war on Iraq swindle. The war on Iraq swindle is the most outrageous of all. Dollars and lives are going down the drain, and the people who are running the operation refuse to be accountable to the Congress of the United States, and the leadership of the Congress of the United States refuses to make them accountable. They do not demand. The leadership is the Republican majority. They do not demand that the people come here and tell us what they are doing, how they intend to proceed with the spending of $87 billion, and when we can expect an exit.

The gentleman from Oregon (Mr. DEFAZIO), who was on the floor earlier, cited the fact that if you took the $87 billion and divided it among the Members of Congress, it will be above $200 million for each congressional district in America; that $87 billion would be more than $200 million. And he talked about all of the things we could do with that in terms of building schools, supporting better health care, et cetera. But those dollars are swindled away from the American people who are going to have to pay the bill with interest later on.

We have the swindle that refuses to spend dollars on targeted revenue-sharing back to our localities that are in trouble who are cutting the budgets of schools and services, so those localities can get through this recession, which they say is almost over; that kind of cooperation is needed. As I said before, disdain for the municipal elections, the local elections that are taking place today, that disdain is reflected in the way we appropriate money. We have not come to their aid. The Federal Government is the one place that does not have to balance the budget. New York City, New York State, 42 of the States were in such budget trouble that they had to cut the school budgets and, in some cases, the school year was cut. But the Federal Government has not come to their aid.

So as we end this session, as we are nearing the end of the session, I would like for my colleagues to reflect on the

fact that there is no class warfare in America. The ruling class has completely pacified the swindled classes.

I want to end it with a little piece that summarizes that. It is a rap poem I put in the CONGRESSIONAL RECORD on Wednesday, July 16 called ''Let the Rich Go First.'' This is as a result of my anger when on July 10, there was a vote to stop the expenditure of funds which were being allocated for the study of the Wage an Hour Act to cut overtime and that vote was defeated by the Republican majority. At a time when we were voting to stop paying overtime to working families, shortly after that, it was announced that the soldiers in Iraq would have to be kept there longer than expected. Instead of 6 months, they may be kept there for a year. Reservists would be in for a year instead of 6 months. So overtime for the people dying and fighting in Iraq, we are fighting overtime for payment of working families.

''Let The Rich Go First.''

''Working families keep your soldiers at home, for overtime in Iraq no cash, no comp time, not even gratitude, Republicans intrude to exempt all heroes, no combat rotation, life on indefinite probation, scrooges running the Nation. To the front lines let the rich go first, for blood they got a thirst, let the superstars drink it in the glorious trenches; leave the disadvantaged on the benches. Welfare moms have a message for the masters: Tell Uncle Sam his welfare pennies he can keep for food stamps we refuse to leap through your hoops like beasts; just promise to leave our sons alone and we will find our own feasts. To Uncle Sam we offer a bargain: don't throw us dirty crumbs, don't treat us like bums and then demand the full measure of devotion; our minds are now in motion, class warfare is not such a bad notion.

□ 2245

Your swindle will not last. Recruiters we will not let pass. Finally we opened our eyes, each family is a private enterprise. Each child a precious prize. We got American property rights, before our children die in war. This time we will choose the fights. Let the rich go first: They worry about the overtime we abuse; the battlefields they always choose. Their estates have the most to lose. Let the rich go first.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today on account of official business.

Ms. HARMAN (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today and November 5 on account of official business.

Mr. MCNULTY (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. POMEROY (at the request of Ms. PELOSI) for today on account of attending a funeral.

Mr. WAMP (at the request of Mr. DELAY) for today on account of attending funeral services for former Congressman Jimmy Quillen.

Mr. LATOURETTE (at the request of Mr. DELAY) for today and November 5 until 5:00 p.m. on account of family illness.

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. GREEN of Texas) to revise and extend their remarks and include extraneous material:)

Mr. GREEN of Texas, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, today and November 5.

Mr. HENSARLING, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, today.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. KING of Iowa, for 5 minutes, November 5 and 6.

Mr. GINGREY, for 5 minutes, today.

Mr. WELDON of Pennsylvania, 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. 1210. An act to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries; to the Committee on Resources

S. 1400. An act to develop a system that provides for ocean and coastal observations, to implement a research and development program to enhance security at United States ports, to implement a data and information system required by all components of an integrated ocean observing system and related research, and for other purposes; to the Committee on Resources in addition to the Committees on Science, Armed Services, and Transportation and Infrastructure 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 commitee concerned.

S. Con. Res. 58. Concurrent resolution raising awareness and encouraging prevention of stalking by urging the establishment of January 2004 as National Stalking Awareness Month; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2691. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

H.R. 3288. An act to amend title XXI of the Social Security Act to make technical corrections with respect to the definition of qualifying State.

H.R. 3289. An act making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 30, 2003 he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 52. Recognizing the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution in Baltimore, Maryland, as the official national museum of dentistry in the United States.

H.J. Res. 75. Making further continuing appropriations for the fiscal year 2004, and for other purposes.

H.R. 1516. An act to provide for the establishment by the Secretary of Veterans Affairs of additional cemeteries in the National Cemetery Administration.

Jeff Trandahl, Clerk of the House reports that on November 3, 2003 he presented to the President of the United States, for his approval, the following bills.

H.R. 1610. To redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the ''Walt Disney Post Office Building''.

H.R. 1882. To designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the ''Arthur 'Pappy' Kennedy Post Office''.

H.R. 1883. To designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the ''Eddie Mae Steward Post Office''.

H.R. 2075. To designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the ''Judge Edward Rodgers Post Office Building''.

H.R. 2254. To designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the ''Bruce Woodbury Post Office Building''.

H.R. 2309. To designate the facility of the United States Postal Service located at 2300

Redondo Avenue in Long Beach, California, as the ''Stephen Horn Post Office Building''.

H.R. 2328. To designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the ''Robert A. Borski Post Office Building''.

H.R. 2396. To designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the ''Francisco A. Martinez Flores Post Office''.

H.R. 2452. 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''.

H.R. 2533. To designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the ''J.C. Lewis, Jr. Post Office Building''.

H.R. 2746. To designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the ''Barbara B. Kennelly Post Office Building''.

H.R. 3011. To designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the ''Bob Hope Post Office Building''.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 5, 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:

5017. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Interim Capital Treatment of Consolidated Asset-Backed Commercial Paper Program Assets (RIN: 3064-AC74); Department of the Treasury, Office of the Comptroller of the Currecy [Docket No. 03-21] (RIN: 1557-AC76); Federal Reserve System [Regulations H and Y; Docket No. R-1156]; Department of the Treasury, Office of Thrift Supervision [No. 2003-48] (RIN: 1550-AB79) received October 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5018. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-209, ''Debarnment Procedures Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5019. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-200, ''Kivie Kaplan Way Designation Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5020. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-198, ''Draft Master Plan for Public Reservation 13 Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5021. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-197, ''Voluntary Transfer of Leave Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5022. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-196, ''Identity Theft Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5023. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-185, ''Public School Enrollment Integrity Clarification Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5024. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-184, ''Expansion of the Golden Triangle Business Improvement District Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5025. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-183, ''Sexual Minority Youth Assistance League Equitable Real Property Tax Relief Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5026. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-182, ''Self Storage Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5027. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-181, ''Standard Valuation and Nonforfeiture Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5028. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Commission's Strategic Plan for Fiscal Years 2004 through 2009, pursuant to Public Law 103—62; to the Committee on Government Reform.

5029. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5030. A letter from the Chairman, National Endowment for the Humanities, transmitting the Endowment's Strategic Plans for Fiscal Years 2004 through 2009, as required by the Government Performance and Results Act of 1993; to the Committee on Government Reform.

5031. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting the Corporation's Five-Year Strategic/Operational Plan, for the period FY 2003-FY 2008, pursuant to The Government Performance and Results Act of 1993; to the Committee on Government Reform.

5032. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the Commission's strategic plan for fiscal years 2003 through 2008, pursuant to Public Law 103—62; to the Committee on Government Reform.

5033. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting the Office of Federal Housing Enterprise Oversight's (OFHEO's) Strategic Plan for FY 2003-2008, in accordance with the Government Performance and Results Act of 1993; to the Committee on Government Reform.

5034. A letter from the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting the FY 2003 report pursuant to the Federal Managers' Financial Integrity Act of 1982 and the 1988 Amendments to the Inspector General Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5035. A letter from the Director, Center for Employee and Family Support Policy, Office of Personal Management, transmitting the Office's final rule — Federal Employees Health Benefits Children's Equity (RIN: 3206-AJ34) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5036. A letter from the Deputy General Counsel, Department of Homeland Security, transmitting the Department's ''Major'' final rule — Regulations Implementing the Support of Anti-terrorism by Fostering Effective Technologies Act of 2002 (the SAFETY Act) [USCG-2003-15425] (RIN: 1601-AA15) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5037. A letter from the Deputy Assistant General Counsel, Regulations, U.S. Citizen & Immigration Services, Department of Homeland Security, transmitting the Department's final rule — Adding and Removing Institutions to and from the List of Recognized American Institutions of Research [CIS No. 2131-03] (RIN: 1615-AA72) received October 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5038. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Implementation of Methamphetamine Anti-Proliferation Act; Thresholds for Retailers and for Distributors Required To Submit Mail Order Reports; Changes to Mail Order Reporting Requirements [Docket No. DEA-210F] (RIN: 1117-AA69) received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5039. A letter from the Chief, Regulations and Administrative Law, Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Implementation of National Maritime Security Initiatives [USCG-2003-14792] (RIN:1625-AA69) received October 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5040. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Stemme GmbH & Co. KG Model STEMME S10-VT Sailplanes [Docket No. 2003-CE-36-AD; Amendment 39-13327; AD 2003-20-09] (RIN: 2120-AA64) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5041. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes [Docket No. 2003-CE-41-AD; Amendment 39-13339; AD 2003-21-04] (RIN: 2120-AA64) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5042. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. 2003-CE-42-AD; Amendment 39-13333; AD 2003-20-15] (RIN: 2120-AA64) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5043. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Beech Models 1900, 1900C, and 1900D

Airplanes [Docket No. 2003-CE-43-AD; Amendment 39-13328; AD 2003-20-10] (RIN: 2120-AA64) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5044. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Interagency Acquisition Approvals (RIN: 2700-AC78) received October 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

5045. A letter from the Deputy General Counsel, Office of Disaster Assistance, Small Business Administration, transmitting the Administration's final rule — Disaster Loan Program-Disaster Mitigation Act of 2000 (RIN: 3245-AE97) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5046. A letter from the Deputy General Counsel, Office of New Market Venture Capital, Small Business Administration, transmitting the Administration's final rule — New Markets Venture Capital Program (RIN: 3245-AE91) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5047. A letter from the Deputy General Counsel, HUBZone Program, Small Business Administration, transmitting the Administration's final rule — HUBZone Program; received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5048. A letter from the Deputy General Counsel, HUBZone Program, Small Business Administration, transmitting the Administration's final rule — HUBZone Program; received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5049. A letter from the Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Elimination of Statistical Classes Large Cigars (2000R-410P) [T.D. TTB-4; ATF Notice No. 962] (RIN: 1513-AA18) received October 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5050. A letter from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Electronic Signatures; Electronic Submission of Forms (2000R-458P) [T.D. TTB-5; Notice No. 5] (RIN: 1513-AA61) received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5051. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-114) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5052. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Special Rules for Certain Foreign Business Entities [TD 9093] (RIN: 1545-AX39) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5053. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Validity and Priority Against Certain Persons (Rev. Rul. 2003-108) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5054. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Taxation of DISC Income to Shareholders (Rev. Rul. 2003-111) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5055. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2003-61] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5056. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Stock that is considered readily tradable on an established securities market in the United States for purposes [Notice 2003-71; I.R.B. 2003-43] received Ocotber 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5057. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Availibility of Information and Records to the Public [Regulations No. 2] (RIN: 0960-AF91) received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5058. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Changes to the Hospital Outpatient Prospective Payment System and Calendar Year 2004 Payment Rates [CMS-1471-FC] (RIN: 0938-AL91) received October 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5059. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2004 [CMS-1476-FC] (RIN: 0938-AL96) received October 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5060. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Changes to the Hospital Outpatient Prospective Payment System and Calendar Year 2004 Payment Rates [CMS-1471-FC] (RIN: 0938-AL19) received November 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on International Relations. H.R. 3145. A bill to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation, and for other purposes; with an amendment (Rept. 108–339). Referred to the Committee on the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3181. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes (Rept. 108–340). Referred to the Committee on the Whole House on the state of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1274. A bill to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county; with amendment (Rept. 108–341). Referred to the Committee of the Whole House on the State of the Union.

Mr. KNOLLENBERG: Committee of Conference. Conference report on H.R. 2559. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–342). Ordered to be printed.

Mr. POMBO: Committee on Resources. House Concurrent Resolution 237. Resolution 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 (Rept. 108–343). Referred to the House Calendar.

Mr. POMBO: Committee on Resources. S. 677. An act to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes (Rept. 108–344). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 924. An act to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes (Rept. 108–345). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 506. A bill to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes; with an amendment (Rept. 108–346). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1204. A bill to amend the National Wildlife Refuge System Administration Act of 1966 to establish requirements for the award of concessions in the National Wildlife Refuge System, to provide for maintenance and repair of properties located in the System by concessionaires authorized to use such properties, and for other purposes; with an amendment (Rept. 108–347). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 428. Resolution providing for the consideration of the bill (H.R. 1829) to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations, and for other purposes (Rept. 108–348). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 429. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2559) making appropriations for military construction, family

housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–349). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 430. Resolution providing for consideration of the joint resolution (H.J. Res. 76) making further continuing appropriations for the fiscal year 2004, and for other purposes (Rept. 108–350). Referred to the House Calendar.

Mr. OXLEY: Committee on Financial Services. H.R. 2420. A bill to improve transparency relating to the fees and costs that mutual fund investors incur and to improve corporate governance of mutual funds; with an amendment (Rept. 108–351). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[The following action occurred on October 31, 2003]

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 135 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

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

[The following actions occurred on October 31, 2003]

H.R. 180. Referral to the Committee on Rules extended for a period ending not later than November 7, 2003.

H.R. 1081. Referral to the Committees on Transportation and Infrastructure, Resources, and House Administration for a period ending not later than November 7, 2003.

H.R. 1856. Referral to the Committee on Resources extended for a period ending not later than November 7, 2003.

H.R. 2120. Referral to the Committee on the Judiciary extended for a period ending not later than November 7, 2003.

H.R. 2571. Referral to the Committee on Ways and Means extended for a period ending not later than November 7, 2003.

H.R. 2802. Referral to the Committee on Government Reform extended for a period ending not later than November 7, 2003.

H.R. 3358. Referral to the Committee on the Budget extended for a period ending not later than November 7, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia (for himself, Mr. MORAN of Virginia, Mr. SENSENBRENNER, Mr. COBLE, Mr. SCHROCK, Mr. WOLF, Mrs. JO ANN DAVIS of Virginia, Mr. GOODLATTE, Mr. CANTOR, Mr. FORBES, Mr. BOUCHER, Mr. GOODE, and Mr. SCOTT of Virginia):

H.R. 3428. A bill to designate a portion of the United States courthouse located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the ''Justin W. Williams United States Attorney's Building''; to the Committee on Transportation and Infrastructure.

By Mr. SHIMKUS (for himself and Mr. RUSH):

H.R. 3429. A bill to improve the funding mechanism for the Department of Energy Civilian Radioactive Waste Management Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ANDREWS (for himself, Mr. LOBIONDO, and Mr. SAXTON):

H.R. 3430. A bill to amend title 28, United States Code, to divide New Jersey in 2 judicial districts; to the Committee on the Judiciary.

By Mr. BACA (for himself, Mr. WAMP, Mr. OSBORNE, Mrs. BONO, Mr. ORTIZ, Mr. PASTOR, Mr. RODRIGUEZ, Mr. BECERRA, Ms. SOLIS, Mr. GRIJALVA, Mr. GONZALEZ, Ms. WOOLSEY, Mr. RAHALL, Mr. FRANK of Massachusetts, Ms. KAPTUR, Mr. KIND, Mr. KILDEE, Mr. HINOJOSA, Ms. ESHOO, Mr. ROSS, Mrs. DAVIS of California, Mr. SCHIFF, Mr. UDALL of Colorado, Mr. ALEXANDER, Mr. ALLEN, Mr. BISHOP of New York, Mr. BELL, Mr. CARSON of Oklahoma, Mr. CARDOZA, Mr. CLYBURN, Mr. CROWLEY, Mr. DAVIS of Florida, Mr. DOYLE, Mr. EMANUEL, Mr. ETHERIDGE, Mr. EVANS, Mr. FROST, Mr. GREEN of Texas, Mr. HILL, Mr. HONDA, Mr. INSLEE, Ms. LEE, Mr. MCINNIS, Ms. LOFGREN, Mr. TOWNS, Ms. HARMAN, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. REYES, Mrs. MALONEY, Mr. LANTOS, Mr. SMITH of Washington, Mr. MATSUI, Mr. FILNER, Mrs. NAPOLITANO, Ms. NORTON, Ms. MILLENDER-MCDONALD, Ms. WATERS, Ms. CARSON of Indiana, Ms. LORETTA SANCHEZ of California, Mr. PASCRELL, Ms. VELAZQUEZ, Ms. SCHAKOWSKY, Mrs. CAPPS, Ms. PELOSI, Mr. SHERMAN, Mrs. TAUSCHER, Mr. PAYNE, Ms. BERKLEY, Ms. ROYBAL-ALLARD, Mr. NADLER, Mr. HOYER, Ms. DEGETTE, Ms. LINDA T. SANCHEZ of California, Mr. EDWARDS, Ms. DELAURO, Mr. DICKS, Mr. HASTINGS of Florida, Mr. CALVERT, Mr. WELDON of Pennsylvania, Mr. ISRAEL, Mrs. JONES of Ohio, Mr. LARSEN of Washington, Mr. LEWIS of California, Mr. LYNCH, Mr. MATHESON, Mr. MARSHALL, Mr. MENENDEZ, Mr. MURTHA, Mr. OSE, Mr. PALLONE, Mr. RENZI, Mr. ROTHMAN, Mr. SANDLIN, Mr. SERRANO, Mr. TANNER, Mr. THOMPSON of California, Mr. WEINER, Ms. WATSON, Mr. OLVER, Ms. BORDALLO, Mr. OWENS, Mr. BERMAN, Mr. ACEVEDO-VILA, Mr. GUTIERREZ, Mr. CONYERS, Mr. UDALL of New Mexico, Mr. DOOLEY of California, Ms. JACKSON-LEE of Texas, Mr. ISSA, and Ms. KILPATRICK):

H.R. 3431. A bill to require the National Institute for Occupational Safety and Health to monitor the long-term health of firefighters involved in fighting fires within Federal disaster areas; to the Committee on Education and the Workforce.

By Mr. BLUMENAUER (for himself, Mr. MANZULLO, Mr. MORAN of Virginia, Mr. SIMMONS, Mr. FARR, Mr. GREENWOOD, Mr. BEREUTER, Mr. FRANK of Massachusetts, Mr. HOLDEN, Mr. INSLEE, Mr. MOLLOHAN, Mr. SERRANO, Mr. UDALL of New Mexico, Mr. BROWN of Ohio, Mr. KANJORSKI, Ms. WOOLSEY, Mr. HOEFFEL, Mr. HILL, Mrs. KELLY, Mr. ALLEN, Mrs. CHRISTENSEN, Mr. MURTHA, Mr. HOLT, Mr. FILNER, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. WYNN, Mrs. MCCARTHY of New York, Mr. RODRIGUEZ, Mr. MARKEY, Mr. EVANS, Mr. RAHALL, Mr. OWENS, Mr. STARK, Mr. MCNULTY, Mr. LEWIS of Kentucky, Mr. LIPINSKI, Mr. THOMPSON of California, Mr. BAIRD, Mr. CLAY, Mr. ENGLISH, Mrs. EMERSON, Ms. KILPATRICK, Mr. ACKERMAN, Mr. FROST, Mrs. LOWEY, Mr. KUCINICH, Mr. DOOLEY of California, Mr. BOEHLERT, Ms. DELAURO, Mr. POMEROY, Mr. OSBORNE, Ms. CARSON of Indiana, Mr. SHAYS, Ms. ESHOO, Ms. BALDWIN, and Mr. COOPER):

H.R. 3432. A bill to amend title 39, United States Code, to provide that the procedures relating to the closing or consolidation of a post office be extended to the relocation or construction of a post office, and for other purposes; to the Committee on Government Reform.

By Mrs. EMERSON:

H.R. 3433. A bill to transfer federal lands between the Secretary of Agriculture and the Secretary of the Interior; to the Committee on Resources, and in addition to the Committees on Agriculture, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 3434. A bill to amend title XVIII of the Social Security Act to limit the deduction of Medicare part B premiums from Social Security benefits payments only for months in which Medicare coverage is provided; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H.R. 3435. A bill to establish a commission to study employment and economic insecurity in the United States workforce; to the Committee on Education and the Workforce.

By Mr. ISRAEL:

H.R. 3436. A bill to amend title 38, United States Code, to provide for the Government to pay for the cost of premiums for Servicemembers Group Life Insurance for the first $100,000 of coverage; to the Committee on Veterans' Affairs.

By Mr. LANGEVIN (for himself, Mr. KENNEDY of Rhode Island, Mr. DELAHUNT, and Mr. MCGOVERN):

H.R. 3437. A bill to direct the Consumer Product Safety Commission to issue standards addressing open flame ignition of consumer products containing polyurethane; to the Committee on Energy and Commerce.

By Mr. LEVIN (for himself, Ms. GRANGER, Ms. DELAURO, Mrs. WILSON of New Mexico, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. BACHUS, Mr. BELL, Mr. BISHOP of New York, Mr. BURGESS, Mr. CUMMINGS, Mr. DEUTSCH, Mr. FALEOMAVAEGA, Mr. FRANK of Massachusetts, Mr. FROST, Ms. HART, Mr. HONDA, Mr. ISRAEL, Mr. KILDEE, Mr. LATOURETTE, Ms. LOFGREN, Mrs. MALONEY, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCHUGH, Mr. MCNULTY, Mr. MENENDEZ, Mr. MORAN of Virginia, Mr. NADLER, Mr. OWENS, Ms. SLAUGHTER, Mr. TOWNS, Mrs. JONES of Ohio, Mr. WAXMAN, Mr. WEXLER, and Mr. WYNN):

H.R. 3438. A bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself and Mr. FROST):

H.R. 3439. A bill to promote the sharing of personnel between Federal law enforcement agencies and other public law enforcement agencies, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), 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. YOUNG of Florida:

H.J. Res. 76. A joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes; to the Committee on Appropriations.

By Mr. FEENEY (for himself and Mr. BOYD):

H. Con. Res. 320. Concurrent resolution expressing the sense of the Congress regarding the importance of motorsports; to the Committee on Government Reform.

By Ms. BERKLEY (for herself and Mr. PORTER):

H. Res. 431. A resolution honoring the achievements of Siegfried and Roy, recognizing the impact of their efforts on the conservation of endangered species both domestically and worldwide, and wishing Roy Horn a full and speedy recovery; to the Committee on Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H. Res. 432. A resolution expressing the sense of the House of Representatives that the United States should take action to meet its obligations, and to ensure that all other member states of the United Nations meet their obligations, to women as agreed to in United Nations Security Council Resolution 1325 relating to women, peace, and security, and the United States should fully assume the implementation of international law relating to human rights that protects the rights of women and girls during and after conflicts, and for other purposes; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

211. The SPEAKER presented a memorial of the Senate of the State of Texas, relative to Senate Resolution No. 373 memorializing the Congress of the United States to prohibit federal courts from ordering or instructing any state or political subdivision thereof to levy or increase taxes; to the Committee on the Judiciary.

212. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution memorializing the United States Congress to adequately fund the programs of the Veterans Administration; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

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

H.R. 211: Mr. LEWIS of Georgia, Mr. MEEKS of New York, and Mrs. JONES of Ohio.

H.R. 218: Mr. GERLACH and Mr. MORAN of Virginia.

H.R. 318: Mr. KING of Iowa.

H.R. 333: Mr. LANTOS.

H.R. 353: Mr. CANNON.

H.R. 369: Mr. CUMMINGS.

H.R. 375: Mr. BURR, Mr. BURTON of Indiana, Mr. TURNER of Texas, and Mr. BOSWELL.

H.R. 401: Mrs. MUSGRAVE and Ms. BORDALLO.

H.R. 440: Mr. CROWLEY, Mr. DEUTSCH, Mr. MEEK of Florida, and Mr. KUCINICH.

H.R. 623: Mr. LAMPSON.

H.R. 677: Mr. JACKSON of Illinois.

H.R. 685: Mr. BELL.

H.R. 713: Mr. BROWN of Ohio.

H.R. 737: Mr. BOYD and Mr. JACKSON of Illinois.

H.R. 752: Mrs. CAPPS.

H.R. 776: Mr. FRANK of Massachusetts.

H.R. 811: Mrs. NAPOLITANO.

H.R. 833: Mr. MANZULLO.

H.R. 857: Mr. WAMP, Mr. WU, and Mr. PALLONE.

H.R. 890: Mr. DELAHUNT.

H.R. 936: Mr. WATT.

H.R. 962: Ms. MAJETTE, Mr. KIND, Mr. WALSH, and Mr. JACKSON of Illinois.

H.R. 980: Mr. GARY G. MILLER of California.

H.R. 1070: Mr. FROST.

H.R. 1105: Mr. LEVIN.

H.R. 1116: Ms. MCCOLLUM.

H.R. 1173: Mr. ISAKSON.

H.R. 1267: Mr. BISHOP of Georgia.

H.R. 1285: Mr. BELL.

H.R. 1435: Mr. BELL.

H.R. 1464: Mr. DOGGETT.

H.R. 1532: Mr. DAVIS of Illinois, Mr. JONES of North Carolina, Mr. MICHAUD, and Mr. DOOLEY of California.

H.R. 1563: Mr. OLVER.

H.R. 1657: Ms. SLAUGHTER and Mr. RANGEL.

H.R. 1680: Mr. CONYERS.

H.R. 1708: Mr. JENKINS, Mr. ENGEL, Mr. BRADY of Pennsylvania, Mr. WILSON of South Carolina, and Mr. BURGESS.

H.R. 1818: Mr. SESSIONS.

H.R. 1858: Mr. WAXMAN.

H.R. 1906: Mr. KUCINICH.

H.R. 1929: Mr. KUCINICH.

H.R. 2107: Mr. BALLANCE.

H.R. 2173: Ms. KAPTUR, Mr. REYES, Mr. ACKERMAN, Mr. LIPINSKI, and Ms. MILLENDER-MCDONALD.

H.R. 2181: Mr. GREEN of Wisconsin.

H.R. 2203: Mr. ACKERMAN and Mr. LANTOS.

H.R. 2216: Mr. SOUDER and Mr. BACHUS.

H.R. 2327: Mr. WELDON of Pennsylvania.

H.R. 2420: Mr. OXLEY, Mr. FRANK of Massachusetts, Mr. CASTLE, Ms. WATERS, Mrs. MALONEY, Ms. HOOLEY of Oregon, Mr. MOORE, Mr. FORD, Mr. JONES of North Carolina, Mr. GONZALEZ, Mr. EMANUEL, Mr. MATHESON, Mr. SCOTT of Georgia, Mr. HINOJOSA, Mr. HENSARLING, Mrs. CAPITO, Mr. GARRETT of New Jersey, and Mrs. BIGGERT.

H.R. 2426: Mr. VAN HOLLEN.

H.R. 2490: Mr. MCDERMOTT, Ms. SLAUGHTER, Ms. MCCOLLUM, Mr. KUCINICH, and Mr. DELAHUNT.

H.R. 2511: Ms. WATERS.

H.R. 2536: Ms. LOFGREN and Mr. ANDREWS.

H.R. 2558: Mr. MEEK of Florida.

H.R. 2569: Ms. NORTON, Ms. WATSON, Mr. BALLANCE, Mr. FRANK of Massachusetts, Mr. STUPAK, and Ms. MCCOLLUM.

H.R. 2579: Mr. JONES of North Carolina, Mr. DOOLITTLE, and Mr. SANDLIN.

H.R. 2585: Ms. SCHAKOWSKY, Ms. LOFGREN, and Ms. SOLIS.

H.R. 2592: Mr. OWENS and Ms. MAJETTE.

H.R. 2594: Mr. DOGGETT.

H.R. 2683: Mr. WHITFIELD.

H.R. 2700: Mr. TERRY, Mr. FRANK of Massachusetts, and Mr. KIND.

H.R. 2705: Ms. MCCOLLUM, Mr. CUMMINGS, Mr. KUCINICH, and Mr. JACKSON of Illinois.

H.R. 2720: Mr. CROWLEY, Mr. TOWNS, Mr. SERRANO, and Mr. GERLACH.

H.R. 2732: Mr. STEARNS.

H.R. 2762: Mr. PETERSON of Pennsylvania.

H.R. 2763: Mr. PETERSON of Pennsylvania.

H.R. 2768: Mr. SERRANO, Mr. POMEROY, Mr. BISHOP of New York, Mr. TAYLOR of Mississippi, Mr. DAVIS of Alabama, Mr. MENENDEZ, Mr. PASTOR, Mr. BLUMENAUER, Ms. ROYBAL-ALLARD, Mr. PALLONE, Mr. HOLT, Mr. BROWN of Ohio, Mr. DOOLEY of California, Mr. FRANK of Massachusetts, Mr. ISRAEL, Mr. RYAN of Ohio, Ms. MCCOLLUM, Mr. SMITH of Washington, Mr. KENNEDY of Rhode Island, Mr. WAXMAN, Mr. DINGELL, and Mr. ANDREWS.

H.R. 2771: Mr. MCHUGH and Mr. SERRANO.

H.R. 2809: Mr. KUCINICH.

H.R. 2810: Mr. KUCINICH.

H.R. 2816: Mr. BLUMENAUER and Mr. GRIJALVA.

H.R. 2823: Mr. SHIMKUS, Mr. GOODE, and Mr. FILNER.

H.R. 2849: Mr. SHAW.

H.R. 2866: Ms. MAJETTE.

H.R. 2868: Mr. HYDE.

H.R. 2871: Mr. SANDLIN and Mr. WYNN.

H.R. 2888: Ms. SLAUGHTER.

H.R. 2908: Mr. RYAN of Ohio.

H.R. 2934: Mr. GALLEGLY and Mr. MCHUGH.

H.R. 2945: Mr. CONYERS, Mr. KUCINICH, Mr. FROST, Mr. BROWN of Ohio, Mr. OLVER, Mr. RUSH, and Mr. GUTIERREZ.

H.R. 2952: Ms. SLAUGHTER.

H.R. 2978: Mr. MARSHALL, Mr. CANNON, Mr. OTTER, Mr. PEARCE, and Mr. TOWNS.

H.R. 3002: Mr. WAMP and Mr. BRADLEY of New Hampshire.

H.R. 3004: Mr. MICHAUD.

H.R. 3008: Mr. KUCINICH.

H.R. 3079: Mr. PUTNAM, Ms. ROS-LEHTINEN, and Mr. BAKER.

H.R. 3120: Mr. KUCINICH.

H.R. 3125: Mr. WILSON of South Carolina.

H.R. 3129: Mr. FILNER.

H.R. 3139: Mr. KUCINICH.

H.R. 3142: Ms. HARRIS.

H.R. 3153: Ms. LEE and Mr. CUMMINGS.

H.R. 3184: Ms. MCCOLLUM and Mr. WAMP.

H.R. 3227: Ms. DELAURO.

H.R. 3237: Ms. DEGETTE and Mr. KUCINICH.

H.R. 3263: Mr. ADERHOLT, Mr. BRADY of Texas, Mr. CHOCOLA, Mr. DEAL of Georgia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FEENEY, Mr. GERLACH, Mr. GREENWOOD, Ms. HART, Mr. HENSARLING, Mr. HERGER, Mr. ISSA, Mr. JANKLOW, Mrs. KELLY, Mr. KIRK, Mr. LEWIS of California, Mr. MCKEON, Mr. SHADEGG, Mr. SHUSTER, Mr. WALDEN of Oregon, and Mr. REYES.

H.R. 3275: Mr. WEXLER, Mr. OWENS, and Ms. CORRINE BROWN of Florida.

H.R. 3277: Mr. LEWIS of California, Mr. FOLEY, Mrs. JONES of Ohio, Mr. WHITFIELD, Mr. QUINN, Ms. DUNN, Mr. BOEHLERT, Mr. SMITH of New Jersey, Mr. CHABOT, Mr. EHLERS, Mrs. JOHNSON of Connecticut, Mr. RAMSTAD, Mr. BRADY of Texas, Mr. MCNULTY, Mrs. BIGGERT, Mr. LEVIN, Mr. KIRK, Ms. MILLENDER-MCDONALD, Mr. PLATTS, Mr. YOUNG of Florida, Mr. FALEOMAVAEGA, Mr. PORTMAN, Mr. CROWLEY, Mr. SKELTON, Mr. GILLMORE, Mr. UPTON, Mr. LANTOS, Mr. MATSUI, Mr. SIMMONS, Mr. HOBSON, Mr. BALLENGER, Mr. AKIN, Mr. SESSIONS, and Mr. BEREUTER.

H.R. 3284: Mr. DOGGETT.

H.R. 3304: Mr. HINOJOSA.

H.R. 3323: Mr. FILNER.

H.R. 3344: Mr. CUMMINGS, Ms. MILLENDER-MCDONALD, and Mr. NEAL of Massachusetts.

H.R. 3348: Mr. CONYERS.

H.R. 3350: Mr. MCNULTY and Mr. COSTELLO.

H.R. 3352: Ms. LEE, Ms. SLAUGHTER, Ms. DEGETTE, and Mr. TOWNS.

H.R. 3355: Mr. CONYERS and Mr. GUTIERREZ.

H.R. 3358: Mr. TURNER of Ohio and Mrs. MUSGRAVE.

H.R. 3362: Mr. GRIJALVA.

H.R. 3387: Mr. GUTIERREZ.

H.R. 3388: Mr. GREEN of Wisconsin, Mr. LEACH, and Mr. SHIMKUS.

H.R. 3400: Mr. HERGER, Mr. DOOLITTLE, and Mr. GIBBONS.

H.R. 3402: Mr. ETHERIDGE and Mr. SCOTT of Georgia.

H.R. 3416: Mr. LANTOS, Mr. MCGOVERN, Mr. FRANK of Massachusetts, and Ms. JACKSON-LEE of Texas.

H.R. 3424: Ms. MCCOLLUM, Mr. CUMMINGS, Ms. SCHAKOWSKY, Mr. SANDERS, and Mrs. NAPOLITANO.

H.R. 3425: Mr. CROWLEY, Mr. CUMMINGS, Ms. MAJETTE, Ms. SCHAKOWSKY, Mr. SANDERS, and Mrs. NAPOLITANO.

H.J. Res. 65: Mr. BARTLETT of Maryland.

H. Con. Res. 69: Mr. FALEOMAVAEGA.

H. Con. Res. 82: Mr. WILSON of South Carolina.
H. Con. Res. 87: Mr. WAXMAN.
H. Con. Res. 137: Mr. ENGEL.
H. Con. Res. 194: Mr. CLAY, Mr. QUINN, Mr. CLYBURN, Mr. JEFFERSON, Ms. JACKSON-LEE of Texas, Mr. BALLANCE, Ms. CARSON of Indiana, Mr. LEWIS of Georgia, Mr. WATT, Mr. RUSH, Mr. DAVIS of Alabama, and Ms. WATERS.
H. Con. Res. 213: Mr. CLAY.
H. Con. Res. 247: Mr. JENKINS.
H. Con. Res. 265: Mr. REYNOLDS.
H. Con. Res. 280: Mr. NADLER and Mr. PORTER.
H. Con. Res. 281; Ms. LEE and Ms. NORTON.
H. Con. Res. 285: Mr. WATT and Ms. BORDALLO.
H. Con. Res. 297: Ms. NORTON and Mr. MCDERMOTT.
H. Con. Res. 298: Mr. MCINTYRE, Mr. BARRETT of South Carolina, and Mr. SMITH of New Jersey.
H. Con. Res. 309: Mr. SOUDER, Mr. ALLEN, Mr. MCHUGH, Mr. KIRK, Mr. DOYLE, and Mr. LEWIS of Georgia.
H. Con. Res. 310: Mr. BACHUS.
H. Con. Res. 314: Mr. BISHOP of Georgia and Mr. WYNN.
H. Con. Res. 316: Mr. LEVIN, Mr. REGULA, and Mr. WEINER.
H. Res. 136: Mr. CUNNINGHAM.
H. Res. 300: Mr. CALVERT and Mr. VITTER.
H. Res. 320: Mr. KUCINICH.
H. Res. 393: Mrs. KELLY and Mr. KUCINICH.
H. Res. 394: Mr. PORTER and Ms. BERKLEY.
H. Res. 402: Ms. MCCOLLUM.
H. Res. 419: Mr. CLAY, Mr. GEORGE MILLER of California, and Mr. BERMAN.
H. Res. 425: Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mrs. BONO, Mr. CALVERT, Mrs. CAPPS, Mr. CARDOZA, Mr. COX, Mr. DOOLEY of California, Mr. DOOLITTLE, Mr. DREIER, Ms. ESHOO, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GALLEGLY, Mr. GOODLATTE, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Mr. ISSA, Mr. KOLBE, Mr. LANTOS, Ms. LEE, Mr. LEWIS of California, Ms. LOFGREN, Mr. MATSUI, Mr. MCDERMOTT, Mr. MCINNIS, Mr. MCKEON, Ms. MILLENDER-MCDONALD, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. NUNES, Mr. OSE, Mr. PASCRELL, Ms. PELOSI, Mr. POMBO, Mr. RADANOVICH, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Mr. ROYCE, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Mr. SMITH of Washington, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. THOMAS, Mr. THOMPSON of California, Mrs. JONES of Ohio, Mr. WALDEN of Oregon, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WELDON of Pennsylvania, Mr. WOLF, and Ms. WOOLSEY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1829

OFFERED BY: MR. TOOMEY

AMENDMENT NO. 1: Page 7, line 17, strike the period and insert the following: '', unless the contract opportunity has been reserved for competition exclusively among small business concerns pursuant to section 15(a) of the Small Business Act (15 U.S.C. 644(a)) and its implementing regulations.''.

H.R. 1829

OFFERED BY: MS. MILLENDER-MCDONALD

AMENDMENT NO. 2: Page 24, after line 10, insert the following new subparagraph (and redesignate succeeding subparagraphs accordingly):

''(C) The Board of Directors of Federal Prison Industries shall—

''(i) not later than September 30, 2004, increase the maximum wage rate for inmates performing work for or through Federal Prison Industries to an amount equal to 50 percent of the minimum wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1));

''(ii) not later than September 30, 2009, increase such maximum wage rate to an amount equal to such minimum wage; and

''(iii) request the Secretary of Labor to establish, not later than October 1, 2004, an 'inmate training wage' pursuant to that Act.

H.R. 1829

OFFERED BY: MS. WATERS

AMENDMENT NO. 3: Page 24, line 7, insert after the period the following: ''In the case of an inmate whose term of imprisonment is to expire in not more than 2 years, wages shall be earned at an hourly rate of not less than $2.50, but paid at the same rate and in the same manner as to any other inmate, and any amount earned but not paid shall be held in trust and paid only upon the actual expiration of the term of imprisonment.''.

H.R. 1829

OFFERED BY: MR. SCOTT OF VIRGINIA

AMENDMENT NO. 4: Page 17, strike line 16 and all that follows through page 18, line 19.

Page 18, line 20, strike ''(2)'' and insert ''(b)'' (and align the margin with subsection (a) and redesignate subsequent subsections accordingly).

Page 19, lines 7 and 8, strike ''subsection (b) and subsection (c) of''.

Page 19, lines 15 and 16, and lines 21 and 22, strike ''subsections (b) and (c)'' and insert ''this section''.

Page 20, line 7, strike ''preferential''.

Page 20, line 8, strike ''subsection (b)'' and insert ''this section''.

H.R. 1829

OFFERED BY: MR. SCOTT OF VIRGINIA

AMENDMENT NO. 5: Page 25, strike section 7 (line 11 and all that follows through page 26, line 12).

H.R. 1829

OFFERED BY: MR. SCOTT OF VIRGINIA

AMENDMENT NO. 6: Page 29, insert after line 5 the following new subsection (and redesignate subsequent subsections accordingly):

(b) ADDITIONAL INMATE WORK OPPORTUNITIES THROUGH PUBLIC SERVICE ACTIVITIES.—

(1) IN GENERAL.—Chapter 307 of title 18, United States Code, is further amended by inserting after section 4124 the following new section:

''§ 4124a. Additional inmate work opportunities through public service activities

''(a) IN GENERAL.—Inmates with work assignments within Federal Prison Industries may perform work for an eligible entity pursuant to an agreement between such entity and the Inmate Work Training Administrator in accordance with the requirements of this section.

''(b) DEFINITION OF ELIGIBLE ENTITIES.—For the purposes of this section, the term 'eligible entity' means an entity—

''(1) that is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code and that has been such an organization for a period of not less than 36 months prior to inclusion in an agreement under this section;

''(2) that is a religious organization described in section 501(d) of such Code and exempt from taxation under section 501(a) of such Code; or

''(3) that is a unit of local government, a school district, or another special purpose district.

''(c) INMATE WORK TRAINING ADMINISTRATOR.—

''(1) The Federal Prison Industries Board of Directors shall designate an entity as the Inmate Work Training Administrator to administer the work-based training program authorized by this section.

''(2) In selecting the Inmate Work Training Administrator, the Board of Directors shall select an entity—

''(A) that is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; and

''(B) that has demonstrated, for a period of not less than 5 years, expertise in the theory and practice of fostering inmate rehabilitation through work-based programs in cooperation with private sector firms.

''(3) With respect to the formation and performance of an agreement authorized by this section, the Director of the Bureau of Prisons and the Chief Operating Officer of Federal Prison Industries shall be responsible only for—

''(A) maintaining appropriate institutional and inmate security; and

''(B) matters relating to the selection and payment of participating inmates.

''(d) PROPOSED AGREEMENTS.—An eligible entity seeking to enter into an agreement pursuant to subsection (a) shall submit a detailed proposal to the Inmate Work Training Administrator. Each such agreement shall specify—

''(1) types of work to be performed;

''(2) the proposed duration of the agreement, specified in terms of a base year and number of option years;

''(3) the number of inmate workers expected to be employed in the specified types of work during the various phases of the agreement;

''(4) the wage rates proposed to be paid to various classes of inmate workers; and

''(5) the facilities, services and personnel (other than correctional personnel dedicated to the security of the inmate workers) to be furnished by Federal Prison Industries or the Bureau of Prisons and the rates of reimbursement, if any, for such facilities, services, and personnel.

''(e) REPRESENTATIONS.—

''(1) ELEEMOSYNARY WORK ACTIVITIES.—Each proposed –agreement shall be accompanied by a written certification by the chief executive officer of the eligible entity that—

''(A) the work to be performed by the inmate workers will be limited to the eleemosynary work of such entity in the case of an entity described in paragraph (1) or (2) of subsection (b);

''(B) the work would not be performed but for the —availability of the inmate workers;

''(C) the work performed by the inmate workers will not result, either directly or indirectly, in the production of a new product or the furnishing of a service that is to be offered for other than resale or donation by the eligible entity or any affiliate of the such entity.

''(2) PROTECTIONS FOR NON-INMATE WORKERS.—Each proposed agreement shall also be accompanied by a written certification by the chief executive officer of the eligible entity that—

''(A) no non-inmate employee or volunteer of the eligible entity (or any affiliate of the entity) will have his or her job abolished or work hours reduced as a result of the entity being authorized to utilize inmate workers; and

''(B) the work to be performed by the inmate workers will not supplant work currently being performed by a contractor of the eligible entity.

''(f) APPROVAL BY BOARD OF DIRECTORS.—

''(1) IN GENERAL.—Each such proposed agreement shall be –presented to the Board

of Directors, be subject to the same opportunities for public comment, and be publicly considered and acted upon by the Board in a manner comparable to that required by paragraphs (6) and (7) of section 4122(b).

''(2) MATTERS TO BE CONSIDERED.—In determining whether to approve a proposed agreement, the Board shall—

''(A) give priority to an agreement that provides inmate work opportunities that will provide participating inmates with the best prospects of obtaining employment paying a livable wage upon release;

''(B) give priority to an agreement that provides for maximum reimbursement for inmate wages and for the costs of supplies and equipment needed to perform the types of work to be performed;

''(C) not approve an agreement that will result in the displacement of non-inmate workers or volunteers contrary to the representations required by subsection (e)(2) as determined by the Board or by the Attorney General (pursuant to subsection (i)); and

''(D) not approve an agreement that will result, either directly or indirectly, in the production of a new product or the furnishing of a service for other than resale or donation.

''(g) WAGE RATES AND DEDUCTIONS FROM INMATE WAGES.—

''(1) IN GENERAL.—Inmate workers shall be paid wages for work under the agreement at a basic hourly rate to be negotiated between the eligible entity and Federal Prison Industries and specified in the agreement. The wage rates set by the Director of the Federal Bureau of Prisons to be paid inmates for various institutional work assignments are specifically authorized.

''(2) PAYMENT TO INMATE WORKER AND AUTHORIZED DEDUCTIONS.—Wages shall be paid and deductions taken pursuant to section 4122(b)(11)(C).

''(3) VOLUNTARY PARTICIPATION BY INMATE.—Each inmate worker to be utilized by an eligible entity shall indicate in writing that such person—

''(A) is participating voluntarily; and

''(B) understands and agrees to the wages to be paid and deductions to be taken from such wages.

''(h) ASSIGNMENT TO WORK OPPORTUNITIES.—Assignment of inmates to work under an approved agreement with an eligible entity shall be subject to the Bureau of Prisons Program Statement Number 1040.10 (Non-Discrimination Toward Inmates), as contained in section 551.90 of title 28 of the Code of Federal Regulations (or any successor document).

''(i) ENFORCEMENT OF PROTECTIONS FOR NON-INMATE WORKERS.—

''(1) CONSULTATION WITH SECRETARY OF LABOR.—The Attorney General shall carry out this subsection in consultation with the Secretary of Labor.

''(2) PRIOR TO BOARD CONSIDERATION.—Upon request of any interested person, the Attorney General may promptly verify a certification made pursuant subsection (e)(2) with respect to the displacement of non-inmate workers so as to make the results of such inquiry available to the Board of Directors prior to the Board's consideration of the proposed agreement. The Attorney General and the person requesting the inquiry may make recommendations to the Board regarding modifications to the proposed agreement.

''(3) DURING PERFORMANCE.—

''(A) IN GENERAL.—Whenever the Attorney General deems appropriate, upon request or otherwise, the Attorney General may verify whether the actual performance of the agreement is resulting in the displacement of non-inmate workers or the use of inmate workers in a work activity not authorized under the approved agreement.

''(B) SANCTIONS.—Whenever the Attorney General determines that performance of the agreement has resulted in the displacement of non-inmate workers or employment of an inmate worker in an unauthorized work activity, the Attorney General may—

''(i) direct the Inmate Work Training Administrator to terminate the agreement for default, subject to the processes and appeals available to a Federal contractor whose procurement contract has been terminated for default; and

''(ii) initiate proceedings to impose upon the person furnishing the certification regarding non-displacement of non-inmate workers required by subsection (d)(2)(B) any administrative, civil, and criminal sanctions as may be available.''.

(2) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2004 through 2008 for the purposes of paying the wages of inmates and otherwise undertaking the maximum number of agreements with eligible entities pursuant to section 4124a of title 18, United States Code, as added by paragraph (1).

(3) CLERICAL AMENDMENT.—The table of sections for chapter 307 of title 18, United States Code, is amended by inserting after the item relating to section 4124 the following new item:

''4124a. Additional inmate work opportunities through public service activities.''.

Page 36, insert after line 5 the following (and redesignate subsequent subsections and clerical amendments accordingly):

SEC. 11. ADDITIONAL PILOT AUTHORITIES FOR INMATE WORK OPPORTUNITIES.

(a) IN GENERAL.—Chapter 307 of title 18, United States Code, as amended by section 9, is further amended by adding at the end the following new section:

''§ 4131. Additional pilot authorities for inmate work opportunities

''(a) PILOT AUTHORITIES.—Federal Prison Industries may contract with private or public sector entities for Federal inmates to produce products or perform services for those entities. Under these pilot authorities, and pursuant to the terms and conditions specified in section 4122, Federal inmates may, under the direct supervision of Federal Prison Industries staff—

''(1) produce products or perform services for commercial companies which have been otherwise produced or performed for the companies by foreign labor outside the United States for at least 3 years before the proposed effective date of the business agreement;

''(2) produce products or perform services for commercial companies which would otherwise be performed for the companies by domestic labor, if available; or

''(3) produce products or perform services for not-for-profit agencies in support of the charitable activities of those agencies.

''(b) LIMITATIONS ON USE OF AUTHORITIES.—(1) Federal Prison Industries is prohibited from directly offering for commercial sale products produced or services furnished by Federal inmates, including through any form of electronic commerce.

''(2) The number of Federal inmates working under the pilot authority provided in subsection (a)(1) shall not exceed—

''(A) 4,000 during fiscal year 2005;

''(B) 8,000 during fiscal year 2006;

''(C) 12,000 during fiscal year 2007;

''(D) 16,000 during fiscal year 2008;

''(E) 20,000 during fiscal year 2009; or

''(F) 25 percent of the work-eligible Federal inmate population in any fiscal year beginning after September 30, 2008.

''(3) The number of Federal inmates working under the pilot authority provided in subsection (a)(3) shall not exceed—

''(A) 2,000 during fiscal year 2005;

''(B) 4,000 during fiscal year 2006;

''(C) 6,000 during fiscal year 2007;

''(D) 8,000 during fiscal year 2008;

''(E) 10,000 during fiscal year 2009; or

''(F) 10 percent of the work eligible Federal inmate population in any fiscal year beginning after September 30, 2009.

''(c) INMATE WAGES.—

''(1) IN GENERAL.—Each Federal inmate worker participating in industrial operations authorized by the Corporation shall be paid at a wage rate prescribed by the Board of Directors. The Director of the Federal Bureau of Prisons shall prescribe the wage rates for other Federal inmate work assignments within the various Federal correctional institutions. The Board shall give priority to approving Federal inmate work opportunities which maximize inmate earnings. Inmate wage rates shall be reviewed by the Board at least biannually.

''(2) WORK PURSUANT TO SUBSECTION (a)(1).—For Federal inmate work performed for commercial companies pursuant to subsection (a)(1), the wage rate paid to Federal inmates must be the Federal Prison Industries wage rate in effect on the date of the enactment of this section or twice the rate paid for work of a similar nature in the foreign locality in which the work would otherwise be performed, whichever is higher.

''(3) WORK PURSUANT TO SUBSECTION (a)(2).—For work performed by Federal inmates pursuant to subsection (a)(2), the wage rate paid to inmates shall be not less than the rate paid for work of a similar nature in the locality in which the work is to be performed, but in no event less than the minimum wage required pursuant to the Fair Labor Standards Act (29 U.S.C. 201 et seq). The determination of this wage rate shall be approved by the Secretary of Labor or by the State or local government entity with authority to approve such determinations.

''(d) DEDUCTIONS FROM INMATE WAGES.—Inmate wages paid by commercial companies shall be paid to the Corporation in the name and for the benefit of the Federal inmate. Except as specified in subsection (e), the Corporation may deduct, withhold, and disburse from the gross wages paid to inmates, aggregate amounts of not less than 50 percent and not more than 80 percent of gross wages for—

''(1) applicable taxes (Federal, State, and local);

''(2) payment of fines, special assessments, and any other restitution owed by the inmate worker pursuant to court order;

''(3) payment of additional restitution for victims of the inmate's crimes (at a rate not less than 10 percent of gross wages);

''(4) allocations for support of the inmate's family pursuant to statute, court order, or agreement with the inmate;

''(5) allocations to a fund in the inmate's name to facilitate such inmate's assimilation back into society, payable at the conclusion of incarceration;

''(6) such other deductions as may be specified by the Board of Directors.

''(e) EXCEPTION FOR HIGHER DEDUCTIONS.—The aggregate deduction authorized in subsection (d) may, with the written consent of an inmate, exceed the maximum limitation, if the amounts in excess of such limitation are for the purposes described in paragraphs (4) or (5) of that subsection.

''(f) CONVERSIONS.—Commercial market services authorized by the Federal Prison Industries Board of Directors and being provided by Federal Prison Industries on the date of enactment of this section may be continued until converted to a private sector contract pursuant to the authority in this

Act. The Board of Directors of Federal Prison Industries shall ensure these conversions occur at the earliest practicable date.

''(g) PROPOSALS FROM PRIVATE COMPANIES.—Federal Prison Industries may solicit, receive and approve proposals from private companies for Federal inmate work opportunities. Federal Prison Industries shall establish and publish for comment criteria to be used in evaluating and approving such proposals. In developing criteria, priority shall be given to those proposals which offer Federal inmates the highest wages, the most marketable skills, and the greatest prospects for post-release reintegration.

''(h) APPROVAL OF PROPOSALS.—The Board must approve all proposals in advance of their implementation.

''(i) CONTENT OF PROPOSALS.—Any business or eligible not-for-profit entity seeking to contract with Federal Prison Industries for Federal inmate workforce participation shall submit a detailed proposal to the Chief Operating Officer of Federal Prison Industries. Each such proposal shall specify—

''(1) the product or service to be produced or furnished;

''(2) the proposed duration of the business agreement, specified in terms of a base period and number of option period;

''(3) the number of Federal inmate workers expected to be employed during the various phases of the agreement;

''(4) the number of foreign workers, if any, outside the United States currently performing for the proposing entity the work proposed for performance by Federal inmate workers, and the wage rates paid to those workers;

''(5) the wage rates proposed to be paid to various classes of Federal inmate workers, at not less than the rates required by subsection (c); and

''(6) the facilities, services and personnel (other than correctional personnel dedicated to the security of the inmate workers) to be furnished by the Federal Prison Industries or the Bureau of Prisons and the rates of reimbursement for such facilities, services, and personnel, if any.

''(j) WRITTEN CERTIFICATION FOR PROPOSED COMMERCIAL BUSINESS AGREEMENT.—Each proposed commercial business agreement shall be accompanied by a written certification by the chief executive officer of the business entity proposing the agreement that—

''(1) no noninmate employee of the business (or any affiliate) working within the United States will have their job abolished or their work hours reduced as a direct result of the agreement;

''(2) inmate workers will be paid wages at rates in accordance with subsection (c); and

''(3) any domestic workforce reductions carried out by the business entity affecting employees performing work comparable to the work being performed by inmates pursuant to the agreement shall first apply to inmate workers employed pursuant to the agreement.

''(k) WRITTEN CERTIFICATION FOR PROPOSED AGREEMENT WITH NOT-FOR-PROFIT ENTITY.—Each proposed agreement with an eligible not-for-profit entity shall be accompanied by a written certification by the chief executive officer of the eligible entity that—

''(1) the work to be performed by the inmate workers will be limited to the eleemosynary work of such entity;

''(2) the work would not be performed on a compensated basis but for the availability of the inmate workers;

''(3) the work performed by the inmate workers will not result, either directly or indirectly, in the production of a product or the furnishing of a service that is to be offered for commercial sale by the eligible entity or any affiliate of such entity;

''(4) no noninmate employees of the eligible entity (or any affiliate of the entity) will have their job abolished or their work hours reduced as a result of the entity entering into an agreement to utilize inmate workers; and

''(5) the work to be performed by the inmate workers will not supplant work currently being performed by a contractor of the eligible entity.

''(l) PUBLIC NOTICE AND COMMENT.—

''(1) IN GENERAL.—The Board shall make reasonable attempts to provide opportunities for notice and comment to the widest audience of potentially interested parties as practicable. At a minimum, the Board shall—

''(A) give notice of a proposed business agreement on the Corporation's web site and in a publication designed to most effectively provide notice to private businesses and labor unions representing private sector workers who could reasonably be expected to be affected by approval of the proposed agreement, which notice shall offer to furnish copies of the proposal (excluding any proprietary information) and chief executive certifications and shall solicit comments on same;

''(B) solicit comments on the business proposal from trade associations representing businesses and labor unions representing workers who could reasonably be expected to be affected by approval of the proposal; and

''(C) afford an opportunity, on request, for a representative of an established trade association, labor union, or other representatives of private industry to present comments on the proposal directly to the Board of Directors.

''(2) COPIES.—The Board of Directors shall be provided copies of all comments received on the proposal.

''(3) REVISED PROPOSAL.—Based on the comments received on the initial business proposal, the business or nonprofit entity or Federal Prison Industries Chief Operating Officer may provide the Board of Directors a revised proposal. If the revised proposal presents new issues or potential effects on the private sector which were not addressed in the original proposal and comments received thereon, the Board shall provide another public notice and comment opportunity pursuant to paragraph (1).

''(4) OPEN MEETING.—The Board of Directors shall consider all inmate work opportunity proposals submitted and take any action with respect to such proposals, during a meeting that is open to the public, unless closed pursuant to section 552(b) of title 5.

''(m) BOARD APPROVAL.—(1) In determining whether to approve a proposed business agreement for Federal inmate work opportunities, the Board shall—

''(A) not approve any agreement that would result in the displacement of noninmate workers contrary to the certifications required in subsections (j) and(k) or pay less than the wages required by subsection (c).

''(B) not approve an agreement which the Board determines contains terms and conditions which would subject domestic noninmate workers to unfair competition;

''(C) request a determination from the International Trade Commission, the Department of Commerce or such other Executive Branch entities as may be appropriate, whenever the Board questions the representations by a commercial company or a not-for-profit entity regarding whether a particular product or service has been produced by foreign labor outside the United States for the commercial company or not-for profit entity for at least 3 years before the proposed effective date of the business agreement;

''(D) not approve an agreement which would cause Federal Prison Industries sales revenue derived from any specific industry to exceed 50 percent of Federal Prison Industries total revenue.

''(E) not approve any agreement which provides for direct supervision of Federal inmate workers by non-Federal Prison Industries employees; and

''(H) not approve any agreement which would provide for products or services produced by Federal inmates to be sold to agencies of State government without the written consent of the Governor or designee.

''(n) REVIEW AND ENFORCEMENT.—(1) The Attorney General shall carry out this subsection in consultation with the Secretary of Labor.

''(2) Upon request of any interested person, the Attorney General may promptly verify a certification pursuant to subsection (j)(1) with respect to the displacement of noninmate workers or a certification with respect to the wages proposed to be paid Federal inmate workers pursuant to subsection (j)(2) so as to make the results of such inquiry available to the Board of Directors prior to the Board's consideration of the proposed agreement. The Attorney General and the person requesting the inquiry may make recommendations to the Board regarding modifications to the proposed agreement.

''(3) Whenever the Attorney General deems appropriate, the Attorney General may verify whether the actual performance of the agreement is resulting in the displacement of noninmate workers and whether the wages being paid the Federal inmate workers meet the standards of subsection (c).

''(4) Whenever the Attorney General determines that performance of the agreement has resulted in the displacement of noninmate workers or the payment of Federal inmate workers at less than the required wage rates, the Attorney General may—

''(A) direct the Chief Operating Officer of the Corporation to terminate the agreement for default, subject to the processes and appeals available to a Federal contractor whose procurement contract has been terminated for default;

''(B) direct that the Federal inmate workers be retroactively paid the wages that were due; and

''(C) initiate proceedings to impose upon the person furnishing the certifications made pursuant to subsection (j), any administrative, civil, and criminal sanctions as may be available.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 307 of title 18, United States Code, is amended by adding at the end the following new item:

''4131. Additional pilot authorities for inmate work opportunities.''.

H.R. 2443

OFFERED BY: MS. BALDWIN

AMENDMENT NO. 13: At the end of title VI (page 43, after line 2), add the following:

SEC. . LIMITATION ON USE OF FUNDS TO ACQUIRE ENGINES FOR INTEGRATED DEEP WATER SYSTEM.

None of the funds authorized in this Act may be used to acquire any main propulsion diesel engine for the Coast Guard's Integrated Deep Water System unless the engine is manufactured in the United States.

H.R. 2443

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 14: At the end of title VI (page 43, after line 2) add the following:

SEC. . COAST GUARD EDUCATION LOAN REPAYMENT PROGRAM.

(a) PROGRAM AUTHORIZED.—Chapter 13 of title 14, United States Code, is amended by inserting after section 471 the following:

"§ 472. Education loan repayment program

''(a)(1) Subject to the provisions of this section, the Secretary may repay—

''(A) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

''(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or

''(C) any loan made under part E of such title (20 U.S.C. 1087aa et seq.).

Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

''(2) The Secretary may repay loans described in paragraph (1) in the case of any person for service performed on active duty as an enlisted member of the Coast Guard in a specialty specified by the Secretary.

''(b) The portion or amount of a loan that may be repaid under subsection (a) is 33⅓ percent or $1,500, whichever is greater, for each year of service.

''(c) If a portion of a loan is repaid under this section for any year, interest on the remainder of such loan shall accrue and be paid in the same manner as is otherwise required.

''(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

''(e) A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(2)) to service making the person eligible for repayment of loans under section 16301 of title 10, United States Code (as described in subsection (a)(2) of that section) during a year shall be eligible to have repaid under this section a portion of such loans determined by giving appropriate fractional credit for each portion of the year so served, in accordance with regulations of the Secretary.

''(f) The Secretary shall, by regulation, prescribe a schedule for the allocation of funds made available to carry out this section during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the baeginning of chapter 13 of title 14, United States Code, is amended by inserting after the item relating to seciton 471 the following:

''472. Education loan repayment program.''.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *108th* CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, TUESDAY, NOVEMBER 4, 2003 *No. 158*

Senate

The Senate met at 9:33 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.

God of love, we praise You because You are good. You made the Sun to rule the day and Your love is eternal. We receive strength from Your kindness and power from Your favor. You choose to bless us even when we don't deserve it. Great and marvelous are Your favors.

Lord, this is Your world and Your purposes cannot be stopped. Use us as Your instruments to accomplish Your will.

Today, give Members of this body courage and strength for their important work. May they avoid those words that create division and work toward a harmony that builds and strengthens. Give them radiant health for these challenging days and a serenity that comes from trusting You. Help them to find fulfillment in the knowledge that their work will help keep people free. We pray this in Your powerful 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, today we will have a period of morning business for the first hour of the day's session. Following that hour, the Senate will begin consideration of the fair credit reporting legislation. The consent agreement governing that bill allows for a limited number of amendments to be offered to the legislation. We hope to complete action on that bill during today's session.

Last night we were also able to reach an agreement on H.R. 1828, the Syria accountability bill. We may be able to schedule consideration of that measure during today's session as well.

Rollcall votes will occur throughout the day today. The Senate will recess from 12:30 to 2:15 for the regular party luncheons.

In addition to the items I have mentioned, the Senate will act this week on the Internet tax moratorium extension. I anticipate that debate to begin on Thursday, and we will complete that before the end of this week.

Also, additional appropriations conference reports may be ready during the week, and we will proceed to those that are available.

It is my understanding the military construction conference is completed, and that may be ready for consideration this week.

We will continue to schedule votes as necessary over the course of the week.

This week we will also continue on the appropriations bills. I have been speaking to the chairman of the committee, and it is hoped the remaining bills can be finished in a timely way. I will have more to say on the specifics of the appropriations schedule after further discussion with the chairman, Senator STEVENS, and the Democratic leadership as well.

With that said, in order for us to adjourn at the earliest time this year, it is important for all of our colleagues to recognize we are going to need to work every day and have productive days. That is going to include Mondays, and it is going to include Fridays. It will likely include each day next week. I know a lot of Senators are wondering about their schedule for next week, given the Veterans Day holiday. I think over the course of the morning we will be able to lock in an understanding in terms of how and when we can consider these appropriations bills.

NOTICE

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After that is done, we will clarify what will happen on Veterans Day.

We have all come to the floor many times to express our desire to finish our work at the earliest opportunity and, in my mind, we have 3 weeks—actually, it is less than 3 weeks—now to complete our work. In order to do that, we will have to work together. We will have to have full, productive days, including Mondays and Fridays. It may well be we have to even consider weekends in order to complete our business. We will monitor the schedule and progress closely over the next day or so and make those final decisions regarding scheduling next week. At this time, I think all Members should prepare for a very busy 2½ weeks.

Again, I would like very much for us to work together to shoot for a total of 3 weeks, around November 21, to depart.

Mr. REID. Mr. President, let me say on behalf of the minority that we are most happy to work on all the items the majority leader has mentioned. We look forward to working with the chairman of the Appropriations Committee and Senator BYRD to move more of these appropriations bills. I think we have a really outstanding record working with the majority on appropriations bills and will continue to do that. We feel it is vitally important. The conference which was completed last week was extremely difficult and long. But we now have a bill which the President has.

We finished the Interior appropriations conference report. I am happy to hear we have a completed military construction conference report. That wasn't easy. Everyone had to take their projects in their States and cut back from what they had.

We look forward to a productive 2½ weeks. I hope we will do everything we can to complete our business before Thanksgiving.

We are here to work nights, weekends, whatever it takes, to complete that work.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the second 30 minutes under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee.

Mr. REID. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. My understanding is we are in morning business.

The PRESIDENT pro tempore. The Senator is correct.

JOBS IN AMERICA

Mr. DORGAN. Mr. President, I bring to the attention of the Senate an issue dealing with jobs. It is a story about international trade, unfair competition, and the impact it has had on countless of our workers.

There was great euphoria a week or so ago about the economic growth numbers for the past quarter, some 7-percent economic growth. The problem is, it was accompanied by a loss of jobs.

Jobs are the kind of thing that families talk about in the evening as they sit around the supper table: Do I have a good job? Does it pay well? Do I have job security? Do I feel good about the company I am working for?

Our country, regrettably, has lost nearly 3 million jobs in the past several years.

This is a picture of a bicycle. This happens to be a Huffy bicycle. Huffy is a well-known brand. It is sold at Wal-Mart, KMart, Sears. This Huffy bicycle used to be made in the United States. In Celina, OH, some 850 U.S. workers worked manufacturing bicycles.

When a bike came off the Ohio plant's assembly line, they would put a little decal on, of an American flag.

That was then, this is now. In the last couple of years, those jobs have all moved to China, Taiwan, and Mexico. There were about 1,850 workers at Huffy plants in the United States as of 1998. And all those folks were fired, as their jobs were moved overseas.

In Celina, OH, Huffy workers were paid $11 an hour plus benefits. These are decent manufacturing jobs. Nobody was getting rich on $11 an hour plus benefits, but these were good, solid jobs.

Then they were told one day they would not be working those jobs any longer because Huffy bicycles would be produced in China.

My understanding is that the very last assignment for these U.S. workers was to take off that decal from Huffy bikes, and slap on a decal that had a picture of the globe.

Let's talk a little about why a company would decide to shut its plant in Ohio and make bicycles in China.

Huffy started to manufacture its bikes at a plant in China, where workers have to put in 13½- to 15-hour shifts, from 7 a.m. to 11 p.m., 7 days a week.

Let me say that again: 93 hours a week, 7 days a week, from 7 a.m. to 11 p.m.

They are paid between 25 cents an hour and 41 cents an hour. Failure to work overtime is punished with a fine of 2 days' wages.

There are strong chemical odors in the plant from the painting department, excessively high temperatures from the welding section, no health insurance, no social pension, strict factory rules, harsh management, no talking during working hours.

Twelve workers are housed in each dark, stark dorm room. They have two meals a day, with poor quality food. If the workers complain or attempt to raise a grievance about harsh working conditions, or excessively long, forced overtime hours or low wages, they are immediately fired.

In this particular plant, in late 1999, all the workers in the delivery section went on strike and were fired immediately.

So the question is, if we cannot produce bicycles in Ohio for 25-cent-an-hour to 41-cent-an-hour wages, do U.S. workers lose? Under current circumstances, yes, we do, because companies decide that if U.S. workers can't compete with slave-like conditions, tough luck. If you can't compete, you are out.

So people who were working in this company in Celina, OH, making bicycles for our marketplace, could not compete because they were expecting a liveable wage. They worked hard, and they were able to take a paycheck home that meets the needs of their families: $11 an hour plus benefits. But they were told that this was an outrageous level of compensation: $11 an hour—far too much.

So instead Huffy found a place where it could pay 25 cents an hour, and then shipped its bikes back to Celina, OH, so that some young kid in Celina, OH, could go into a Wal-Mart or a Sears or a KMart, and with a gleam in their eye buy his first bicycle. A bicycle now made by somebody who is making 25 cents an hour, working 93 hours a week, 7 days a week.

I guess this so-called globalization is globalization without rules. It means it does not matter that Americans lose their jobs to somebody making 25 cents an hour.

I have given other examples of 12-year-olds working 12 hours a day, making 12 cents an hour. I am talking about Huffy bicycles today to drive home a point, because Huffy is a household name.

If we fought for a century on the issue of a safe workplace or child labor laws or minimum wages or the conditions of production, then the question should be, Is there an admission price to the American marketplace? Is there any admission price at all?

What about bicycles made in a plant where workers are working 93 hours a week, where workers are working from 7 a.m. to 11 p.m., 7 days a week? Is that fair trade—25 cents an hour, 93 hours a week, 7 days a week, working in a factory that does not meet the basic conditions of fairness or safety for workers?

Is that fair trade? It is not where I come from. Yet no one will say a word about it. In this town, you are either blindly for free trade, unfettered free

trade, globalization, or else you are considered some xenophobic isolationist stooge who does not understand it all.

It is so tiresome to see people in this Chamber and the people who write the editorials and the op-ed pieces to continue to make excuses for the thousands, and, yes, millions of jobs lost in this country by people who worked hard but who could not make it because they made too much money. They could not compete with somebody making 25 cents an hour in Asia. It is so tiresome to see and read and hear the excuses from those who continue to support a failed trade policy.

If this is a race to the bottom, with corporations deciding they want to circle the globe to find out, ''Where can I produce the cheapest? Where can I find 12-cents-an-hour production by 12-year-olds?'' if that is what this is a race towards, we lose, this country loses.

More and more families in this country will lose their jobs, not because they are not great workers, not because they do not know their job well, but because someone else in other parts of the world—where they are not able to form labor unions, where they are not able to complain about unsafe working conditions, where they are not able to stop a plant from dumping chemicals into the air and the water, and where they are not able to complain about being paid 12 cents or 20 cents an hour—will get the jobs.

That product will then be made and sent back to the store shelves here. I will guarantee you, it will not be cheaper, it will simply represent more profit for those who took jobs away from Americans to give them to people in other parts of the world who will work for pennies an hour.

We can continue to pretend it does not happen. We can continue to act like ostriches. But the fact is, this country is losing economic strength as a result of trade policies that are, in my judgment, incompetent.

We will have on the floor of this Senate, very soon we hear, additional free trade agreements—the Australia agreement, the Free Trade Agreement of the Americas. In fact, this administration is now working on additional free trade agreements. We just did one with Singapore which itself was incompetent. But that is another story for another time.

This country, it seems to me, has a great deal at stake. This economic engine of ours will work provided we have jobs for American families. When you see the decimation of our manufacturing base, and now our high-tech industry, as well, with jobs moving wholesale overseas—in the manufacturing base, moving to Indonesia, China, and other parts of Asia; in the high-tech industry, jobs moving to India and other countries, and moving en masse—then this county's economy is going to have trouble because the engine of progress in this country is jobs.

You can talk all you want about percentages—7 percent economic growth; that is all great—but it does not mean a thing if we are losing jobs. The engine of progress for the American family, the engine of progress for this country's economy, is jobs, good jobs that pay well, that have decent benefits, that give a family confidence and hope about the future, because that hope and confidence is what expands the economy. That is all the economy rests on.

The great minds involved in international trade tell the 850 workers in Celina, Ohio: you are paid too much money. You cost $11 an hour to build bicycles. Shame on you. We can do this for 25 cents an hour in China. So say goodbye to your jobs. We are taking them to China.

Is that what we want for our country? Is that what we are willing to stand for? Well, I am telling you something, year after year after year, the majority of the people in this Chamber are willing to stand for it. At some point we better get a backbone to stand up and insist and demand that there is an admission price to the American marketplace. We are open and free, but we require fairness.

There are thousands of examples like the one involving Huffy bicycles, all over this country—of someone coming home saying to their husband or wife: Honey, I have lost my job. They are shipping our manufacturing to China, or Indonesia, or Bangladesh, or Sri Lanka. Why? Because I didn't do a good job? No. Because I am making $11 an hour, and they say that is too much. They can get it for 15 cents an hour or 31 cents an hour somewhere else.

This is not going to save the American consumers any money; they will charge the same price for the products. It is about profit—international profit.

This is hurting our country. These trade rules injure this country and we have to change them. I serve notice again that, as we negotiate these new trade agreements—and they are being negotiated in Australia, the free trade agreement with the Americas, and others. Be aware that some of us in the Senate are going to continue to fight as hard as we can possibly fight to say that what is happening to American jobs is wrong.

If we are inefficient and cannot compete, that is our problem. But don't tell me the workers in Ohio making $11 an hour, building a good bicycle, with an American flag insignia on the front of it, are inefficient.

We fought for a century over these issues—fair pay, safe workplaces, the ability to organize as a labor union. We worked for a century on these things, and now you wipe it all out by pole-vaulting over those nettlesome little laws in the United States and say: We can avoid that. We will ship our bicycle production to—in this case, China; it could have been Sri Lanka or Indonesia.

We ought to think long and hard about how to save our jobs in this country. Our marketplace can certainly be enhanced by having goods and services come from other countries, but only when they are produced under some basic element of decency and fair play.

There is an organization I want to give credit to that has done excellent work in this area. The National Labor Committee investigates unfair labor practices in various parts of the world. They have investigated the dismal labor conditions at the Huffy factories in China, as an example.

Look, I think these are really important issues. We talk about the economy, expansion, jobs, and opportunity. All of this, in my judgment, comes down to the basic premise that when American families in this country have a job, they have security, and they feel good about the future, our economy thrives. But we are increasingly seeing jobs in this country, which have been the bulwark of support for American families, moved overseas and the American families are told: We are sorry, you don't have a job anymore, so you can find two or three part-time jobs to make up the difference and have all of the members of your family working, and you can make it that way.

That is a quick way to undermine the strength of this country. No country will long remain an economic power or world economic power without a strong, vibrant, growing manufacturing sector. Ours is being decimated.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Florida.

Mr. NELSON of Florida. Madam President, how much time remains?

The PRESIDING OFFICER. Three minutes.

FOREIGN OIL

Mr. NELSON of Florida. Madam President, I wish to follow the comments of the Senator from North Dakota about jobs going overseas and point out another vulnerability we have as a result of dependence overseas, and that is our dependence on foreign oil.

Today, we are importing over half of our daily consumption of oil. That is moving toward 60 percent of our daily consumption of oil that is coming from foreign shores. As a result, not only does that put us in a precarious economic position, but it puts us in a precarious defense position. Look at the difference in how we would be able to operate in the Middle East, in the Persian Gulf region, if we did not have the delivery of that oil. Look at the potential strike of a terrorist taking down a supertanker in the 19-mile-wide Strait of Hormuz and what that would do to the world economy if that oil could not flow out to the industrialized world. Yet what do we do about an energy policy here?

The Senator from North Dakota and I tried to do a simple little thing such as get increased mileage for SUVs phased in over the next decade, and we only got some votes—in the thirties

out of 100 Senators—to do that. When we try to look down the road at alternative ways, where is most of our energy consumed? It is consumed in the transportation sector. In transportation, where is most of our energy consumed in this country? It is in our personal vehicles. Today, we have vehicles made by Honda and Toyota that are getting in excess of 50 miles per gallon; they are called hybrid vehicles. It is a computer that runs between an electric motor and a gasoline engine, and they get over 50 miles per gallon. They cannot make enough of these for the demand of the American consumer. Yet we do not have a lot of these hybrid cars that are offered to the public.

What are we doing for the future? We could wean ourselves from dependence on foreign oil if we started a crash course to develop a hydrogen engine that was cheap enough and efficient enough for the American people. Years ago, in the early sixties, when this Nation made up its mind, after the President declared we were going to develop the technology and the American ingenuity to go to the Moon and return safely within that decade, don't you think that with that kind of perseverance and will, we could have ended up with an engine that would have been an alternative to oil and we would have started to wean ourselves from our dependence on this foreign oil that leaves this country all the more vulnerable defensewise?

Indeed, we could, but it takes leadership. It takes the will of the American people to say there is going to be a different way.

I have discussed this issue in terms of defense. I have discussed this issue in terms of economic vitality as well as defensewise, and certainly environmentally it would make a significant difference as well.

SENATOR BOB GRAHAM

Mr. NELSON of Florida. Madam President, in the minute I have remaining, I wish to say that, of course, the junior Senator from Florida was sad to hear the announcement of the senior Senator from Florida announcing his retirement.

Senator BOB GRAHAM is one of the most distinguished public servants who has ever come out of the State of Florida: a two-term Governor, a former State legislator, and now a many-term Senator who has given great leadership to our State.

I will have more to say about this later, but I am proud to stand to thank my friend for his years and years—a lifetime—of public service for the United States and the people of Florida.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I join with the now-junior Senator from Florida—a border State with Georgia—soon to be senior Senator, in commending the now-senior Senator from Florida, BOB GRAHAM. I, too, saw his announcement yesterday.

Senator GRAHAM and I have had the opportunity to work on many issues together since our States border each other. He has been a great public servant for this Senate, his State, and for America. He is one of those folks we greatly admire, and we will miss him.

I have great respect for Senator GRAHAM. I certainly respect his decision to go back to Florida and enjoy his family. He has a farm in Albany, GA, which is close to my home. We are going to get him over there more often because he and I enjoy bird hunting together. I, too, join with Senator NELSON in commending Senator GRAHAM.

JUDICIAL NOMINATIONS

Mr. CHAMBLISS. Madam President, I rise this morning to speak about a grave injustice that has befallen this Chamber, and that is the denial by a minority of Senators of the right to an up-or-down vote on four of the President's judicial nominees.

Last week, the Senate voted 54 to 43 to move forward with a vote on Judge Charles Pickering who now serves on the District Court for the Southern District of Mississippi and who was selected by the President as one of his nominees for the Fifth Circuit Court of Appeals. Fifty-four Senators—a majority, in other words—voted to allow Judge Pickering's nomination to proceed to a vote, and yet because of the way the Senate rules are presently being misapplied, a majority of Senators cannot even bring about a vote on the merits of a judge. That is wrong, and it is unconstitutional.

There is nothing in the Constitution that requires a supermajority—that is, three-fifths, two-thirds, or anything more than a simple majority of Senators—to give advice and consent. The Constitution spells out only five instances where a supermajority is required. Those five instances are: the ratification of a treaty, impeachment, expulsion of a Senator, the override of a Presidential veto, and adoption of a constitutional amendment. These five situations should occur infrequently, which is why the Framers of the Constitution made them difficult to achieve.

In contrast, the approval of Federal judges should occur frequently; I daresay 100 percent of the time, when you have qualified nominees. That is why there is no requirement in the Constitution for more than a simple majority to confirm these nominees. Advice and consent often requires debate, always requires deliberation, and always requires a decision. Each Senator should decide how to vote on a given nominee. Vote yes, vote no, but vote.

For the first time in our country's history, the filibuster is now being used by a minority of Senators to block the President's nominees to the Federal bench. By shirking their duty to make a decision on the merits of the President's nominees—Priscilla Owen, Bill Pryor, Caroline Kuhl, and now Charles Pickering—a minority of this Chamber keeps the Senate as a whole from performing its duties under the Constitution.

It is not as though the Senators who are blocking an up-or-down vote can object to the qualifications of these nominees. Let's go down the list. Let's start with Priscilla Owen who, like Judge Pickering, is nominated to the Fifth Circuit Court of Appeals, which hears appeals on Federal cases in Texas, Louisiana, and Mississippi.

Justice Owen graduated cum laude from Baylor Law School and then proceeded to earn the highest score on the Texas bar exam that year. She practiced law for 17 years before being elected to the Supreme Court of Texas in 1994. Justice Priscilla Owen was elected by the people of Texas, the second most populous State in this country, to its highest court. In her last reelection in the year 2000, she was reelected with 84 percent of the vote, along with the endorsement of every major newspaper in the State of Texas.

When the opponents of a fair vote on the merits cannot attack a nominee's qualifications, they come up with excuses: She is not in the ''mainstream of legal reasoning.'' Out of the mainstream? The people of Texas obviously don't think she is out of the mainstream. She received 84 percent of the vote in her reelection in 2000.

Next we have Caroline Kuhl who is one of President Bush's nominees to the Ninth Circuit Court of Appeals, which handles Federal appeals in many of the States out west. Caroline Kuhl has been a State trial judge in California since 1995. Judge Kuhl is another well-qualified nominee who is being denied an up-or-down vote on her nomination. But you don't have to take my word on her qualifications. The American Bar Association, the gold standard, has rated her as ''Well Qualified.'' Yet, despite her credentials, Judge Kuhl has also been branded as ''outside the mainstream.''

Then there is Bill Pryor, the attorney general for the State of Alabama, a dedicated public servant who has shown time and again that he can separate his personal beliefs from his professional duties. Again, ''outside of the mainstream.'' That is, sadly, what you will hear about Bill Pryor.

It doesn't matter that Thurbert Baker, the attorney general for my State of Georgia, Mr. Pryor's counterpart in my State, an elected Democrat, has said that Bill Pryor possesses the qualities and experience needed to serve the people of Georgia on the Eleventh Circuit.

Earlier this year, Attorney General Baker wrote a letter to Senators SHELBY and SESSIONS of Alabama to express his support for Bill Pryor. In support of Bill Pryor, Thurbert Baker wrote, and I quote:

Bill has distinguished himself time and again with the legal acumen that he brings to issues of national or regional concern as well as with his commitment to furthering the prospects of good and responsive government. Close quotation.

Across State lines and across party lines comes this endorsement of Bill Pryor. Again, you will hear the same, lame excuse: ''He's out of the mainstream.''

I mentioned earlier Judge Charles Pickering, who is nominated to the U.S. Circuit Court of Appeals for the Fifth Circuit. A few weeks ago, in our last Judiciary Committee hearing on Judge Pickering's nomination, Senator KENNEDY spoke of the important role the Fifth Circuit has played during the civil rights struggle, and he is absolutely correct in that. As a lawyer from Georgia who once was a proud member of the old Fifth Circuit bar, before that circuit was split in half in 1980 to create the Eleventh Circuit, I am well aware of the tremendous role the Fifth Circuit played in the civil rights struggle.

It is with a deep and abiding respect for the tradition of the Fifth Circuit that I support Judge Charles Pickering's nomination to that bench as one who deserves the honor of this service.

While Judge Pickering's critics have and will continue to unfairly label him as a racist and segregationist and, again, ''out of the mainstream,'' nothing could be further from the truth. Charles Pickering has worked to eliminate racial disparities in Mississippi. Judge Pickering has not just talked about improving race relations, he has backed up his words with a lifetime of action. For example, in Mississippi during the 1960s, he testified and helped prosecute Sam Bowers, the imperial wizard of the Klu Klux Klan, for the murder of a civil rights activist, Vernon Dahmer. He served as a leader in his community to integrate the public schools. In 1976, he hired James King as the first African-American political staffer for the Mississippi Republican Party. He represented an African-American man falsely accused of robbing a 16-year-old girl in 1981. He chaired the Race Relations Committee for Jones County, MS, in 1988. He helped establish a group to work with at-risk African-American youths in Laurel, MS, and he serves on the board of the Institute of Racial Reconciliation at the University of Mississippi.

Now, I grew up in the South, and for those who did not grow up in the South, to criticize this man, during a very difficult time in the history of our country, is not only unfair and unjust, it is almost un-American. This man made a commitment to ensure that race relations in Mississippi would improve every single day of his life, and unless one has walked in the shoes of somebody like Judge Pickering and looked race in the eye as he did, they cannot understand the principle, the integrity, and the character of this man.

What he did says a lot about Charles Pickering in and of itself, outside of the decisions he has made on the bench as a district court judge.

Judge Charles Pickering has tremendous bipartisan support from the people back home who know him best, including the top Democratic elected officials of Mississippi. This shows that he is well within the mainstream of legal thinking in Mississippi today and in the Fifth Circuit, just as Priscilla Owen's reelection by the people of Texas, with 84 percent of the vote, shows that she is in the mainstream in Texas and in the Fifth Circuit.

In September, Miguel Estrada withdrew his nomination after a minority of Senators prevented him from getting a vote for 28 months. This is a man who came to the United States from Honduras as a teenager, graduated from Columbia undergrad and then Harvard Law School, worked in the Justice Department for two administrations, including the Clinton administration, and was rated ''Well Qualified'' by the American Bar Association. So I guess we should not forget Miguel Estrada when we tally these filibusters. It is really not four, it is five. I suspect it is about to be six because we have another nomination that will likely come out of the Judiciary Committee on Thursday of this week, and that is the nomination of California Supreme Court Justice Janice Rogers Brown.

The American people will not continue to stand for this inaction, and they will not forget this obstructionist game playing. While we can still try to maintain the dignity and tradition of the Senate, I ask my colleagues to vote to give each of these qualified nominees an up-or-down vote. I ask my colleagues to make up their minds. Their constituents deserve it. Let us move forward on the merits.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. On behalf of the Senator from Texas, I claim 9 minutes of the time that has been reserved for her and ask that the Chair notify me after 8 minutes.

The PRESIDING OFFICER. The Chair will do so.

SUPPORT OF AMERICAN TROOPS

Mr. BOND. Madam President, I rise this morning in support of the U.S. forces in Iraq and all our forces engaged in the war on terrorism. I am delighted and very pleased that the vast majority of this body voted overwhelmingly in support of the supplemental and our ongoing efforts to protect our troops to finish the job so we can bring our troops home.

Last week, I had the honor of going out to Walter Reed to visit a number of our wounded soldiers recently returned from Iraq. The spirit and enthusiasm of our service men and women serving in the war on terror is inspiring. It should remind all of us that our warfighters have the will to win as long as the American people have the will to win.

We cannot be defeated by Saddam Hussein or Osama bin Laden militarily. They are engaged in a psychological war to break our will. This past weekend brought news of the tragic loss of 16 soldiers in a Chinook helicopter mishap. No one in this body takes that current conflict lightly. Any loss of life is difficult to bear, particularly this tragic situation. Yet we must not forget the losses incurred in the United States on 9/11, and the loss of innocent lives in other terrorist attacks, from the marine barracks in Lebanon to the disco bombing in Bali.

The message we must send, if we are to avoid future catastrophic attacks, is that no price is too great for the freedoms we and other freedom-loving peoples now hold dear. The message we need to send our enemies is that we will not cut and run.

There are critics of U.S. foreign policy who now want us to pull out. They are just dead wrong. Do they think Saddam Hussein was not really evil, was not really a threat?

Last week, I talked a little bit about the unclassified report released by Dr. David Kay, the head of the Iraqi Survey Group, who has been over there looking. He has found a tremendous record of denial, deception, and destruction, which among other things is likely the reason we have not found the storehouses of weapons of mass destruction.

Dr. Kay believes that people have been distorting his record. I will submit for the record a copy of his November 1, 2003, piece in the Washington Post. It begins:

The October 26 front-page article ''Search in Iraq Fails to Find Nuclear Threat,'' is wildly off the mark.

I ask unanimous consent that this be printed in the RECORD after my remarks.

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

(See exhibit 1.)

Mr. BOND. I am going to quote from just pieces of his report, because apparently a lot of my colleagues who are saying it confirms that there were no weapons of mass destruction have not read the report.

Here is what Dr. Kay said:

With regard to biological warfare activities, which has been one of our two initial areas of focus, ISG teams are uncovering significant information, including research and development of BW-applicable organisms, the involvement of Iraqi intelligence service in possible BW activities, and deliberate concealment activities. All of this suggests Iraq, after 1996, further compartmentalized its program and focused on maintaining smaller, covert capabilities that could be activated quickly to surge the production of BW agents. Debriefings of IIS officials and site visits have begun to unravel a clandestine network of laboratories and facilities within the security service apparatus. This network was never declared to the U.N. and was previously unknown.

Again, he said two key former BW scientists confirmed that Iraq, under

the guise of legitimate activity, developed refinements of processes and products relevant to BW agents. Iraq concealed equipment and materials from U.N. inspectors when they returned in 2002. One noteworthy example is a collection of referenced strains that ought to have been declared to the U.N. Among them was a vial of live C. botulinum Okra B from which a biological agent can be produced.

ISG teams have developed multiple sources that indicate that Iraq explored the possibility of CW production in recent years, possibly as late as 2003.

Information obtained since OIF has identified several key areas in which Iraq may have engaged in proscribed or undeclared activities since 1991, including research on a possible VX stabilizer, research and development for CW-capable munitions, and procurement concealment of dual-use materials and equipment.

Officials assert Saddam would have resumed nuclear weapons development at some future point. Iraq did take steps to preserve some capability from the pre-1991 nuclear weapons program.

Detainees and cooperative sources indicate that beginning in 2000, Saddam ordered the development of ballistic missiles with ranges of at least 400 kilometers and up to 1,000 kilometers, and that measures to conceal these projects from UNMOVIC were initiated in late 2002, ahead of the arrival of inspectors.

Madam President, I ask unanimous consent that the Kay report be printed in the RECORD. It talks about several revelations of his efforts to obtain ballistic missiles and unmanned air vehicles.

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

What have we found and what have we not found in the first 3 months of our work?

We have discovered dozens of WMD-related program activities and significant amounts of equipment that Iraq concealed from the United Nations during the inspections that began in late 2002. The discovery of these deliberate concealment efforts have come about both through the admissions of Iraqi scientists and officials concerning information they deliberately withheld and through physical evidence of equipment and activities that ISG has discovered that should have been declared to the UN. Let me just give you a few examples of these concealment efforts, some of which I will elaborate on later:

A clandestine network of laboratories and safehouses within the Iraqi Intelligence Service that contained equipment subject to UN monitoring and suitable for continuing CBW research.

A prison laboratory complex, possibly used in human testing of BW agents, that Iraqi officials working to prepare for UN inspections were explicitly ordered not to declare to the UN.

Reference strains of biological organisms concealed in a scientist's home, one of which can be used to produce biological weapons.

New research on BW-applicable agents, Brucella and Congo Crimean Hemorrhagic Fever (CCHF), and continuing work on ricin and aflatoxin were not declared to the UN.

Documents and equipment, hidden in scientists' homes, that would have been useful in resuming uranium enrichment by centrifuge and electromagnetic isotope separation (EMIS).

A line of UAVs not fully declared at an undeclared production facility and an admission that they had tested one of their declared UAVs out to a range of 500 km, 350 km beyond the permissible limit.

Continuing covert capability to manufacture fuel propellant useful only for prohibited SCUD variant missiles, a capability that was maintained at least until the end of 2001 and that cooperating Iraqi scientists have said they were told to conceal from the UN.

Plans and advanced design work for new long-range missiles with ranges up to at least 1000 km—well beyond the 150 km range limit imposed by the UN. Missiles of a 1000 km range would have allowed Iraq to threaten targets throughout the Middle East, including Ankara, Cairo, and Abu Dhabi.

Clandestine attempts between late 1999 and 2002 to obtain from North Korea technology related to 1,300 km range ballistic missiles—probably the No Dong—300 km range antiship cruise missiles, and other prohibited military equipment.

In addition to the discovery of extensive concealment efforts, we have been faced with a systematic sanitization of documentary and computer evidence in a wide range of offices, laboratories, and companies suspected of WMD work. The pattern of these efforts to erase evidence—hard drives destroyed, specific files burned, equipment cleaned of all traces of use—are ones of deliberate, rather than random, acts. For example,

On 10 July 2003 an ISG team exploited the Revolutionary Command Council (RCC) Headquarters in Baghdad. The basement of the main building contained an archive of documents situated on well-organized rows of metal shelving. The basement suffered no fire damage despite the total destruction of the upper floors from coalition air strikes. Upon arrival the exploitation team encountered small piles of ash where individual documents or binders of documents were intentionally destroyed. Computer hard drives had been deliberately destroyed. Computers would have had financial value to a random looter; their destruction, rather than removal for resale or reuse, indicates a targeted effort to prevent Coalition forces from gaining access to their contents.

All IIS laboratories visited by IIS exploitation teams have been clearly sanitized, including removal of much equipment, shredding and burning of documents, and even the removal of nameplates from office doors.

Although much of the deliberate destruction and sanitization of documents and records probably occurred during the height of OIF combat operations, indications of significant continuing destruction efforts have been found after the end of major combat operations, including entry in May 2003 of the locked gated vaults of the Ba'ath party intelligence building in Baghdad and highly selective destruction of computer hard drives and data storage equipment along with the burning of a small number of specific binders that appear to have contained financial and intelligence records, and in July 2003 a site exploitation team at the Abu Ghurayb Prison found one pile of the smoldering ashes from documents that was still warm to the touch.

I would now like to review our efforts in each of the major lines of enquiry that ISG has pursued during this initial phase of its work.

With regard to biological warfare activities, which has been one of our two initial areas of focus, ISG teams are uncovering significant information—including research and development of BW applicable organisms, the involvement of Iraqi Intelligence Service (IIS) in possible BW activities, and deliberate concealment activities. All of this suggests Iraq after 1996 further compartmentalized its program and focused on maintaining smaller, covert capabilities that could be activated quickly to surge the production of BW agents.

Debriefings of IIS officials and site visits have begun to unravel a clandestine network of laboratories and facilities within the security service apparatus. This network was never declared to the UN and was previously unknown. We are still working on determining the extent to which this network was tied to large-scale military efforts or BW terror weapons, but this clandestine capability was suitable for preserving BW expertise, BW capable facilities and continuing R&D—all key elements for maintaining a capability for resuming BW production. The IIS also played a prominent role in sponsoring students for overseas graduate studies in the biological sciences, according to Iraqi scientists and IIS sources, providing an important avenue for furthering BW-applicable research. This was the only area of graduate work that the IIS appeared to sponsor.

Discussions with Iraqi scientists uncovered agent R&D work that paired overt work with nonpathogenic organisms serving as surrogates for prohibited investigation with pathogenic agents. Examples include: B. Thurengiensis (Bt) with B. anthracis (anthrax), and medicinal plants with ricin. In a similar vein, two key former BW scientists, confirmed that Iraq under the guise of legitimate activity developed refinements of processes and products relevant to BW agents. The scientists discussed the development of improved, simplified fermentation and spray drying capabilities for the simulant Bt that would have been directly applicable to anthrax, and one scientist confirmed that the production line for Bt could be switched to produce anthrax in one week if the seed stock were available.

A very large body of information has been developed through debriefings, site visits, and exploitation of captured Iraqi documents that confirms that Iraq concealed equipment and materials from UN inspectors when they returned in 2002. One noteworthy example is a collection of reference strains that ought to have been declared to the UN. Among them was a vial of live C. botulinum Okra B. from which a biological agent can be produced. This discovery—hidden in the home of a BW scientist—illustrates the point I made earlier about the difficulty of locating small stocks of material that can be used to covertly surge production of deadly weapons. The scientist who concealed the vials containing this agent has identified a large cache of agents that he was asked, but refused, to conceal. ISG is actively searching for this second cache.

Additional information is beginning to corroborate reporting since 1996 about human testing activities using chemical and biological substances, but progress in this area is slow given the concern of knowledgeable Iraqi personnel about their being prosecuted for crimes against humanity.

We have not yet been able to corroborate the existence of a mobile BW production effort. Investigation into the origin of and intended use for the two trailers found in northern Iraq in April has yielded a number of explanations, including hydrogen, missile propellant, and BW production, but technical limitations would prevent any of these processes from being ideally suited to these trailers. That said, nothing we have discovered rules out their potential use in BW production.

We have made significant progress in identifying and locating individuals who were reportedly involved in a mobile program, and

we are confident that we will be able to get an answer to the questions as to whether there was a mobile program and whether the trailers that have been discovered so far were part of such a program.

Let me turn now to chemical weapons (CW). In searching for retained stocks of chemical munitions, ISG has had to contend with the almost unbelievable scale of Iraq's conventional weapons armory, which dwarfs by orders of magnitude the physical size of any conceivable stock of chemical weapons. For example, there are approximately 130 known Iraqi Ammunition Storage Points (ASP), many of which exceed 50 square miles in size and hold an estimated 600,000 tons of artillery shells, rockets, aviation bombs and other ordinance. Of these 130 ASPs, approximately 120 still remain unexamined. As Iraqi practice was not to mark much of their chemical ordinance and to store it at the same ASPs that held conventional rounds, the size of the required search effort is enormous.

While searching for retained weapons, ISG teams have developed multiple sources that indicate that Iraq explored the possibility of CW production in recent years, possibly as late as 2003. When Saddam had asked a senior military official in either 2001 or 2002 how long it would take to produce new chemical agent and weapons, he told ISG that after he consulted with CW experts in OMI he responded it would take six months for mustard. Another senior Iraqi chemical weapons expert in responding to a request in mid 2002 from Uday Husayn for CW for the Fedayeen Saddam estimated that it would take two months to produce mustard and two years for Sarin.

We are starting to survey parts of Iraq's chemical industry to determine if suitable equipment and bulk chemicals were available for chemical weapons production. We have been struck that two senior Iraqi officials volunteered that if they had been ordered to resume CW production Iraq would have been willing to use stainless steel systems that would be disposed of after a few production runs, in place of corrosive-resistant equipment which they did not have.

We continue to follow leads on Iraq's acquisition of equipment and bulk precursors suitable for a CW program. Several possibilities have emerged and are now being exploited. One example involves a foreign company with offices in Baghdad, that imported in the past into Iraq dual-use equipment and maintained active contracts through 2002. Its Baghdad office was found looted in August 2003, but we are pursuing other locations and associates of the company.

Information obtained since OIF has identified several key areas in which Iraq may have engaged in proscribed or undeclared activity since 1991, including research on a possible VX stabilizer, research and development for CW-capable munitions, and procurement/concealment of dual-use materials and equipment.

Multiple sources with varied access and reliability have told ISG that Iraq did not have a large, ongoing, centrally controlled CW program after 1991. Information found to date suggests that Iraq's large-scale capability to develop, produce, and fill new CW munitions was reduced—if not entirely destroyed—during Operations Desert Storm and Desert Fox, 13 years of UN sanctions and UN inspections. We are carefully examining dual-use, commercial chemical facilities to determine whether these were used or planned as alternative production sites.

We have also acquired information related to Iraq's CW doctrine and Iraq's war plans for OIF, but we have not yet found evidence to confirm pre-war reporting that Iraqi military units were prepared to use CW against Coalition forces. Our efforts to collect and exploit intelligence on Iraq's chemical weapons program have thus far yielded little reliable information on post-1991 CW stocks and CW agent production, although we continue to receive and follow leads related to such stocks. We have multiple reports that Iraq retained CW munitions made prior to 1991, possibly including mustard—a long-lasting chemical agent—but we have to date been unable to locate any such munitions.

With regard to Iraq's nuclear program, the testimony we have obtained from Iraqi scientists and senior government officials should clear up any doubts about whether Saddam still wanted to obtain nuclear weapons. They have told ISG that Saddam Husayn remained firmly committed to acquiring nuclear weapons. These officials assert that Saddam would have resumed nuclear weapons development at some future point. Some indicated a resumption after Iraq was free of sanctions. At least one senior Iraqi official believed that by 2000 Saddam had run out of patience with waiting for sanctions to end and wanted to restart the nuclear program. The Iraqi Atomic Energy Commission (IAEC) beginning around 1999 expanded its laboratories and research activities and increased its overall funding levels. This expansion may have been in initial preparation for renewed nuclear weapons research, although documentary evidence of this has not been found, and this is the subject of continuing investigation by ISG.

Starting around 2000, the senior Iraqi Atomic Energy Commission (IAEC) and high-level Ba'ath Party official Dr. Khalid Ibrahim Sa'id began several small and relatively unsophisticated research initiatives that could be applied to nuclear weapons development. These initiatives did not in-and-of themselves constitute a resumption of the nuclear weapons program, but could have been useful in developing a weapons-relevant science base for the long-term. We do not yet have information indicating whether a higher government authority directed Sa'id to initiate this research and, regretfully, Dr. Sa'id was killed on April 8th during the fall of Baghdad when the car he was riding in attempted to run a Coalition roadblock.

Despite evidence of Saddam's continued ambition to acquire nuclear weapons, to date we have not uncovered evidence that Iraq undertook significant post-1998 steps to actually build nuclear weapons or produce fissile material. However, Iraq did take steps to preserve some technological capability from the pre-1991 nuclear weapons program.

According to documents and testimony of Iraqi scientists, some of the key technical groups from the pre-1991 nuclear weapons program remained largely intact, performing work on nuclear-relevant dual-use technologies within the Military Industrial Commission (MIC). Some scientists from the pre-1991 nuclear weapons program have told ISG that they believed that these working groups were preserved in order to allow a reconstitution of the nuclear weapons program, but none of the scientists could produce official orders or plans to support their belief.

In some cases, these groups performed work which could help preserve the science base and core skills that would be needed for any future fissile material production or nuclear weapons development.

Several scientists—at the direction of senior Iraqi government officials—preserved documents and equipment from their pre–1991 nuclear weapon-related research and did not reveal this to the UN/IAEA. One Iraqi scientist recently stated in an interview with ISG that it was a ''common understanding'' among the scientists that material was being preserved for reconstitution of nuclear weapons-related work.

The ISG nuclear team has found indications that there was interest, beginning in 2002, in reconstituting a centrifuge enrichment program. Most of this activity centered on activities of Dr. Sa'id that caused some of his former colleagues in the pre-1991 nuclear program to suspect that Dr. Sa'id, at least, was considering a restart of the centrifuge program. We do not yet fully understand Iraqi intentions, and the evidence does not tie any activity directly to centrifuge research or development.

Exploitation of additional documents may shed light on the projects and program plans of Dr. Khalid Ibrahim Sa'id. There may be more projects to be discovered in research placed at universities and private companies. Iraqi interest in reconstitution of a uranium enrichment program needs to be better understood through the analysis of procurement records and additional interviews.

With regard to delivery systems, the ISG team has discovered sufficient evidence to date to conclude that the Iraqi regime was committed to delivery system improvements that would have, if OIF had not occurred, dramatically breached UN restrictions placed on Iraq after the 1991 Gulf War.

Detainees and co-operative sources indicate that beginning in 2000 Saddam ordered the development of ballistic missiles with ranges of at least 400km and up to 1000km and that measures to conceal these projects from UNMOVIC were initiated in late 2002, ahead of the arrival of inspectors. Work was also underway for a clustered engine liquid propellant missile, and it appears the work had progressed to a point to support initial prototype production of some parts and assemblies. According to a cooperating senior detainee, Saddam concluded that the proposals from both the liquid-propellant and solid-propellant missile design centers would take too long. For instance, the liquid-propellant missile project team forecast first delivery in six years. Saddam countered in 2000 that he wanted the missile designed and built inside of six months. On the other hand several sources contend that Saddam's range requirements for the missiles grew from 400–500km in 2000 to 600–1000km in 2002. ISG has gathered testimony from missile designers at Al Kindi State Company that Iraq has reinitiated work on converting SA–2 Surface-to-Air Missiles into ballistic missiles with a range goal of about 250km. Engineering work was reportedly underway in early 2003, despite the presence of UNMOVIC. This program was not declared to the UN. ISG is presently seeking additional confirmation and details on this project. A second cooperative source has stated that the program actually began in 2001, but that it received added impetus in the run-up to OIF, and that missiles from this project were transferred to a facility north of Baghdad. This source also provided documentary evidence of instructions to convert SA–2s into surface-to-surface missiles.

ISG has obtained testimony from both detainees and cooperative sources that indicate that proscribed-range solid-propellant missile design studies were initiated, or already underway, at the time when work on the clustered liquid-propellant missile designs began. The motor diameter was to be 800 to 1000mm, i.e. much greater than the 500-mm Ababil–100. The range goals cited for this system vary from over 400km up to 1000km, depending on the source and the payload mass.

A cooperative source, involved in the 2001–2002 deliberations on the long-range solid propellant project, provided ISG with a set of concept designs for a launcher designed to accommodate a 1m diameter by 9m length

missile. The limited detail in the drawings suggest there was some way to go before launcher fabrication. The source believes that these drawings would not have been requested until the missile progress was relatively advanced, normally beyond the design state. The drawings are in CAD format, with files dated 09/01/02.

While we have obtained enough information to make us confident that this design effort was underway, we are not yet confident which accounts of the timeline and project progress are accurate and are now seeking to better understand this program and its actual progress at the time of OIF.

One cooperative source has said that he suspected that the new large-diameter solid-propellant missile was intended to have a CW-filled warhead, but no detainee has admitted any actual knowledge of plans for unconventional warheads for any current or planned ballistic missile. The suspicion expressed by the one source about a CW warhead was based on his assessment of the unavailability of nuclear warheads and potential survivability problems of biological warfare agent in ballistic missile warheads. This is an area of great interest and we are seeking additional information on warhead designs.

While I have spoken so far of planned missile systems, one high-level detainee has recently claimed that Iraq retained a small quantity of Scud-variant missiles until at least 2001, although he subsequently recanted these claims, work continues to determine the truth. Two other sources contend that Iraq continued to produce until 2001 liquid fuel and oxidizer specific to Scud-type systems. The cooperating source claims that the al Tariq Factory was used to manufacture Scud oxidizer (IRFNA) from 1996 to 2001, and that nitrogen tetroxide, a chief ingredient of IRFNA was collected from a bleed port on the production equipment, was reserved, and then mixed with highly concentrated nitric acid plus an inhibitor to produce Scud oxidizer. Iraq never declared its pre-Gulf War capability to manufacture Scud IRFNA out of fear, multiple sources have stated, that the al Tariq Factory would be destroyed, leaving Baghdad without the ability to produce highly concentrated nitric acid, explosives and munitions. To date we have not discovered documentary or material evidence to corroborate these claims, but continued efforts are underway to clarify and confirm this information with additional Iraqi sources and to locate corroborating physical evidence. If we can confirm that the fuel was produced as late as 2001, and given that Scud fuel can only be used in Scud-variant missiles, we will have strong evidence that the missiles must have been retained until that date. This would, of course, be yet another example of a failure to declare prohibited activities to the UN.

Iraq was continuing to develop a variety of UAV platforms and maintained two UAV programs that were working in parallel, one at Ibn Fernas and one at al-Rashid Air Force Base. Ibn Fernas worked on the development of smaller, more traditional types of UAVs in addition to the conversion of manned aircraft into UAVs. This program was not declared to the UN until the 2002 CAFCD in which Iraq declared the RPV–20, RPV–30 and Pigeon RPV systems to the UN. All these systems had declared ranges of less than 150km. Several Iraqi officials stated that the RPV–20 flew over 500km on autopilot in 2002, contradicting Iraq's declaration on the system's range. The al-Rashid group was developing a competing line of UAVs. This program was never fully declared to the UN and is the subject of on-going work by ISG. Additional work is also focusing on the payloads and intended use for these UAVs. Surveillance and use as decoys are uses mentioned by some of those interviewed. Given Iraq's interest before the Gulf War in attempting to convert a MIG–21 into an unmanned aerial vehicle to carry spray tanks capable of dispensing chemical or biological agents, attention is being paid to whether any of the newer generation of UAVs were intended to have a similar purpose. This remains an open question.

ISG has discovered evidence of two primary cruise missile programs. The first appears to have been successfully implemented, whereas the second had not yet reached maturity at the time of OIF.

The first involved upgrades to the HY–2 coastal-defense cruise missile. ISG has developed multiple sources of testimony, which is corroborated in part by a captured document, that Iraq undertook a program aimed at increasing the HY–2's range and permitting its use as a land-attack missile. These efforts extended the HY–2's range from its original 100km to 150–180km. Ten modified missiles were delivered to the military prior to OIF and two of these were fired from Umm Qasr during OIF—one was shot down and one hit Kuwait. The second program, called the Jenin, was a much more ambitious effort to convert the HY–2 into a 1000km range land-attack cruise missile. The Jenin concept was presented to Saddam on 23 November 2001 and received what cooperative sources called an ''unusually quick response'' in little more than a week. The essence of the concept was to take an HY–2, strip it of its liquid rocket engine, and put in its place a turbine engine from a Russian helicopter—the TV–2–117 or TV3–117 from a Mi–8 or Mi–17 helicopter. To prevent discovery by the UN, Iraq halted engine development and testing and disassembled the test stand in late 2002 before the design criteria had been met.

In addition to the activities detailed here on Iraq's attempts to develop delivery systems beyond the permitted UN 150km, ISG has also developed information on Iraqi attempts to purchase proscribed missiles and missile technology. Documents found by ISG describe a high level dialogue between Iraq and North Korea that began in December 1999 and included an October 2000 meeting in Baghdad. These documents indicate Iraqi interest in the transfer of technology for surface-to-surface missiles with a range of 1300km (probably No Dong) and land-to-sea missiles with a range of 300km. The document quotes the North Koreans as understanding the limitations imposed by the UN, but being prepared ''to cooperate with Iraq on the items it specified''. At the time of OIF, these discussions had not led to any missiles being transferred to Iraq. A high level cooperating source has reported that in late 2002 at Saddam's behest a delegation of Iraqi officials was sent to meet with foreign export companies, including one that dealt with missiles. Iraq was interested in buying an advanced ballistic missile with 270km and 500km ranges.

The ISG has also identified a large volume of material and testimony by cooperating Iraq officials on Iraq's effort to illicitly procure parts and foreign assistance for its missile program. These include:

Significant level of assistance from a foreign company and its network of affiliates in supplying and supporting the development of production capabilities for solid rocket propellant and dual-use chemicals.

Entities from another foreign country were involved in supplying guidance and control systems for use in the Al-Fat'h (Ababil–100). The contract was incomplete by the time of OIF due to technical problems with the few systems delivered and a financial dispute.

A group of foreign experts operating in a private capacity were helping to develop Iraq's liquid propellant ballistic missile RDT&E and production infrastructure. They worked in Baghdad for about three months in late 1998 and subsequently continued work on the project from abroad. An actual contract valued at $10 million for machinery and equipment was signed in June 2001, initially for 18 months, but later extended. This cooperation continued right up until the war.

A different group of foreign experts traveled to Iraq in 1999 to conduct a technical review that resulted in what became the Al Samoud 2 design, and a contract was signed in 2001 for the provision of rigs, fixtures and control equipment for the redesigned missile.

Detainees and cooperative sources have described the role of a foreign expert in negotiations on the development of Iraq's liquid and solid propellant production infrastructure. This could have had applications in existing and planned longer range systems, although it is reported that nothing had actually been implemented before OIF.

Uncertainty remains about the full extent of foreign assistance to Iraq's planned expansion of its missile systems and work is continuing to gain a full resolution of this issue. However, there is little doubt from the evidence already gathered that there was substantial illegal procurement for all aspects of the missile programs.

I have covered a lot of ground today, much of it highly technical. Although we are resisting drawing conclusions in this first interim report, a number of things have become clearer already as a result of our investigation, among them:

1. Saddam, at least as judged by those scientists and other insiders who worked in his military-industrial programs, had not given up his aspirations and intentions to continue to acquire weapons of mass destruction. Even those senior officials we have interviewed who claim no direct knowledge of any on-going prohibited activities readily acknowledge that Saddam intended to resume these programs whenever the external restrictions were removed. Several of these officials acknowledge receiving inquiries since 2000 from Saddam or his sons about how long it would take to either restart CW production or make available chemical weapons.

2. In the delivery systems area there were already well advanced, but undeclared, on-going activities that, if OIF had not intervened, would have resulted in the production of missiles with ranges at least up to 1000 km, well in excess of the UN permitted range of 150 km. These missile activities were supported by a serious clandestine procurement program about which we have much still to learn.

3. In the chemical and biological weapons area we have confidence that there were at a minimum clandestine on-going research and development activities that were embedded in the Iraqi Intelligence Service. While we have much yet to learn about the exact work programs and capabilities of these activities, it is already apparent that these undeclared activities would have at a minimum facilitated chemical and biological weapons activities and provided a technically trained cadre.

Let me conclude by returning to something I began with today. We face a unique but challenging opportunity in our efforts to unravel the exact status of Iraq's WMD program. The good news is that we do not have to rely for the first time in over a decade on the incomplete, and often false, data that Iraq supplied the UN/IAEA;

Data collected by UN inspectors operating with the severe constraints that Iraqi security and deception actions imposed;

Information supplied by defectors, some of whom certainly fabricated much that they

supplied and perhaps were under the direct control of the IIS;

Data collected by national technical collections systems with their own limitations.

The bad news is that we have to do this under conditions that ensure that our work will take time and impose serious physical dangers on those who are asked to carry it out. Why should we take the time and run the risk to ensure that our conclusions reflect the truth to the maximum extent that is possible given the conditions in post-conflict Iraq? For those of us that are carrying out this search, there are two reasons that drive us to want to complete this effort.

First, whatever we find will probably differ from pre-war intelligence. Empirical reality on the ground is, and has always been, different from intelligence judgments that must be made under serious constraints of time, distance and information. It is, however, only by understanding precisely what those difference are that the quality of future intelligence and investment decisions concerning future intelligence systems can be improved. Proliferation of weapons of mass destruction is such a continuing threat to global society that learning those lessons has a high imperative.

Second, we have found people, technical information and illicit procurement networks that if allowed to flow to other countries and regions could accelerate global proliferation. Even in the area of actual weapons there is no doubt that Iraq had at one time chemical and biological weapons. Even if there were only a remote possibility that these pre-1991 weapons still exist, we have an obligation to American troops who are now there and the Iraqi population to ensure that none of these remain to be used against them in the ongoing insurgency activity.

Mr. Chairman and Members I appreciate this opportunity to share with you the initial results of the first 3 months of the activities of the Iraqi Survey Group. I am certain that I speak for Major General Keith Dayton, who commands the Iraqi Survey Group, when I say how proud we are of the men and women from across the Government and from our Coalition partners, Australia and the United Kingdom, who have gone to Iraq and are carrying out this important mission.

Thank you.

Mr. BOND. We are engaged in a monumental fight against terrorism and tyranny on a global scale, one in which all freedom-loving people have a stake. Other free countries ought to realize this is a battle in which we all have a stake. The Middle East region has long been marked by instability and marred by war, the threat of war and torture, terrorism, and ruthless dictators. Saddam Hussein was at the heart of it. On September 11 we lost close to 3,000 citizens when foreign terrorists attacked innocent civilians. It is a miracle we did not lose more. But we are now fighting that battle against terrorism in Baghdad, not in Boston or Boise or Baldwin, MO.

As I said earlier, some argue that Saddam has not been linked to terrorism. Well, what David Kay has already described puts the lie to that. Also, tell that to the thousands of Israeli families who have lost innocent relatives at the hands of Hamas suicide bombers whose families received $25,000 from the Iraqi dictator for each successful attack on innocent men, women, and children.

Today, on the good-news side, there are close to 100,000 Iraqis who are assuming control of essential civil responsibilities such as border police, civil defense, police facilities protection, and as soldiers. With each passing day, more and more Iraqis are taking the lead in security and in protecting Iraq. Over 85 percent of Iraq is relatively stable, with the exception of the troubled Sunni Triangle.

It is no surprise the Sunni Baathists are putting up the most resistance, for they have the most to lose. We have seen recently declassified reports of the Iraqi-sponsored torture, which are too disturbing even to watch. We found mass graves. We know Saddam conducted mass chemical attacks against his own people and launched chemical attacks against Iran.

I believe the President was correct when he said we must take on the war on terrorism, which would take years, not months. This is a global conflict against terrorism. The will of the American people is being tested. We cannot flinch. If we do not pursue terrorists where they live now, then we will continue to invite more attacks any time U.S. interests collide with the interests of terrorists.

EXHIBIT 1

The Oct. 26 front-page article ''Search in Iraq Fails to Find Nuclear Threat'' is wildly off the mark. Your reporter, Barton Gellman, bases much of his analysis on what he says was told to him by an Australian brigadier, Stephen D. Meekin. Gellman describes Meekin as someone ''who commands the Joint Captured Materiel Exploitation Center, the largest of a half-dozen units that report to [David] Kay.''

Meekin does not report, nor has he ever reported, to me in any individual capacity or as commander of the exploitation center. The work of the center did not form a part of my first interim report, which was delivered last month, nor do I direct what Meekin's organization does. The center's mission has never involved weapons of mass destruction, nor does it have any WMD expertise.

Gellman's description of information provided by Mahdi Obeidi, chief of Iraq's pre-1991 centrifuge program, relies on an unnamed ''U.S. official'' who, by the reporter's own admission, read only one reporting cable. How Gellman's source was able to describe reporting that covered four months is a mystery to me. Furthermore, the source mischaracterized our views on the reliability of Obeidi's information.

With regard to Obeidi's move to the United States, Gellman writes, ''By summer's end, under unknown circumstances, Obeidi received permission to bring his family to an East Coast suburb in the United States.'' The reader is left with the impression that this move involved something manipulative or sinister. The ''unknown circumstances'' are called Public Law 110. This mechanism was created during the Cold War to give the director of central intelligence the authority to resettle those who help provide valuable intelligence information. Nothing unusual or mysterious here.

When the article moves to describe the actual work of the nuclear team, Gellman states that ''frustrated members of the nuclear search team by late spring began calling themselves the 'book of the month club.' ''But he fails to note that this was before the establishment of the Iraq Survey Group. In fact, the team's frustration with the pace of the work is what led President Bush to shift the responsibility for the WMD search to the director of central intelligence and to send me to Baghdad.

One would believe from what Gellman writes that I have sent home the two leaders of my nuclear team, William Domke and Jeffrey Bedell, and abandoned all attempts to determine the state of Iraq's nuclear activities. Wrong again, Domke's assignment had been twice extended well beyond what the Department of Energy had agreed to. He and Bedell were replaced with a much larger contingent of experts from DOE's National Labs.

Finally, with regard to the aluminum tubes, the tubes were certainly being imported and were being used for rockets. The question that continues to occupy us is whether similar tubes, with higher specifications, had other uses, specifically in nuclear centrifuges. Why anyone would think that we should want to confiscate the thousands of aluminum tubes of the lower specification is unclear. Our investigation is focused on whether a nuclear centrifuge program was either underway or in the planning stages, what design and components were being contemplated or used in such a program if it existed and the reason for the constant raising of the specifications of the tubes the Iraqis were importing clandestinely.

We have much work left to do before any conclusions can be reached on the state of possible Iraqi nuclear weapons program efforts. Your story gives the false impression that conclusions can already be drawn.

When Barton Gellman interviewed me last month I stressed on a number of occasions that my remarks related to Iraqi's conventional weapons program. I am responsible for aspects of that program as the commander of the coalition Joint Captured Materiel Exploitation Center. I did not provide assessments or views on Iraq's nuclear program or the status of investigations being conducted by the Iraq Survey Group.

On the issue of Iraq's use of aluminum tubes, I did confirm, in response to a question by Gellman, that aluminum tubes form the body of Iraqi 81mm battlefield rockets and that my teams had recovered some of these rockets for technical examination. Further, I stated that the empty tubes were innocuous in view of the large quantities of lethal Iraqi conventional weapons such as small arms, explosive ordnance and manportable air defense systems in this country. I did not make any judgment on the suitability of the 81mm aluminum tubes as components in a nuclear program.

In discussing the disbanding of the Joint Captured Materiel Exploitation Center, I told your reporter that the center's work was largely complete, and I made clear that its role was in the realm of Iraq's conventional weapons and technologies.

Gellman attributed to me comments about the effect of U.N.-imposed sanctions. Again, I referred to Iraqi efforts to acquire conventional military equipment. I made no assessment about the effect of U.N. sanctions on Iraq's nuclear program.

Mr. CRAIG. Madam President, I will claim no more than 5 minutes of the time of the Senator from Texas.

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

HEALTHY FORESTS CONFERENCE

Mr. CRAIG. I come to the floor this morning a bit frustrated and maybe with a good reason to be angry at some of our colleagues for what now appears

to be a general intended deceit of the American people. I hope that is not the case and I certainly will take back those words if it is not. But actions are occurring behind the scenes as I speak that suggest I am not inaccurate.

What am I talking about? This past week the Senate was consumed in debating a bill about healthy forests and trying to develop some degree of active management on our public forest lands to reduce the overall fuel load that was and has been feeding the fires on our forested lands. Of course, last week, while we were debating here on the floor, America's attention was riveted in California where people were dying, homes were burning, and tens of thousands, hundreds of thousands of acres were being consumed. Probably that was the worst wildfire this country has seen in several decades.

What happened last Thursday after a very full and robust debate on a bipartisan bill that had been crafted in the Agriculture Committee and then recrafted between the Senator from California, a Democrat, the Senator from Oregon, a Democrat, myself, a Republican, and a variety of others to build a bipartisan alternative approach to this problem? We debated that bill and we passed it by a vote of 80 to 14. That would demonstrate to the American people that those who opposed us in the past somehow had gotten the message. Somehow there was an awakening here in the Senate that there was truly a need to resolve the issue of forest health.

The poster I have just put up was used last week. It says: ''California Burns, Democrat Filibuster Continues.''

That filibuster was broken. There was a rousing debate and an 80-to-14 vote. The Healthy Forests initiative passed, an initiative I had worked on for a good number of years as chairman of the Forestry Subcommittee. The President of the United States, standing in ashes in the forests of California or Oregon the summer before last, declared this country had to get busy at being better stewards of their public lands or we were going to continue to see catastrophic wildfires.

All of that finally came together last week. Now, on the morning news, we see a caravan of mourning firefighters as they lay to rest one of the firefighters who was killed in those cataclysmic fires of last week in southern California. While there are those laying to rest over 20 people killed in those fires, and while the Senate last Thursday, on an 80-to-14 vote, passed out a Healthy Forests initiative, now, quietly, behind the scene, the Democrat leaders are saying: No more. We will not allow the bill to move any further. We will not allow the bill that passed by a bipartisan vote to go to conference with the House to work out our differences, to actually make it law.

Do you understand what I am saying? I am saying the debate last week and the cataclysmic fires in California somehow have not changed anybody's mind; they have not changed or are not going to allow public policy to change; that behind the scenes there is now a silent, invisible filibuster on the part of Democratic leadership that will not allow this bipartisan bill to go to conference because, if it doesn't go to conference and the House and the Senate can't work out their differences, it will not become law. If it is not law, we cannot begin to deal with the 20 million acres of urban/wildland interface that are addressed within this legislation so that we will thin and clean and make them less susceptible to fire.

What is the picture here? Am I getting this wrong? Is this scenario I have on this picture now replaying itself? The fires are out in California, or at least we hope they are nearly out. But they will come again. Here is the reason they will come again. Here is a map of the United States. All these red areas——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CRAIG. I ask for 1 additional minute.

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

Mr. CRAIG. The red on this map demonstrates not 20 million acres but 90 million acres of class 3 lands that are dead and dying and phenomenally susceptible to fire. See right down here in southern California where the fires burn, that red land that was looked at in 2000, which we said was going to burn? It burned: 3,400 homes, 20 lives, billions of dollars worth of assets. Now a silent filibuster on the part of Democratic leadership says we will not allow the bill to go forward? I hope I am wrong. I was not wrong yesterday. I understand they are still blocking a unanimous consent request to appoint conferees so the House and the Senate can work out their differences, so we can get at the business of being the good stewards of our public lands the public wants us to be and somehow, some way, treat our lands and deny wildfire to other areas of the country.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, how much time remains?

The PRESIDING OFFICER. Three minutes.

Mr. MCCONNELL. Madam President, the Senator from Idaho is entirely correct. What is going on here is a filibuster over naming of conferees. As a part of the normal legislative process, you send Members to a conference with the House to resolve the differences. In effect, a Healthy Forests bill is now being filibustered without the naming of conferees. The differences between the Senate and the House cannot be resolved. Unless conferees are named, the 80-to-14 vote we had here in the Senate just last week is meaningless, absolutely meaningless. No legislation to protect our forests, our people, our firefighters, and our homes can move forward while the appointment of conferees is being filibustered.

While efforts to solve this critical legislation may seem illogical or even callous in the face of the disaster we have witnessed in California on the nightly news, mind you, what is simply unbelievable is that the legislation to prevent catastrophic fires such as these was filibustered just over a year ago. Last year when the risk of catastrophic forest fires was clear and immediate and action was needed, there was an effort to block even the consideration of amendments to the Interior appropriations bill that would have reduced the sort of hazardous fuels that have set ablaze southern California. We knew this was a problem last year. We knew it needed to be addressed. But time and time again we have been prevented from moving forward. That was then and this is now. Now that 22 lives have been lost, 800,000 acres have been burned, and 3,400 homes have been destroyed, you would expect Congress might have gotten the message to get the lead out and get the job done. But some in the Senate just do not get it.

As the Senator from Idaho pointed out, the American people have a right to basic safety and security, which this bill provides. After all we have seen, they have the right to ask: Why in the world is this bill being delayed by 1 second? We saw this bill move at lightning speed by a huge majority last week. Now it is stalled and likely to fail in this session of Congress.

How many acres must incinerate, how many homes must burn, and how many lives must be lost before we move forward on the Healthy Forests conference?

During the last year, 27 firefighters lost their lives fighting blazes such as those this bill intends to diminish. Would it be today that my friends in the Senate will move forward to appoint conferees and finally pass this much-needed legislation into law or will the Senate, like Nero, fiddle while the Nation burns?

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL CONSUMER CREDIT REPORTING SYSTEM IMPROVEMENT ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of S. 1753, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (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, and for other purposes.

The PRESIDING OFFICER. The Senator from Nevada.

HEALTHY FORESTS

Mr. REID. Madam President, I see the chairman of the committee is here. I will speak for a minute while he is getting affairs in order to respond briefly to the Senator from Kentucky about the Healthy Forests initiative.

The statement has been made that hundreds of thousands of acres have burned in the last few years. But we have had millions of acres burned. We understand what it means to have wildfires. As a neighbor to California, Nevada sent 500 firefighters and dozens of pieces of equipment to help fight the fires in California. We in Nevada understand what fires are all about. I think most everyone in the country understands how devastating these fires have been. But for anyone to come to the floor and suggest we are fiddling while Rome burns, that is simply untrue.

Here is what we are concerned about. We have a situation where we have been eliminated from the conference process. Remember that the Senate is 49 to 51. It is not as if there is a huge majority. We have been eliminated from conferences. People are saying, Isn't it nice that the Medicare conference is allowing two Democrats in on the conference. But for any other Democrats to come, the conference is closed. For most conferences, we don't have anybody.

What we have suggested on this bill and on the CARE Act and a number of other matters is that we go ahead and send what has been passed in the Senate to the House. If the House doesn't like it, they can send it back with amendments. We have done that many times. This is not an unusual procedure. We need only look at what we did last night with the Fallen Patriots Tax Relief Act. That is how that happened. There was no big cry of concern about that.

We haven't had the opportunity to do complete research. H.R. 1584, the Clean Diamond Trade Act; H.R. 1298, AIDS Assistance Bill; H.R. 733, McLaughlin House National Historic Site Act; H.R. 13, Museum Library Services Act; H.R. 3146, TANF Extension; and H.R. 659, Mortgage Insurance Act—these are just a few of the pieces of legislation we have handled in this manner.

If the majority wants this act to pass—and I am sure they do—the best thing to do would be to take what has taken place here in the Senate and send it across the hall to the House. If there is something they do not like about it, send it back to us with an amendment. It happens all the time. It is not unusual. In fact, in years past that is how it was done. Conferences were not used as much as they are used now.

The way we have been treated with conferences, they are going to have a lot less because you can't have conferences where there is no conference. Basically, the majority meets in secret, and when they complete their secret meetings, they bring the conference report and say take it or leave it. That is the wrong way to do things.

That is what this is all about. We want the Healthy Forests initiative to pass. We wanted it to pass yesterday—not tomorrow but yesterday. It is an important piece of legislation. That is indicated by the vote that came out of the Senate.

Therefore, take what we passed, send it to the House, and if they don't like it, they can send it back with amendments.

Mr. CRAIG. Madam President, will the Senator yield for a question?

Mr. REID. I am happy to yield to my friend from Idaho.

Mr. CRAIG. Is it not true what I said on the floor, that you are objecting to appointing conferees to the Healthy Forests initiative so it can go to conference between the House and Senate? Is that not true?

Mr. REID. Yes. It is absolutely true. That is the point I tried to make last night dealing with the CARE Act and today. I apologize; I was in a meeting with Senator DASCHLE and I was unable to listen to your speech. But the answer is absolutely yes. That is the point I was making.

Mr. CRAIG. The point is the bill is not moving because your side is objecting to what is a normal process here in the conference.

Mr. REID. No. I say to my friend the bill is not moving because the majority has decided to harp on the fact that there is not a conference named——

Mr. CRAIG. I guess my point is made.

Mr. REID. Please. I have the floor. The fact of the matter is conferences have been held around here. What I am saying is the majority has a choice. If they want the healthy initiative bill—which we badly want—then I think what we should do is take what has been passed and send it to the House. If they don't like it, let them bring it back with amendments.

There are two ways of doing it. One way is the way the Senator from Idaho suggests. The conferees could be appointed and take it over to the House, and we meet someplace else. That is the normal way.

Frankly, since we have lost control of the majority, we haven't held conferences. I have talked about that at some length on previous occasions. I touched on it briefly here today.

We want a bill passed.

The Senator from Idaho is absolutely right. The Democratic leader, in representing the Democratic caucus, has said let us not do a conference because it is meaningless, anyway. Let us take our bill we have passed and work on it. We had a big vote here. Send it to the House, and they can come within a matter of hours with something they don't like about it, and we will be happy to review that when it comes back in a matter of hours.

Mr. CRAIG. I thank the Senator.

Mr. REID. I want to tell my friend from Alabama how much I appreciate his patience while we finished this little scrum on the floor today.

I look forward to this most important piece of legislation. This is brought to the floor on a bipartisan basis. We have spent time speaking with the Senator from Alabama at some length in getting the bill here, dealing with the same problem we are having in the conferences.

I wish that all Senators had the sense of what legislation is all about as does the Senator from Alabama. He, in my mind, is truly a legislator. I have enjoyed working with him in the House and in the Senate. There is no question that this bill is here as a result of his reaching out to the Democrats on the committee. They have told me that. There are Democratic amendments in the mark now before the Senate. On behalf of those in the minority, through the Chair, we express our appreciation to the Senator from Alabama, the chairman of the Banking Committee.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Alabama.

AMENDMENT NO. 2053

Mr. SHELBY. Mr. President, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 2053.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. SHELBY. It is our intention to adopt the substitute and ask it be treated as original text but we will wait for the other side before we adopt the amendment.

Mr. President, I am pleased to bring before the Senate S. 1753, the National Consumer Credit System Improvement Act of 2003. This bill was unanimously approved by the Senate Banking Committee on September 23 of this year by a voice vote.

The Fair Credit Reporting Act, is a very important, highly complex law that governs crucial aspects of the consumer credit system. This national system is huge—involving trillions of dollars and millions of people, and is at the heart of the economic well being of this country. The bipartisan bill before the Senate is the product of extensive hearings and deliberations by the Senate Banking Committee. Over the course of the past 5 months, the Banking Committee held six hearings related to the reauthorization of the seven expiring FCRA national standards as well as the effectiveness and efficacy of the FCRA as a whole.

The committee's process helped us identify key areas that required reform or improvement, while at the same time, reinforcing the importance of our national credit reporting system to the operation of our financial markets and economy as a whole. The committee bill incorporates many important reforms while creating permanent national standards. This bill reflects a

careful balance between ensuring the efficient operation of our markets and protecting the rights of consumers.

Over the 6 years since the FCRA was last amended, significant changes have occurred in our credit markets. There are now participants, new technologies, new underwriting practices, and new products. Indeed, there is more that has changed than has remained the same in the operation of the credit markets since the last time Congress considered the FCRA. These changes have been largely positive. They have expanded access to credit to more Americans and permitted loan approvals in hours rather than weeks.

However, these new developments have had some unintended consequences.

Identity theft. As our economy has grown more automated, more electronic transactions occur without the lender and borrower ever meeting face to face. As a result, the transfer of information has become much more pervasive, and a new crime has emerged that takes advantage of this flow of information. This crime is called identity theft, and the incidence of this crime has grown geometrically in recent years.

Identity theft involves a person using someone else's personal information without their knowledge to commit fraud or theft. Practically speaking, the crime involves misappropriation of such personal information as a victim's name, date of birth, and social security number. Identity thieves then use this information to open new credit card accounts, to divert current accounts from victims to themselves, and to open bank accounts in victims' names, among other things. The bad charges and the hot checks usually happen while the victims, banks, credit card companies and other firms are unaware that something is amiss.

In the wake of unauthorized activity and skipped payments, the creditor usually takes action and ultimately cuts the thief off. At this point, the creditor's losses are curtailed, but the nightmare is just beginning for the ultimate victim of identity theft—the individual whose identity the thief assumed. In most instances, the victims first become aware of the fact that they have been targeted when the creditor seeks payment. It is also when they begin to experience the negative consequences—dealing with law enforcement and the collection agencies.

Thereafter, when the results of the criminals' handiwork shows up on their credit reports, they face the considerable task of restoring their good name and credit rating.

This bill attempts to combat this growing crime while also helping consumers restore their credit standing and give victims assistance. The bill contains a number of provisions that deal with identity theft:

S. 1753 directs Federal banking regulators, the National Credit Union Administration and the Federal Trade Commission to develop guidelines and regulations to identify and prevent identity theft;

The bill mandates the inclusion of fraud alerts in credit files, to notify users of credit reports that a consumer could be a victim of identity theft;

The bill will restrict the amount of information available to identity thieves, by requiring the truncation of credit and debit card account numbers on electronically printed receipts; and

S. 1753 increases the punishment of identity theft crimes.

S. 1753 also provides victims of identity theft with meaningful assistance something they do not really have today:

The bill requires the FTC to prepare a summary of rights of identity theft victims;

S. 1753 establishes procedures to block the reporting of and the refurnishing of identity theft-related activities; and it requires the national credit reporting agencies to coordinate and share identity theft complaints.

Another aspect of this bill is accuracy. The committee also focused its attention on how best to ensure the accuracy of credit information. Accurate credit reports are absolutely crucial to the efficient operation of our credit market. Indeed, the changing nature of our credit markets has made accuracy more important than ever. Credit report information is increasingly used as the key determinant of the cost of credit and insurance in this country.

In addition, technology has permitted lenders to use credit information to more precisely assess risks posed by borrowers. Gone are the day when lenders merely stamped loans as ''approved'' or ''not approved.'' Today, the lenders employing credit history data, use mathematical models to analyze credit risk and create risk-based prices for credit cards, mortgages and other products. Use of risk-based pricing allows lenders to extend credit to a broader range of borrowers on credit terms, which match the credit risk they pose. Additionally, its use results in very few credit applicants being rejected. Again this is a very positive development, but not one without a cost.

Currently, credit applicants who are rejected received adverse action notices and access to a free credit reports. This allows such consumers to review the accuracy of their credit report information. Due to risk-based pricing, consumers are often not given the adverse action notice when information contained in their credit report significantly impacts the cost of the credit offer. Rather, they receive a counteroffer with credit offered at a higher price or with more restricted terms.

This development presents a huge concern. The adverse action notice is the primary tool in the FCRA to ensure mistakes in credit reports are discovered. To address this situation, the committee bill requires regulators to promulgate rules to provide consumers notice when, because of information contained in a consumer's credit report, the creditor makes a counter offer to the consumer on terms that are materially less favorable than the most favorable terms available to a substantial portion of consumers.

These notices will make consumers aware of the need to check their reports to ensure their accuracy. The need for ensuring the greatest possible accuracy in credit information does not end with these new notices. For example, in large credit transactions, such as mortgages, rate differences, as the Presiding Officer knows, can translate into hundreds of thousands of dollars over the course of a loan. Even in smaller dollar credit transactions, such as credit cards, rate differences can mean large amounts of money.

With the practice of credit card companies reviewing credit reports and adjusting rates in real time becoming more prevalent, the application of risk-based pricing to consumer finances is practically an everyday event.

Credit reporting information is increasingly used as the key determinant of the cost of credit or insurance. With the rewards for good credit so meaningful in this country, and the penalties for bad credit so costly, it is more critical than ever before that credit reports accurately portray consumers' credit histories.

The committee bill addresses this in several ways. One, the bill provides consumers the right to obtain a free copy of their credit report annually through a centralized system and request of their credit scores or information about credit scores in certain circumstances. This is a big change.

S. 1753 directs the Federal banking regulators, the National Credit Union Administration, and the Federal Trade Commission to develop guidelines to ensure greater accuracy and completeness of information in credit reports.

Furthermore, it directs the Federal Trade Commission and the Federal Reserve to conduct ongoing studies on the accuracy of consumer reports and the resolution of consumer complaints.

Privacy protections are addressed in this bill. S. 1753, the bill before us, contains a number of important new privacy protections for consumers. The committee-designed protections are based on our extensive deliberations and focus on core areas of concern in the privacy arena; namely, direct marketing and medical information.

The bill contains important new medical information protections which significantly limit creditors' use of consumer medical information and restrict the dissemination of medical information in credit reports. These provisions require the coding of medical information that is included in credit reports and prohibits creditors from obtaining or using medical information in determining a consumer's eligibility for credit.

S. 1753 also requires affiliated companies to give consumers notice and an

opportunity to opt out of direct marketing. In addition, the bill requires the regulators to study information-sharing practices of affiliated companies and the level of consumer understanding.

Financial literacy was another topic of our committee deliberations. The committee understands that informed, knowledgeable consumers are best positioned to take advantage of new credit products and to reduce the likelihood of falling prey to negative developments, such as identity theft. Financial education is crucial to the effective operation of our credit markets since the Fair Credit Reporting Act places significant responsibility on the consumer to ensure the accuracy of their credit reports. For these reasons, the bill establishes the Financial Literacy and Education Commission to review and create Federal programs and coordinate the existing financial literacy efforts already established.

The committee has devoted a significant amount of time and energy in this bill to build a complete and thorough record on the highly complex issues involved with the Fair Credit Reporting Act. The legislation we are considering today, which was passed unanimously out of the Banking Committee, reflects the time and consensus achieved during that process.

It contains language that was developed by a number of my colleagues on both sides of the aisle, and I thank all of them for their efforts. I also particularly thank the ranking member and former chairman, Senator SARBANES, for his insight and the significant contributions he and his staff have added as we have moved through this process over the course of the year.

I believe we have achieved the difficult objective of striking the proper balance between enhancing the rights of consumers and improving the efficient operation of our credit markets.

Mr. President, I now yield the floor to my distinguished colleague from Maryland, the ranking Democrat.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I am pleased to join this morning in bringing to the floor of the Senate, along with my able colleague from Alabama, the distinguished chairman of the Senate Banking, Housing, and Urban Affairs Committee, S. 1753, the National Consumer Credit Reporting System Improvement Act of 2003.

This legislation is important to millions of Americans as we work to ensure fair, accurate, and effective credit reporting practices, and this legislation is designed to accomplish that objective.

First, I acknowledge and actually commend the distinguished chairman for the comprehensive series of six hearings on this legislation that were held in the Banking Committee. Chairman SHELBY structured extremely productive hearings. There was a systematic approach to examining all aspects of this issue, and we heard from a broad range of interests in the witnesses who came before the committee. I think it is fair to say we covered all the bases.

Not all the bases got what they wanted. It never quite works that way when you do legislation. But I think we had a very open, transparent process, with people having an opportunity to present their positions. They were very carefully and thoughtfully considered. In the end, the legislation was reported out of the committee, on a voice vote, unanimously on September 23. I think that vote reflects the response to the chairman's willingness to work with all members of the committee.

Now, it goes without saying, each of us, if we could write the bill by ourselves, would have somewhat different aspects to the bill. There are areas where I would have sought to do more with respect to some consumer issues. But I think we sought to craft a balanced package here. We understand the need for a national credit reporting system for Americans all across the country. It means an opportunity to carry out their economic transactions swiftly, efficiently, and effectively. At the same time, of course, you have to be very alert to ensuring there are protections so people cannot be abused or taken advantage of in the process.

One of the things this legislation does—and I am going to refer to it in some detail very shortly—is it really seeks to address this issue of identity theft which has provoked so much misery and grief for people who are hit by it. It is really the central focus of people's attention now when they consider problems they are having with consumer financial matters. This legislation has some very significant provisions in that regard, and we were able to move those forward with the strong support of the members of the committee.

The Fair Credit Reporting Act, which this legislation, of course, affects provides for the ways in which credit information is gathered, disseminated, and used.

During the hearings, we received a number of recommendations for improving the operation of the act.

Among other things, the suggestions addressed: combating fraud and identity theft, protecting consumers' financial privacy, clarifying the credit scoring process and the use of credit scores, enhancing regulatory and enforcement authority, improving the accuracy of credit reports, improving consumers' understanding of the credit reporting process, combating abusive marketing practices, and finding ways to improve the financial literacy and education of all consumers.

I believe we have taken important steps to address all of these issues. The Senate bill includes a number of provisions that will result in enhanced consumer protections by helping to ensure accuracy of credit report information and fair practices in the collection and use of credit information and in the granting of credit.

Among other things this legislation will: provide consumers with free credit reports annually from the national credit bureaus and provide consumers with an easy method to obtain their free credit reports. This has heretofore not been available. It will require a summary of consumers' rights to opt out of prescreened offers; provide for accuracy guidelines; lengthen the statute of limitations for all FCRA violations; enhance identity theft penalties; extend the situations in which adverse action notices are provided to consumers; prohibit the sale, transfer, or collection of identity theft debt, so that such bad debt will not be perpetuated in the credit system; provide consumers with the right to opt out of marketing that results from affiliate information sharing, with certain exceptions to that right. Finally, of course, it will help enhance the financial literacy of all Americans.

Let me discuss some of these items in a little more detail.

First, accuracy. I don't think it needs much elaboration for people to understand that accuracy of credit reporting information is integral to our reporting process. Erroneous information on credit reports can often take a significant investment of time and money to remove. They can be extremely costly to consumers by significantly raising borrowing costs. Insurers, mortgage banks, and other financial institutions rely significantly on credit scores to make credit decisions. Therefore, inaccuracies in the underlying credit reports can make it more difficult and more expensive for Americans seeking to make major purchases. Yet we heard testimony in those extensive hearings, to which I referred earlier, that credit report inaccuracies is one of the major problems that plague consumers. This legislation addresses that with substantial measures in that regard.

In order to enhance the accuracy of credit reports, the bill directs the Federal banking agencies, the National Credit Union Association, and the Federal Trade Commission to issue guidelines and promulgate regulations with respect to the accuracy and completeness of credit report information.

Second, free credit reports. The bill allows consumers to receive a free credit report annually from each of the three national credit reporting agencies. The bill also requires the FTC to take steps to make it easier for consumers to obtain their free report, including: setting out rules requiring that a centralized, streamlined method be established so consumers can easily obtain free reports, and actively publicizing and conspicuously posting on its Web site—the FTC Web site—the rights available to consumers under the FCRA, including the consumer's right to a free report.

The provision of free credit reports is a significant step in helping consumers

to ensure the accuracy of their credit report information, and helping them identify possible instances of identity theft.

As to prescreening, under the FCRA, credit reporting agencies may generate for creditors prescreened lists of individuals with certain credit characteristics to be targeted to receive a direct mailing. This prescreening process results in much of the unsolicited mail credit offers that consumers receive and about which they often complain.

The success of the FTC's Do Not Call Registry has highlighted the frustration of Americans with unsolicited telephone offers. Under the Senate bill, creditors making such unsolicited offers of credit to consumers by mail will be required to include a summary of the consumers' rights to opt out of prescreening in their offers to consumers. In addition, this Senate bill increases the effective period of the telephone opt-out of prescreening from 2 to 7 years.

With regard to adverse action notices, under the current law, the FCRA, a consumer receives an adverse action notice after denial or cancellation of insurance, a denial of credit, or a denial of employment, based on information in the consumer's credit report. This adverse action notice then triggers a consumer's right to a free credit report and other of CRA disclosures.

Those are the provisions that have heretofore been in the law. What has happened, of course, is that, as the industry has grown more sophisticated in the technology, we are having a move to risk-based pricing. So there are many circumstances in which a consumer may apply for credit, but rather than receiving an outright denial, which is what happened in earlier days, which then was an adverse action and gave the consumer certain rights, the consumer may receive credit at an elevated rate or cost because of information on the consumer's credit report. In these situations, because a consumer has received credit, albeit at more rigorous terms, the consumer is not considered to have experienced an adverse action. Therefore, no FCRA rights are triggered.

This legislation now before us incorporates a recommendation made to us by the Federal Trade Commission to update the provision of adverse action notices so consumers are aware that information in their credit report is negatively affecting the rates they are paying for credit. Therefore, because they become aware of it, it gives them an opportunity to examine that information and to correct it if, in fact, it should be inaccurate.

Finally, in addition, the Senate bill takes important steps to improve the financial literacy of consumers by establishing a financial literacy and education commission within the Federal Government, which will coordinate the promotion of Federal financial literacy efforts, and will develop a national strategy to promote financial literacy and education.

I commend Senators ENZI and STABENOW, along with Senators CORZINE and AKAKA, and many others, for their leadership in this important area of financial literacy. Senator ENZI and Senator STABENOW and Senator CORZINE and Senator AKAKA, for a long time—really, since I have known them—have been interested in this issue. We are pleased there is a title in the bill that carries forward important efforts in this regard.

Let me turn to identity theft. I indicated at the outset that this was an issue of increasing concern across the country. Before I do that, I will simply mention a step that we took in this legislation with respect to affiliate sharing. This legislation contains provisions relating to the ability of financial companies to market to their customers based on private financial information of the customer that has been shared among affiliates.

The bill would require affiliates who share customer information for solicitation or marketing purposes—and most of the concern we have heard in this area has been with the use of this information for solicitation or marketing purposes—to disclose such sharing to consumers and to provide them with an opportunity to opt out of the marketing resulting from such sharing of information.

There are exceptions in the legislation with respect to this provision for preexisting customers, for service providers, and for the institutions responding to a consumer request. So on the solicitation for marketing, we are trying to address much of the concern that has been expressed to us, but we have been trying to do it in a very careful way so that the basic purposes of the legislation can be carried forward.

I want to spend just a few moments on identity theft because it is such an important issue now. We heard some absolute horror stories before the committee from witnesses who had experienced identity theft and what it has done to their lives—virtually destroyed their lives. Obviously, we have to deal in every way that is reasonably possible with this issue. It has become an increasing problem in recent years.

The Federal Trade Commission reported that the number of identity theft complaints it received last year far exceeded complaints about any other type of consumer fraud. Americans have serious concerns about this issue. Businesses incur significant costs dealing with identity theft. Honest citizens who are victims of identity theft incur very high costs in money, in time, in anxiety, and in an effort to correct and restore their spoiled credit histories and good names. Someone steals their identity and then uses it, and their whole credit record is being destroyed. Then it is almost impossible for them to function in a normal economic way in our society.

This bill contains a number of important provisions that will address identity theft, and I commend not only the chairman but the members of the committee—all of the members of the committee—who were prepared to focus on this issue and give it a very high priority as we sought to move this legislation forward.

The bill will allow consumers to place fraud alerts on their consumer reports. It will allow military personnel to place alerts on their reports indicating their active duty status. So there is a special concern for our men and women in the military.

The bill provides for free credit reports after a fraud alert. Consumers will be able to get two free credit reports in the year after a fraud alert is placed in their file, as they seek to clean up the situation and to remedy it.

As to account blocking, the bill will allow identity theft victims to direct consumer reporting agencies to stop furnishing information regarding the accounts associated with identity theft.

''One call'' policy: The bill will require that the national credit reporting agencies that receive consumer calls about identity theft direct the complaint to the other national agencies so that identity theft victims need not contact each agency separately. They can make one contact, and then the information is disseminated on identity theft.

With regard to notification of fraudulent information, the bill will require debt collectors who learn that information in a consumer report is fraudulent, maybe the result of identity theft, to notify the creditor of the fraudulent information.

On truncation of account numbers, the bill will require that businesses truncate credit or debit card numbers on electronic receipts.

And on prohibition of the sale of identity theft, the bill protects consumers by prohibiting the sale, transfer, or collection of a debt where a consumer is an identity theft victim with respect to that debt. This will help to prevent identity theft debt from being perpetuated within the credit system.

I want particularly to note the leadership of Senator CANTWELL with respect to identity theft. Her identity theft legislation actually passed on the floor of the Senate last year, and this bill incorporates many of the provisions that were in her legislation, including an extension of the statute of limitations and the blocking provisions. I know she has worked closely with Senator ENZI in that regard in trying to address this identity theft issue.

I also want to acknowledge the work that Senator FEINSTEIN has also done on the identity theft question. We are most appreciative of her efforts in this regard as well.

This is just a summary of a number of the provisions of this legislation

which I think extends important protections to consumers. The bill provides a number of important improvements in the credit reporting system.

As I mentioned earlier, this legislation was voted out of the committee on a voice vote. There are certain provisions of the existing legislation that will expire on January 1, 2004. Therefore, it is important this legislation be enacted before the end of this session.

I close by again thanking the chairman for the very fair and balanced way in which the hearings were conducted and in which the markup took place. We sometimes put down or minimize the importance of process. It is not a very catchy word, ''process,'' but a good deal of what we try to do here and when you try to make this democratic process work involves process. It involves how you go about considering issues and how open and fair you are in doing it; how the majority treats the minority and how the minority responds to the treatment it receives from the majority. I believe a good process contributes to good legislation, that it is an important part of formulating legislation and arriving at the building of a consensus to address important problems.

I simply want to say to my colleagues that I think the process that was followed in this instance was as it should have been, and I think the fact we bring this legislation to the floor out of the committee with a unanimous vote is, in part, a consequence of that process. I again thank and commend the chairman in that regard.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. DOLE. Mr. President, I am in strong support of S. 1753 to renew uniform national standards for managing consumer credit information. These provisions are due to expire January 1, and this legislation is vitally important so that economic empowerment can become a reality for all Americans.

Since it was first enacted in 1970, the Fair Credit Reporting Act has served an important role in this Nation. Indeed, it is astounding to consider the fundamental changes which have occurred in our credit system.

In 1970, credit card charges over $20 required the store owner to call the creditor who would then have an employee go through a card catalog system to approve the transaction. Today, it takes just seconds, even when you are on the other side of the world. While we take this innovation for granted, it demonstrates how much our system of payments has changed.

In addition, the provisions of the Fair Credit Reporting Act have also been responsible for many of the advancements in how we choose financial products which best meet our needs. Today a fairer and faster system of assessing an individual's financial responsibility means that consumers now have quick access to competitive offers for credit, insurance, or other financial products.

Clearly, our current credit system has benefited individuals at every level of the economic ladder, and that has meant new opportunities for people who never before had access to credit. Judgments based on race and gender have been taken out of the equation of creditworthiness.

No longer is collateral necessary when qualifying for a loan. People can now move on to the ladder of economic success simply by proving they can responsibly handle their financial affairs. Given this opportunity to reauthorize the Fair Credit Reporting Act, we must ensure that our actions do not result in increases to the cost of credit or lower access to credit. Both would have harmful effects on our recovering economy. At the same time, we must ensure that the law applies to everyone fairly and that the system to protect consumers against questionable material on credit reports operates efficiently and effectively.

Recently, in the Banking Committee, we heard testimony about the harm caused to consumers who had false information on their credit reports as a result of mistakes or fraud. The legislation before us contains initiatives to increase the accuracy of credit reports, including providing consumers with one free credit report each year. This free report will give consumers a better understanding of the factors financial institutions take into account when pricing a product and when deciding whether to extend credit.

Free credit reports will also ensure the accuracy of reports since consumers are best able to identify incorrect and false information. This will go a long way in stopping identity theft, a destructive crime that is, unfortunately, growing more common each day.

This legislation also continues one of the most important provisions from the 1996 act, and that is affiliate sharing. Consumers clearly benefit when they are able to call a single person in their financial institution and that customer service agent is able to access each of their different accounts at once. We all know the frustration of being transferred from person to person when we are attempting to get questions answered. With these provisions, more institutions are able to develop systems to minimize the need to transfer customers from department to department. It also saves consumers time and money when financial institutions are able to realize greater efficiencies by consolidating customer service and administrative functions for their affiliate businesses.

Let me be clear. Privacy of personal information is extremely important, and I continue to work to implement reasonable protections. However, we must strive for a balance and we must not sacrifice the efficiency of our credit system in the name of privacy. In many ways, I believe our responsibility is like that of doctors in the Hippocratic oath: First do no harm.

Just as importantly, affiliate sharing assists financial institutions in their antiterrorism efforts by helping them detect and prevent money laundering. A customer service agent who can review all of the consumers' accounts is more likely to spot potential problems or concerns.

The average American moves every 6 years. This is about 17 percent of the U.S. population, more than two-thirds higher than any other country. Our national uniform credit system plays a significant role in increasing the mobility of labor and in the ability of consumers to move while keeping portable credit reputations that preserve their access to low-cost credit. Advances such as these have ripple effects that help our communities tremendously. The families served find themselves with more money since the costs of their financial needs decrease, they have access to credit and loans to meet the needs of their families, and they are able to establish a good credit record so that they are eligible to obtain a home mortgage.

Because of the Fair Credit Reporting Act, families are able to build wealth, many for the first time. They are able to provide greater stability for their families, and in turn they become more involved in their communities. It is the modern American dream so many consumers are beginning to realize because of our efficient and effective credit system. It is important that Congress act quickly to renew these uniform national standards for managing consumer credit information. Consumers and the financial sector will most definitely feel the impact if these provisions expire. The benefits to our communities and our economy are endless.

I certainly thank Chairman SHELBY for his excellent work on this legislation. His ability to resolve issues and work with all the parties is a true testament to his leadership. It is a privilege to serve on his committee.

I also thank Senator SARBANES for his tireless advocacy on behalf of consumers. Similar legislation has already passed overwhelmingly in the House. I urge all of my colleagues to join this truly bipartisan coalition of Senators in acknowledging the benefits the Fair Credit Reporting Act has brought to our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I thank the Senator from South Dakota for permitting me to do this. I ask unanimous consent that the substitute amendment be adopted and considered original text for the purposes of further amendment and that no points of order be waived by this agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JOHNSON. Mr. President, I thank the leadership for moving to floor consideration of S. 1753, which amends the Fair Credit Reporting Act.

This bill, which was approved unanimously by the Senate Banking Committee, will ensure that millions of Americans continue to have access to affordable credit under a uniform national standard that includes significant new consumer protections.

Similar legislation was passed out of the House of Representatives recently by an overwhelmingly bipartisan vote of 392 to 30. Only occasionally do we have the chance to vote for a bipartisan bill that so ably balances the needs of consumers and business.

Under the leadership of Chairman SHELBY and ranking member SARBANES, we have achieved a product that is good for everyone. In the area of consumer credit, we have a rare convergence of interests. What is good for consumers helps business to expand, which in turn helps to give consumers more choice. The end result is a stronger economy.

I urge my colleagues not to squander this opportunity to send a decisive message that we are committed to protecting and improving a pillar of this Nation's economy, and that is the consumer credit market.

It is a testament to the success of our national credit reporting system that few people have heard of the Fair Credit Reporting Act or FCRA. FCRA is the statute that governs the collection and use of personal credit data that make up an individual's credit report. That credit history, in turn, allows Americans to access the credit markets in whatever form meets their needs. For example, millions of Americans have refinanced their mortgages over the past year to take advantage of historically low interest rates. Others have applied for low-cost auto financing. Most Americans have some form of revolving credit line that helps them to meet certain payment needs.

Very rarely do we stop to ask ourselves why is it that we can walk into a bank, walk into a store or credit union, or apply over the phone or the Internet for credit with a mortgage broker and a few minutes later get approval. These people do not know us, they have never seen us, and yet they have the information they need to make an objective and sound credit-granting decision.

When I was growing up, if you needed a loan, you had to walk down the street to the local banker, who had probably known you your whole life. He lent you money because he knew your family, he knew you were a hard worker, and he trusted you to make a good loan. Or maybe because the banker had certain preconceived notions about you or your family, you did not get credit that you deserved.

Today, that has all changed. Today, the national marketplace for credit has transformed this loan-granting process. Uniform credit information allows lenders, big or small, to make sound lending decisions based on an objective evaluation of past credit performance. These objective indicators are critical to the safety and soundness of our financial institutions.

Poor lending decisions affect all of us through institutional instability and an increased cost of credit.

The FCRA, which was passed in 1970 and amended in 1996, has created a national credit marketplace based on standardized information related to consumer credit histories for all of us, regardless from which state we come. That same statute has standardized consumer rights related to accuracy and access. And the reason we are here today on the floor of the Senate is to improve and to protect this system.

Unless Congress acts, important preemption provisions of the FCRA will expire on January 1, 2004. Under the pressure of that deadline, Banking Committee Chairman SHELBY and Ranking Member SARBANES have done an extraordinary job of creating an exhaustive hearing record on this law, and putting together a bill that both enhances the underlying statute and also permanently extends the preemption provisions to guarantee uniformity, to the benefit of consumers and businesses alike. When I introduced the first reauthorization bill, S. 660, back in March, I had no idea the process would move forward with such bipartisan spirit, with unanimous approval from the Senate Banking Committee, and a 392–30 vote out of the House. But these votes are testament to the critical importance: the urgency of this legislation.

The United States is unique in having what is known as ''full file'' credit reporting. Unlike in other countries, where only consumers with negative credit history have any kind of record, our system encourages data furnishers to report both negative and positive credit history—all on a voluntary basis. This information allows lenders to make informed decisions about a given consumers credit risk, and to make better, safer, and more objective lending decisions.

This means that when you pay on time, this positive payment history gets reported to centralized credit bureaus. Of course, of you're late or you miss payments, that information goes into your file as well. But unlike the ''no news is good news'' system that exists in so many countries, our full-file reporting system means that consumers can build up a solid credit history through on-time and responsible payments, and that history will follow us wherever we go. So when the time comes to apply for a mortgage or other loan, a lender can see that you know how to handle your finances.

This full-file reporting system has led to another critical development in our credit markets, and that is risk-based pricing. Until fairly recently, credit granting was a binary business. In other words, either you qualified for credit or you didn't. Now, lenders can take a chance on a borrower by charging a higher interest rate to account for that risk instead of simply rejecting a loan application. This type of pricing has helped to fuel America's small businesses. It has also helped those with impaired credit histories or with little history at all to enter the mainstream credit markets, opening up new opportunities.

I would like to spend just a few minutes highlighting the magnitude of what's at stake today with some statistics.

A recent study of the consumer credit marketplace shows the growth of credit card access over the last 30 years, and the results are striking. In 1970, only 2 percent of families in the lowest income bracket had a credit card. In 2001, that number stood at 38 percent. In the highest bracket, the 33 percent of households that had at least one credit card in 1970 had risen to 95 percent.

Even more striking are the statistics related to access to credit by race. Between 1983 and 2001, the number of white families who held credit cards increased by 69 percent. During the same period, the number of Hispanic families increased by 85 percent, and the number of African-American families increased by 137 percent.

It is worth noting the significance of these figures extends far beyond simple borrowing power. Today, you can't rent a car without a credit card. You can't buy movie tickets over the phone without a credit card. And with only a few exceptions, you can't shop on the Internet without a credit card.

The results are just as noteworthy in the area of mortgage lending. Over the last three decades, white non-Hispanic families experienced a 20 percent increase in access to mortgage loans, while minority groups experienced a 65 percent increase over the same period. Those rates coincided, not surprisingly, with a parallel increase in homeownership rates. I think we all understand the important social and economic benefits of homeownership.

The study also notes the critical role that automated underwriting has played in democratizing our credit markets. Automated underwriting, which would be next-to-impossible without a uniform national credit standard, now accounts for over 90 percent of mortgage lending, up from 25 percent in 1996. According to this report, and this is an astonishing statistic:

> Before the advent of automated underwriting, approving a loan application took close to three weeks; in 2002, over 75% of all loan applications received approval in two or three minutes.

Even more important, the automated underwriting systems greatly reduce racial and gender bias that in the past resulted in redlining, which unfairly prevented certain groups from owning homes, and which kept too many financial services companies out of markets inaccurately and unfairly deemed to be high risk.

This study also concludes that certain changes to FCRA, and in particular restrictions on the type of data

that might be reported about a consumer, would be especially harmful to consumers at the lower end of the credit spectrum. In particular, minority, lower-income and younger borrowers would be the hardest hit. This conclusion is critical, and gets to the heart of what a uniform national credit reporting system is about. The last thing we want is to reintroduce discrimination into the lending system, which would mean that minorities and low-income people would be forced to high-cost unregulated lenders for credit.

Failure to maintain a uniform national standard would also have a staggering impact on the cost of credit. Even credit cards, which often carry higher interest rates than other types of non-revolving lines, have seen significant decreases in cost, which the study attributes largely to the competition in the market and to prescreening, which is made possible on a large-scale basis by the FCRA. For example, in 1990, only 6 percent of all credit card balances paid interest rates under 16.5 percent. By 2002, 15 percent of all card balances paid rates below 5.5 percent, and 71 percent of all credit card balances carried interest rates under 16.5 percent. In 1990, while more than 93 percent of all credit card balances paid interest rates over 16.5 percent, that number had plummeted to 29 percent in 2002.

I note here that consumers who do wish to receive pre-screened offers have the right to opt out of the system. In fact, S. 1753 makes that opt-out even easier and long-lasting.

While some of these interest rate declines may be due to a general drop in interest rates, much absolutely has to do with companies' ability to differentiate risk among borrowers and to price credit accordingly. Credit scoring models have increased in their predictive power and one result is increasingly competitive cost of credit. Any reduction in the type of information available to lenders would significantly degrade the predictive power of most models.

The study further indicates an increasingly efficient marketplace, leaving aside the role of interest rates. One chart shows mortgage rates back in the early 1980s hovering around 3.5 percentage points above the 10-year Treasury bill. In the last few years, spreads have closed to about 2.5 percentage points. The national credit marketplace has increased competition, with all the positive effects we learned in Economics 101. One of the main reasons we have a competitive national marketplace is because we have a national credit reporting standard that permits consumers, no matter where they live, no matter where they move, to apply for credit and to receive an answer in a matter of minutes. America is the envy of the world in terms of immediate access to credit for all of our citizens.

There are ongoing attempts to mischaracterize the fundamental nature of the FCRA as a privacy statute. And while there are certainly important privacy components to this statute, components which the Banking Committee bill strengthens significantly, the FCRA fundamentally is about the economy. And all too many of us know firsthand that the last thing our economy needs now is an attack on the consumer credit markets.

Under the able leadership of Senators SHELBY and SARBANES, the Banking Committee's bipartisan legislation takes groundbreaking new steps to give consumers greater control over their financial lives; fight the growing crime of identity theft; and promote much needed financial literacy and education efforts. Under the act, every American will be able to get one free credit report a year—a significant milestone. The public will also know that their private medical information will never be used inappropriately in making credit-granting decisions. And the act takes important new steps to empower consumers to reduce unwanted credit solicitations.

It is my understanding that some Members may be offering amendments that include wholesale replacement of significant portions of this carefully-crafted bill with a substitute proposal that has moved through a State legislature under a highly charged and political atmosphere. While I look forward to discussing these proposals, I am frankly very concerned that we not get into a situation where we are playing politics with access to credit. One of these amendments in particular is drafted in such a way that we would end up catching labor unions, churches, universities, charities, and a host of other groups in the FCRA net, a consequence that is clearly unacceptable.

As we move forward with this legislation to strengthen and protect our consumer credit markets,I would urge my Senate colleagues to look to the model of bipartisan lawmaking that has surrounded reauthorization of key provisions of the Fair Credit Reporting Act: a unanimous vote out of the Banking Committee and an overwhelming House vote of 392–30 on final passage. We owe it to our constituents to continue working together to secure final passage of this critical economic bill. I urge my colleagues to join me in supporting this legislation, which is so important to America's consumers and businesses alike.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I rise in support of the Fair Credit Reporting Act which we are debating on the floor today. I think it is important as we move through this debate and take up amendments to the legislation that we continue to ask the question, Why do we need this legislation in the first place? What are we trying to accomplish with the bill?

First and foremost, this is legislation that is intended to serve and protect the interests of consumers in the United States of America. In this legislation we are providing consumers access to a national credit system. If we look at the financial services, or our commerce system across the entire country, it is our job to look out for the interests of consumers where interstate commerce and business is concerned, and this legislation does just that. It provides access to a national credit system, and it does so at a reasonable cost. We strike a balance between the needs of the consumers and the impact on our economy so that in the long run both consumers and America's economy are well served.

We work to ensure consistency and fairness in the legislation. Any bill we take up here which might affect consumers or any other interests in the country, we would want to work to ensure it is consistent, it is fair, and that it creates a level playing field wherever possible.

As indicated and described by Senator JOHNSON in his remarks, the existence of this national credit system has resulted in speedy approval for consumer decisions and requests and credit cards and other financing mechanisms. As a result, we have seen access to credit dramatically increase since 1970 when the first credit acts were signed into law.

That improvement in access to credit markets and credit opportunities has been most dramatic for those at the lowest end of the income ladder. That is something we should recognize as being good for all of those consumers but also for our country as well. The reason we are here is for those consumers.

If we look at the result of the work that was done beginning in 1970, the Credit Reporting Act in 1996, and now with this legislation to reauthorize that legislation, the results have been a more accurate system, a stronger economy as described in detail by a number of the previous speakers, and now with some of the new provisions we will also have greater protection from identity theft and a system that is adapted and modernized to meet the new technologies and the new opportunities that exist today.

Senator SARBANES described the details of the legislation. I will not go through all of the provisions that enable us to enjoy these very positive results, but I will reemphasize the fact that this is strong bipartisan legislation. Chairman SHELBY and ranking member SARBANES worked through six hearings in our committee to conduct exhaustive investigation as to the results of the legislation that has been enacted before, the new opportunities created by technology, and different opinions on different provisions. We have a very strong committee record. I am pleased to have participated in most of those hearings to ensure that we are taking the disparate views into consideration and improving the strong legislation that is already on the books.

We want to avoid having 50 States adopting 50 different standards in each

of the areas that have been discussed—whether it is enforcement, access for consumers to credit reports, information sharing, or whatever the issue. We don't want to have 50 different systems for each of these areas. That would be a more costly system for consumers. That would mean we would have a less accurate system. That would also mean—I think this is an important point—we would come back to this debate with a disparate patchwork, and it would also mean greater susceptibility to identity theft.

When we are looking at the issue of information sharing or opt-ins and opt-outs, some of the privacy issues that are very important, we have to be sure we at least give law enforcement the same level playing field criminals have in that we at least ensure law enforcement has the most consistent system possible to do its job in protecting against identity theft. A patchwork of laws and legislation would increase the risk of identity theft, not decrease it.

At the end of the day, this is a consumers' bill. That is exactly what we want it to be. We give consumers greater access to reports. We have all been frustrated with mistakes, or errors, or oversights in our own credit reports. We want to make sure consumers have that access. We give them the protection from identity theft. We improve the enforcement mechanism for those who commit crimes involving credit reporting or identity theft. We have very commonsense provisions for information sharing among affiliates that exist so they can make sure the information they are acting on is accurate and fair and adequately represents the consumers' interests in these.

Again, I give great credit to the staff of the committee and to the chairman and ranking member for the work they have done.

I look forward to this debate. I hope we can quickly conclude the work on this legislation so our national credit system can remain strong as it has been for decades, but also so it can be improved to respond to what is in a changing world.

Mr. BUNNING. Mr. President, I rise today in support of S. 1753, the National Consumer Credit Reporting System Improvement Act of 2003.

As we all know, reauthorization of the Fair Credit Reporting Act is a very important issue for the financial services industry and for consumers.

When I talk to my friends in this sector, it is always the first thing they ask about. It touches everyone and their money and our national economy. It's critical that we act on it before adjournment.

I believe that the Banking Committee, under the leadership of Chairman SHELBY, has created a fair, bipartisan bill, and I urge my colleagues go support it.

We have been talking about this issue for several years. We have held a number of hearings on it. We looked it over pretty thoroughly, and I think we have come up with a reasonable approach.

Most importantly, we have to act now because this bill is also important to our overall economy.

Last week, we had great economic news. Our economy is roaring back and that is good news for everyone. But if we fail to pass this bill, it could end up being a serious speed bump on the road to a better economy.

If there is one thing that markets hate, it is uncertainty. They want to know where we are and where we are going.

For better or worse, the markets think we are going to pass this bill.

They think we are going to outline a stable path for financial institutions when it comes to the sharing of information.

Any talk or any sign from Congress that makes the markets think that we are not going to pass this bill would create a great deal of uncertainty in the financial markets.

Now that our economy is really coming to life, that is the last thing we need.

If the markets think we are going to let the FCRA lapse, they are going to get very jittery very quickly. I can understand that. This is a sensitive, complicated area. I don't think any of us wants the FCRA to lapse.

We need Federal preemption in this area. I think it would be a mistake to let States and localities all try to impose their own privacy rules.

There are trillions of dollars at stake. We have to be very careful.

But if we fail to pass this bill, we open a Pandora's box of States and localities writing their own rules, and the markets and financial institutions just are not prepared for that.

We can't let that happen. We don't need that uncertainty now. Who knows what would happen.

On a personal note, I am very pleased that the bill contains strong identity theft and privacy protections, including my amendment on social security number truncation that will help prevent thieves who go ''dumpster diving'' or try to steal credit reports from mail boxes.

Identity theft is a growing problem in America. The internet is making it easier for thieves to access consumer information.

My amendment will help fight this growing menace. Under this bill, consumers can block out their social security number on their credit reports.

It's just the sort of simple, commonsense approach that will help consumers without burdening business.

I would also like to talk about the amendments that are going to be offered by my colleagues from California. They are based, in large part, on a California bill, SB1.

I am sure California has a fine legislature. And I am sure there representatives try their best to represent their California constituents. But I do not think the California Legislature represents the people of Kentucky or the other States very well. That's not their job.

If we adopt the amendments to be offered by my friends, it would have the effect of imposing California's rules on the rest of the Nation.

That's a bad idea that will only lead to the economic uncertainty we have to avoid.

If California wants to try to craft their own rules and work with Federal regulators, I say more power to them—but not if it puts a crimp on the national economy or starts rewriting the rules for the other 49 States.

Our credit system is a national system and it needs a national standard. Standards that may work in California or Kentucky may not work for the country as a whole.

Usually I am all for taking power away from Washington and sending it back to the States and local government. But on this bill, we cannot ignore the fact that credit rules and markets and money are all part of a broader, national economy that requires a unified, Federal approach. To let States undermine that would be a recipe for disaster.

S. 1739 is a fair and balanced bill that sets a fair and balanced standard for our entire Nation.

It's bipartisan, it's common sense, and it's a prudent solution to a pressing problem for our financial institutions.

I urge my colleagues to support this important legislation.

Mr. SCHUMER. I commend Senators SHELBY and SARBANES on a strong, bipartisan bill.

Reauthorizing the Fair Credit Reporting Act is vital to our national credit markets, to the broad credit access American consumers enjoy, and to the businesses that provide that credit. Indeed, it may be the most important piece of legislation that we enact in 2003.

Like all great pieces of legislation, this bill strikes a balance between those who would like to see more change and those who would like to see less. It is a true compromise between competing interests.

While preserving some of the structure of how businesses operate, it adds significant new consumer protections and disclosure rights—enhanced protection from identity theft, distribution of free credit reports annually, better notice when adverse actions are taken.

I want to speak for a minute about identity theft.

While our national credit system—and the digital age we now live in—has brought great benefits, it also has a dark underside: identity theft.

It is now so easy for credit histories to be accessed, that the security of some of our most private data is easily compromised. As a result, becoming a victim of identity theft is as easy as saying your ABCs.

So what is identity theft? It sounds like something out of an Isaac Asimov

science fiction novel but it is a very real crime that could affect all of us. Anyone who has ever applied for a credit card, a driver's license, a social security number, even a cell phone, could become a victim.

Last year, the Federal Trade Commission received twice as many complaints about identity theft as it did in 2001. And ID theft is projected to grow in the future. Some forecasts predict that by 2006, between 500,000 and 700,000 Americans will be victimized annually.

This issue is of particular concern to New York State. New York has the second highest number of cases of ID theft of any state in the county. And my hometown, New York City, has the unfortunate distinction of being the identity theft capital of the United States—it suffers more identity theft than any other city in the nation. New York businesses also suffer as the financial costs of identity theft nationwide often fall on the financial institutions based in New York. ID theft costs businesses millions of dollars each year because criminals use false pretenses to purchase goods, leaving businesses to foot the bill. Identity theft is a scourge on New York consumers and New York businesses. And it is high time we fixed this problem.

Victims of identity theft often spend hundreds if not thousands of dollars and years repairing their financial lives. But there is more at stake here than just money. By destroying a person's credit rating, identity theft jeopardizes an honest person's ability to get a credit card, receive approval for a loan, get a job, or even buy a house.

Identity theft doesn't just mean having to replace an ATM card, it means having to rebuild a life.

So I am glad we are addressing ID theft in a strong manner in this bill and commend my colleagues for their leadership on this issue.

I also want to speak about another critical part of the bill—improving consumer access to their credit scores, the principle factor in determining a person's credit worthiness and the loan terms they receive. For years, consumers have been kept in the dark about what their credit score is and how it is computed. At long last, this legislation lifts the veil of secrecy over credit scores and creates greater opportunity for securing a home mortgage at considerably less expense.

The legislation that Senator ALLARD and I worked on with our Chairman and ranking member will finally put an end to this practice by ensuring that consumers have access to their credit score. This will level the information playing field between consumers and lenders.

Specifically, S. 1753 would require credit bureaus to disclose a consumer's credit score upon application for a mortgage. The bill also would require any bank using a credit score to service a mortgage to provide the borrower with the information used to create this credit score. And the credit score, whether obtained from a credit bureau, generated internally by the lender, or created by a third party, would have to be accompanied by a description of credit scores and the data used to generate them. This will go a long way toward demystifying credit scores for consumers. I think it is a real victory for consumers. And, again, I am proud to have worked with my colleague Senator ALLARD on this section of the bill.

So in conclusion let me say that I think the bill maintains the key foundation of the national credit system which has served consumers and the country so well—the ability to get instant credit, to get world class customer service, and to get some of the lowest credit rates in the world. And it enhances some of the new rights consumers need in this digital age we now live in.

Mr. CORZINE. Mr. President, I rise in support of the legislation currently being considered, ''The National Consumer Credit Reporting System Improvement Act of 2003.''

Before I get into the substance of the legislation, I would like to acknowledge the stewardship and leadership of Banking Committee CHAIRMAN SHELBY and Ranking Member SARBANES in developing this bipartisan proposal—which passed unanimously out of the Senate Banking Committee. Their efforts, and the work of their respective staff, are to be commended.

Through a series of six hearings they took a thoughtful, deliberative approach toward the myriad issues involved in fashioning this legislative proposal. In those hearings we heard from a variety of sources—regulators, industry participants, consumer advocates, and most importantly consumers themselves. Those hearings proved an invaluable tutorial to me and I imagine all the other members of the Banking Committee. More importantly, those efforts, and the comity shown by Senator SHELBY, created an environment of bipartisanship in the effort to enhance our national consumer credit reporting system—which is embodied in the bill now before the full Senate.

The Fair Credit Report Act has been central to the provision of credit in America. It has improved access to credit, and enhanced the security and accuracy of consumer financial information used in assessing creditworthiness. The expansion of our credit system, which the FCRA has helped drive, has proved enormously beneficial to our nation and our economy. It provides consumers with the ability to finance purchases of a car, pay a child's college tuition, purchase a new home, open up a new business or pursue some other lifelong dream.

Credit is the grease that makes the wheels of the economy turn—particularly our consumer-oriented economy which accounts for nearly 10 percent of our overall GDP. And the FCRA has provided millions more Americans, many of whom lacked the financial resources to pursue their dreams and those who historically have been shut out, with access to our credit system—particularly minority and low-income households.

But we should not lose sight of the fact there's a great deal more that we can do before we claim that the playing field is truly level. With several of its provisions set to expire at the end of this year, it is imperative that Congress act now to reauthorize the FCRA, lest we risk a severe disruption to our economy that could result from a breakdown in our national credit system.

This legislation does that. In fact, it does more than just reauthorize the FCRA—a worthy objective in its own right. It enhances the obligations of those who use and store consumer credit information, it strengthens consumer control over their personal financial and medical information, it strengthens consumer protections against identity theft, and importantly it promotes consumer financial literacy. And this legislation includes important provisions that will strengthen consumer protections against the serious, and growing, threat of identity theft.

It's a serious crime and is rapidly becoming an epidemic. In fact, identity theft is the single largest consumer crime in America, as reported by the Federal Trade Commission. People whose identities have been stolen can spend months or years, at considerable cost, cleaning up the mess thieves have made of their good name and credit record. And while doing so, victims lose employment opportunities, can be refused loans, education, or even be arrested for crimes they didn't commit.

This bill directs federal banking regulators to develop guidelines and regulations to fight identity theft. It allows consumers who have, or may have, been a victim of identity theft to put banks and others on notice to guard against the continued use of their stolen identity through the use of ''fraud alerts.'' It prohibits debts resulting from identity theft from being sold or transferred for collection, and it enhances criminal penalties for identity theft. It requires financial institutions to disclose when their customer data systems have been compromised. And the bill provides consumers with access to one free credit report per year from the credit reporting bureaus.

This access will allow consumers to monitor the accuracy of the information contained in their credit files and ensure that information resulting from identity theft does not end up destroying their financial reputation. These are all important provisions, and they are sorely needed.

I also want to speak to an element of this bill that has received little public attention, but will, I believe, be particularly beneficial in the long run—that is the provisions of the bill which promote consumer financial literacy. The Chairman and Ranking Member of

the Banking Committee noted the importance of the financial literacy provisions in their opening statements. They, and others, including Senators STABENOW, AKAKA and ENZI, deserve recognition for their commitment to improving the financial literacy of Americans young and old.

This bill seeks to harmonize the currently fragmented approach the federal government has taken towards promoting financial literacy. It establishes a Financial Literacy and Education Commission to streamline and improve financial literacy and education programs of the Federal Government, including curriculum development, for the benefits of all Americans.

And by providing consumers with a free credit report, and access to the information used by creditors to judge their creditworthiness, this bill equips consumers with the tools to competitively shop for sources of financing and will lead consumers to make better informed, more judicious, credit-related decisions. And, I might add, improved financial literacy will also help consumers protect themselves against identity theft.

The various elements of this legislative proposal that I've just outlined will prove beneficial to consumers, our credit system and our economy. It's a bipartisan bill that does a lot of very good things, and was put together in a balanced manner. Is it a good piece of legislation? Yes. Is it perfect to me? Certainly not. I personally think more can be done to give consumers greater control over the ways in which financial institutions share their personal information with their affiliates, for marketing, solicitations and other purposes. And I think we will need to revisit FCRA at some point to look at issues related to the increased use of credit scores as a determinant of one's suitability to gain employment, obtain car or medical insurance or rent an apartment.

In that regard, I want to thank Chairman SHELBY for graciously incorporating into this bill language I offered in committee that calls for a study of the impact credit scores and credit-based insurance score have on the availability and affordability of financial products so that we can explore this issue more broadly as we move forward.

But whatever issues I, or other members, may wish to raise with regard to S. 1753, there is no doubt that this legislation makes significant improvements to current accuracy and security standards of our consumer credit reporting system and our efforts to fight identity theft.

The standards contained in the legislation will make our credit system more robust and provide access to credit to even more Americans who seek it. In doing so, this legislation will prove beneficial not only to consumers, but also more broadly to our nation's economy.

I urge my colleagues to support S. 1753 when it comes up for final passage.

Mr. REED. Mr. President, I rise today in support of the National Consumer Credit Reporting System Improvement Act of 2003, which would reauthorize expiring provisions of the Fair Credit Reporting Act. I commend Senator SHELBY and Senator SARBANES for their hard work in addressing this issue and for putting forward a bipartisan bill to strengthen our Nation's credit system. The Banking Committee has held numerous hearings on all aspects of this issue over the past year that have highlighted the concerns of consumers, regulators, and private companies.

One of the cornerstones of our national economy is consumer access to credit. Access to credit allows for smooth functioning of our national economy with consumers able to get loans for homes, cars, and commercial purchases.

This is all made possible by having a national credit system, as first put into place by the Fair Credit Reporting Act in 1970, and then standardized by the 1996 amendments to the act. Uniform national standards have improved the efficiency of the system by reducing the regulatory burden on lenders, thereby allowing them to pass on better service and lower costs to consumers. Automated underwriting systems translate to quicker credit decisions and more convenience for borrowers and lenders alike, while making risk-based decisions more accurate.

Failure to reauthorize national standards would balkanize our national credit system and potentially hurt every consumer in America. The Banking Committee recognized this and voted unanimously to report S. 1753.

This important legislation includes numerous consumer protections against identity theft. I am alarmed by the abuses that have resulted in identity theft. With more and more financial and personal information being exchanged through electronic channels, there is an inevitable trade-off—sensitive information can fall into the wrong hands.

Over the past several years, identity theft has become a significant problem in the United States. According to a recent survey by the Federal Trade Commission, 9.9 million Americans were victims of identity theft in 2002, at a tremendous cost to consumer victims of $5 billion in out-of-pocket expenses and $48 billion in losses to business and financial institutions. Indeed, complaints to the FTC about identity theft have nearly doubled every year for the past 5 years.

By its very nature, this challenge requires coordination between the public and private sectors and between local, State, and Federal government. Identity theft is costly to consumers, costing New England alone over $44 million in 2001. The impact on private financial institutions should be no less obvious, and these companies are essential to any attempts at prevention and consequence management.

S. 1753 represents a major step in this public-private effort to combat identity theft. Among many provisions, it would allow victims of identity theft to place fraud alerts in their credit reports, block fraudulent transactions from being reported, and prevent false information from ''repolluting'' credit reports in the future. It would require businesses to truncate credit and debit card account numbers on printed receipts. And it empowers consumers to ensure the accuracy of their own credit history by granting them a free annual credit report from national credit reporting agencies.

These are good steps. However, I believe that S. 1753 can be improved to address several other closely related consumer and privacy issues. We are seeing an increasing number of successful breaches of security at banks and processing companies, and we should address this trend head on in this debate. Just this past February, a computer hacker accessed 10.2 million credit card and debit card account numbers by breaking into a database maintained by a third-party transaction processor. This was the biggest credit card security breach ever in terms of the number of cards affected.

Citizens Bank, located in my home State of Rhode Island, felt that this breach posed a significant enough risk to cancel the debit cards of nearly 8,800 customers and issue them new cards. I applauded this quick effort to protect consumers. Unfortunately, not every bank matched Citizen's level of consumer care, and many decided that the cost of reissuing cards or informing their customers exceeded the risk to consumers.

In light of this less than comprehensive response, I would like to highlight one particularly troubling practice during this incident. According to media reports, even though some credit card issuers learned of the database intrusion early in February, they waited several weeks before disclosing the incident. Even with the zero-liability policies for the vast majority of major credit cards, debit card holders could see their bank accounts depleted, and all affected customers still run the risk of being victims of identity theft, even months or years after the security breach occurred.

Senator CORZINE has introduced an amendment that would require financial institutions, creditors, and users of credit reports to notify the FTC when the security of consumer financial information is accessed in an unauthorized manner. A mandatory and timely disclosure of such breaches will allow the Federal Government, along with the institutions and consumers, to closely monitor transaction information and mitigate the resulting damage from the breach.

An amendment from Senators CANTWELL and ENZI would further enhance these identity theft provisions with language from a bill passed unanimously by the Senate last year. Their

amendment would establish a single uniform procedure for individuals to establish that they are victims of identity theft, requiring a notarized FTC affidavit, a government identification, and a police report. It then gives these victims access to any business records related to their identity theft-related fraud, which today is a time-consuming and difficult task.

I would also be remiss if I did not address the much broader topic of privacy, a topic that is one of the most important issues to the American public. Privacy is important to Americans, as evinced by the overwhelming outpour of support for the national do-not-call registry, financial privacy legislation in California, and the Senate's unanimous vote against email spam. Indeed, Supreme Court Justice Louis Brandeis championed the right to privacy, calling it ''the right to be let alone, the right most valued by a civilized people.'' I believe that we must continue the privacy debate that we began with the Gramm-Leach-Bliley Act and find the appropriate balance between consumers' privacy and the efficient operations of financial institutions.

I commend Senators SHELBY and SARBANES for including a targeted opt-out for affiliate sharing for marketing purposes in this bill, but I am not convinced that this step is sufficient. When Congress passed the amendments to the Fair Credit Reporting Act in 1996, affiliate sharing had a very different meaning. The Gramm-Leach-Bliley Act had not yet been passed, and massive financial services holding companies had not emerged. Today, according to the Federal Reserve's National Information Center, the largest bank holding company has at least 1639 affiliates as of June 30, 2003. The meaning of affiliate sharing has changed, and will likely continue to change as the financial services industry adapts to changing times.

In its report to Congress on the economics of financial privacy, the Congressional Research Service argues that in a world with imperfect information, financial institutions would have an incentive to offer some compensation to their customers if they had to obtain their consent to use and share their information. The CRS report makes a good point. Consumers' financial information is inherently valuable, and they should have the right to prevent it from being shared for marketing or other profitable purposes. Indeed, as personal financial information gets passed from affiliate to affiliate and is handled by an increasing number of people, consumers will be placed at a higher risk of becoming victims of identity theft. The choice of how that information is spread should ultimately be theirs.

Senators FEINSTEIN and BOXER have put forward a reasonable compromise on the matter of privacy and affiliate sharing. This amendment on affiliate sharing was drawn from the California Financial Information Privacy Act, which was negotiated over the course of four years with industry and consumer representatives. There is no reason for me to believe that the situation has changed dramatically since the interested parties supported that legislation.

Finally, I would like to speak in support of one of Senator FEINSTEIN's other amendments on medical information. Even more than financial data, health-care related information should enjoy a special protection so that individuals will feel free to seek appropriate medical interventions and share all pertinent information with their doctors. Senator FEINSTEIN's amendment would fix the definition of medical information in S. 1753 to include mental and behavioral health information and health-related information that was collected for other purposes like for worker's compensation or casualty and property insurance.

As we debate S. 1753 and vote to strengthen our Nation's national credit system, we must renew our commitment to working to ensure consumer privacy amidst changing practices and standards in the market. With this in mind, I urge all of my colleagues to support this important bill.

Mr. ENZI. Mr. President, the bill we have before the Senate, the National Consumer Credit Reporting System Improvement Act of 2003, is clearly a bipartisan effort recognizing that our credit system has truly developed into a national market. The bill will provide consumers with greater tools to improve the accuracy and correctness of information contained in their credit reports as well as to provide important tools for consumers in combating identity theft. This bill is a very proconsumer bill and goes a long way towards enhancing consumer protections in our credit markets.

When the Fair Credit Reporting Act was first adopted in 1970, consumers spending had reached 566 billion dollars. At the time, that was quite an outstanding figure. By 2002, that figure had risen to over $7 trillion.

In just this past decade alone, we have seen tremendous growth in the availability of credit. Much of this can be attributed to the technological advances in the way consumers can apply for credit, the review of credit applications by financial institutions, and the development of new and unique financial products. The incredible growth in the availability of credit in the housing, consumer, and small business markets is a testament to our financial markets. Accordingly, it also is a symbol of the national structure of our credit markets. I believe that this bill will further enhance the credit markets and provide significant consumer protections.

Two areas that I would like to focus on are financial literacy and identity theft.

With respect to financial literacy, I have witnessed how financial literacy programs can make a difference for individuals who wish to, but never thought they could, purchase a home. In Wyoming, I have worked with a consortium of financial institutions, real estate professionals, colleges and universities, and non-profits to provide compressed video classes on how to buy a home. These classes have proven to be vital in reaching home-buyers and families in the rural areas of the State. To date, more than 4,000 families and individuals have taken part in the classes. The great success of this program has demonstrated to me the power that we can give to individuals and families over their finances if we gave them the tools.

In addition, I also worked with consumer credit counseling services that helped over-extended individuals and families to rearrange their life and breakout of debt. Credible advice makes a difference for financial power.

The Federal Government has a vast variety of financial literacy and education programs for Americans of all ages. Unfortunately, consumers have to struggle through the many Federal agencies' programs and initiatives to find the right financial literacy material for their needs. Title V of this bill will provide a one-stop-shop for consumers to reach the many, various financial literacy programs that the Federal Government provides. In addition, the Title will help bring consistency and focus to the Federal Government's overall financial literacy goals—something that does not appear apparent at this time.

Title V is built upon the successful model of the Trade Promotion Coordinating Committee in that it would being the appropriate Federal agencies together to review and evaluate current financial literacy programs by the Federal Government. The Financial Literacy and Education Commission will make recommendations on how to coordinate and improve existing programs as well as how to reduce redundant and duplicative programs. I believe that the long-term cost savings to the Federal Government as a result of this review will be great. In addition, the commission will set forth a national strategy recommending changes to the President and Congress on how the Federal agencies can improve their financial literacy efforts.

I thank Chairman SHELBY for incorporating the bipartisan effort to promote financial literacy as Title V of the bill. In addition, I thank Senators SARBANES and STABENOW as well as the other members who supported this effort.

With respect to identity theft, the FTC recently released a study showing that more than 27.3 million consumers have been a victim of identity theft in the past five years and that the number is growing quickly. A little more than a month ago, one of my own staff became a victim of this crime. As you know, Senator CANTWELL and I have introduced identity theft legislation to

help victims to recover their identities, that legislation passed the Senate last Congress.

According to the Federal Trade Commission, identity theft is the fastest growing crime facing consumers today. Victims are faced with potential financial ruin when their identities, bank accounts, and credit histories are taken away from them by unscrupulous criminals.

Unfortunately, many victims face an uphill battle to restore their identities. In addition, Federal and local law enforcement officials are placed at a disadvantage by not having all of the available information to discover identity theft rings or patterns of id theft criminals.

I believe that the provisions in the bill before us take a great step in helping the victims of this crime recover as well as providing proactive tools to help consumers prevent their identities from being stolen. In addition, the bill will give greater significant to the Identity Theft Affidavit and to the collection of information to combat identity theft crimes.

The National Consumer Credit Reporting System Improvement Act of 2003 is one of the most important pieces of consumer legislation that we have seen in years. It is truly a bipartisan bill that will enhance the fundamental structure of our credit markets as well as providing consumers with the necessary tools to use the credit markets and to protect against identity theft. I urge my colleagues to pass quickly this very important piece of legislation.

Mr. AKAKA. Mr. President, I rise to speak about an amendment that I have filed, but will not call up today in the interest of moving this legislation forward, with regard to Title V of S. 1753, the Fair Credit Reporting Act, FCRA, bill. I would like to thank my colleagues, Senators SARBANES, ENZI, STABENOW, and CORZINE, for their diligent work on Title V to establish a Financial Literacy and Education Commission. This commission will help tremendously toward coordinating the myriad efforts of Federal agencies to increase financial literacy in this country and creating a comprehensive national strategy as an important blueprint to follow.

As a part of this effort, I believe its important to emphasize the need for public awareness about the importance of financial and economic literacy. My amendment is similar to a bill introduced in the other body by the gentleman from California, Representative DAVID DREIER, and cosponsored by several colleagues on both sides of the aisle, that would establish a pilot national public service multimedia campaign to enhance the state of financial literacy in this country. It would authorize $3 million over 3 years for this purpose.

My amendment differs in that it coordinates this public service multimedia campaign with the Federal Commission created by S. 1753 and the national strategy that would be produced by the commission. It would authorize the commission to work in collaboration with an entity accomplished in public service campaigns that has secured private sector funds to supplement federal funding and community organizations well-qualified by virtue of their experience in the field of financial literacy and education. My amendment also requires that performance measures be developed to measure the effectiveness of such a public service multimedia campaign, via positive changes in behavior with respect to personal finance. It is paramount to be able to assess the effectiveness of the campaign and other financial literacy efforts so that we understand what works and does not work, and can replicate our successes into the future.

I will continue to work with my colleagues on the Banking Committee and their counterparts in the other body to include the language in my amendment in FCRA legislation during their negotiations following Senate passage of S. 1753. It is important that we continue our coordinated efforts to ensure that Americans are financially literate, which will encourage better decision-making by individuals, stronger families, better-functioning markets, and a more secure future for our Nation.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2054

(Purpose: To make an amendment regarding affiliate sharing)

Mrs. FEINSTEIN. Mr. President, on behalf of Senator BOXER and myself, as well as Senators HARKIN, FEINGOLD, DURBIN, LAUTENBERG, and NELSON, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California, [Mrs. FEINSTEIN], for herself, and Mrs. BOXER, Mr. HARKIN, Mr. FEINGOLD, Mr. DURBIN, Mr. LAUTENBERG, and Mr. NELSON of Florida, proposes an amendment numbered 2054.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mrs. FEINSTEIN. Mr. President, the bill before the Senate in its current form allows huge conglomerates, with just limited restrictions on marketing, to freely share vast quantities of personal customer information with commonly owned companies even if a consumer asks that the information not be shared.

Let me list the types of information we believe could be shared among companies that have common ownership—called affiliates—under the bill: Information mined from your check and credit card payments such as your political or charitable contributions, your magazine subscriptions, your liquor purchases, the location and identity of stores you frequent; the stocks you own and stock trading patterns; the cash you have in the bank; when your certificates of deposit mature; how much you owe on a credit card and what rate you get; your insurance claims history such as whether you pay your premiums on time, how many claims you have made and whether claims were paid out; how many times a consumer called the company's call center or complained about the company's service; an employee's work history, including performance ratings, use of sick days, vacation, and salary.

To make matters worse, the bill permanently preempts States from taking stronger action.

What we have before the Senate today is a weak privacy standard built for businesses at the expense of consumers which legislatures in all 50 States are forever barred from improving.

I am particularly concerned that financial institutions in California, with the lone exception of the California Credit Union, negotiated and signed off on State legislation resolving this issue, and now the same financial institutions are trying to eliminate the California law with national legislation.

I will spend just a moment on that because it is important. Essentially, the banks and financial institutions in California worked with the State legislature in crafting the Californlia law that has an opt-out for affiliate sharing. The reason they did so was because waiting in the wings was a well-funded initiative to pass an even stronger privacy law. They knew the people of California would pass that privacy law.

Senator Jackie Speier, who was the author of the California privacy bill, has sent Senator BOXER and I a letter. I will read two paragraphs from the letter.

''It has recently come to my attention that the financial services industry has been criticizing the contents of your amendment to S. 1753, substituting the newly-enacted and stronger California privacy standard on affiliate sharing in the 'corporate family of companies,' as unworkable and unreasonable. This same industry recently called my California bill 'workable and reasonable,' specifically removing their opposition to my measure and lavishing praise upon it, even helping to gather votes. Industry made it clear that my bill met their workability concerns, progress made with their active participation. If my bill was workable for industry in California, then why shouldn't it be the national standard?''

''One industry representative stood with me on that day and said my bill 'encompasses all aspects of the workability needed to ensure protection of consumers' privacy,' while another called it 'a balanced measure that will provide meaningful privacy protections to consumers while also addressing the workability concerns.' . . . Now the story is different, as industry sees a political opportunity to preempt California's standard on affiliate sharing with a weaker one.''

I ask unanimous consent the entire letter be printed in the RECORD.

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

CALIFORNIA STATE SENATE,
October 24, 2003.

Hon. DIANNE FEINSTEIN,
U.S. Senator, Hart Senate Office Building, Washington, DC.

Hon. BARBARA BOXER,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATORS FEINSTEIN AND BOXER, I wish to thank you for your efforts on behalf of consumer privacy rights, and urge you to continue to do all that is possible to protect California's hard-fought consumer privacy gains.

It has recently come to my attention that the financial services industry has been criticizing the contents of your amendment to S. 1753, substituting the newly-enacted and stronger California privacy standard on affiliate sharing in the ''corporate family of companies,'' as unworkable and unreasonable. This same industry recently called my California bill ''workable and reasonable,'' specifically removing their opposition to my measure and lavishing praise on it, even helping to gather votes. Industry made it clear that my bill met their workability concerns, progress made with their active participation. If my bill was workable for industry in California, then why shouldn't it be the national standard? A transcript of their August 14, 2003, public comments bear this out and is attached.

One industry representative stood with me on that day and said my bill ''encompasses all aspects of the workability needed to ensure protection of customers' privacy,'' while another called it ''a balanced measure that will provide meaningful privacy protections to consumers while also addressing the workability concerns'' that industry had. Now the story is different, as industry sees a political opportunity to preempt California's standard on affiliate sharing with a weaker one.

The financial services industry appears to be acting in bad faith—it seems willing to say and do anything to erode California's recent progress on behalf of consumers, first to avoid a costly initiative battle and local ordinances limiting third-party sharing, now to pull the wool over Congress' eyes. Does the financial services industry really believe that millions of American consumers don't deserve a choice over what happens when their personal financial information, their financial DNA, is shared with thousands of affiliated companies? The industry's position is flawed public policy, weaker than their own standards abroad, and the kind of business practice that erodes consumer confidence.

I urge you to continue your efforts in making California's privacy standards those of the nation. California's affiliate standard was good enough for the financial industry two months ago; it certainly is acceptable now. Thank you again for your efforts; I stand ready to help you in any way possible.

All the best,

JACKIE SPEIER,
California State Senator, 8th District.

Mrs. FEINSTEIN. Mr. President, while I was in California, I met with the CEOs of the major banks. It became very clear to me at that time what they were going to do. They were going to come back here and they were going to get a national standard that clearly preempted the California opt-out.

Incidentally, we have modified the amendment I have sent to the desk. I know there was some criticisms of the amendment. We have tightened it up. I think it will stand the test of scrutiny. This amendment protects American consumers' basic privacy rights. It creates a national opt-out standard for affiliate sharing. This would give consumers the choice of whether their personal information can be shared among unrelated companies in a corporate family of companies.

Under the amendment, a company would have to notify a consumer that it intended to share the consumer's information with unrelated affiliates and give the consumer the opportunity to opt out of this sharing. If the consumer does nothing, the institution is perfectly free to share the information.

This amendment is fully sensitive to the real-life demands of business. Where there is a legitimate business need for the information, this amendment provides exceptions to the opt-out.

First and foremost, related affiliates—which are defined as affiliates in the same line of business with the same functional regulator and with the same brand name—are exempt from the opt-out.

Second, the amendment does not affect the ability of companies to have common databases with their affiliates so long as the information is not accessed, disclosed, or used by the affiliate. This is one of the arguments they have raised that this exception is a big loophole. Answer, untrue. While a common database can exist, the amendment explicitly states that an affiliate cannot access or use the information in a manner inconsistent with the consumer's opt-out.

Third, to use consumer information to complete transactions; fourth, to protect against or prevent actual or potential fraud or identity; next, to comply with Federal, State, or local laws and to do data processing, billing, or mailing. This amendment does not affect the ability of affiliated companies to do any of these six things. There are a number of other standard exceptions.

Before I go into detail describing the amendment. I will spend some time talking about the shortcomings of the ''National Consumer Credit Reporting System Improvement Act'' with respect to a person's natural privacy and why this amendment is needed.

At the outset, I recognize the author of the bill, Chairman Richard Shelby. He has met with me and I am grateful for that meeting. He has listened to my concerns. He has made longstanding efforts to balance the rights of individual privacy with legitimate business needs. I deeply respect the commitment of Senator SHELBY to consumer privacy. It is well known. He deserves recognition for his work to strengthen the privacy provisions of the Driver's Privacy Presentation Act and for introducing legislation to require an opt-in for affiliate sharing in the 106th Congress.

In the 107th Congress, he joined me as a cosponsor of the Identity Theft Prevention Act. Many of these provisions he has incorporated in the bill on the floor today, and I thank him.

I also thank Senator SARBANES. I think his record on privacy is equally impressive. He fought hard to create the opt-out standards for nonaffiliated third parties during enactment of the Gramm-Leach-Bliley financial services modernization law. I have the utmost respect for his work on privacy legislation. He is a champion of consumer privacy.

The American people should know this about both of these Senators. It is just that Senator BOXER and I have a very strong view on the need to give consumers this opt-out on affiliates.

I also recognize this bill has a number of provisions I strongly support. It entitles every consumer to a free credit report. That is great. It creates fraud alerts. Great. It creates a national standard for truncating credit card numbers on store receipts. That is great.

I was delighted, because when I introduced identity theft legislation earlier this Congress, the chairman and CEO of Visa, Carl Pascarella, came and held a press conference and indicated that Visa was not going to wait for the bill, they were going to go ahead and truncate all but the last four digits, in any event, on their credit cards. As of June, all the new merchant terminals using the VISA system—affecting tens of millions of Visa credit cardholders—do have that truncation. Shortly, Visa will have all other stations truncating as well.

This morning Senator KYL and I held a hearing on hackers getting into data bases and how you prevent that from happening. Visa testified, and it is clear they have taken this very seriously with a very elaborate system to get at the problem and to use technology to solve it.

So all these provisions were included in legislation that I have offered over the last 4 years, and I am very grateful to both the chairman and ranking member, who are here on the floor, that they have been incorporated into this bill. So I say, thank you, Senator SHELBY; thank you, Senator SARBANES.

Now, I think, though, that some of these needed provisions just become window dressing, if you really can't protect a person's privacy. The affiliate sharing provisions of the legislation would set that back because the information age is going to move ahead rapidly. That is one of the problems: Technology finds a way of moving ahead so fast before we have a chance to see that there is an appropriate regulatory system in place.

So the debate today over this bill is really part of a great struggle over whether Americans—ordinary Americans—will have basic control over the most elemental parts of their identity, and whether we can stop the misuse and commercialization of their most personal information.

Most Americans, I believe, consider their personal information their private property. I do. I consider my health data my personal data, my financial data my personal data. When I do business with a bank, I do not expect to see my mortgages purchasable on the Internet for $15 or $20. I do not expect somebody to buy my Social Security number over the Internet, or anything of that kind. Nor do I expect the bank with which I do business to give my data to a thousand—and it can be a thousand—of their affiliates so their affiliates can contact me about traveling with them, investing with them, that they have a better scheme than my checking account. I do not expect that, and guess what. I do not think the majority of Americans do, either.

To give you a sense of the groundswell of public support for privacy, I would like to mention a survey of California voters by Fingerhut Granados Opinion Research on February 7 of this year.

The statewide survey found that by a massive 91-to-7 percent margin, California voters would favor a ballot proposition—and let me quote what it would say—that ''would require a bank, a credit card company, insurance company, or other financial institution to notify a customer and receive a customer's permission before selling any financial information to any separate financial or non-financial company.''

Mr. President, 91 percent would support an initiative to do just that. So they are supporting not opt-out, which is a lower, lesser standard, but they are supporting opt-in when it comes to affiliate sharing. Similar polls across this great land have reflected a landslide of support by Americans for stronger privacy laws.

In my 10 years in this Senate, I have never seen anything like it. There is a groundswell out there, let there be no doubt.

Here in the Senate we have taken some strong action to protect privacy in recent months. In one day, the Senate drafted and passed a bill upholding the ''National Do Not Call'' list. Recently, we passed legislation limiting e-mail spam. In each of these cases, Congress accepted the near unanimous will of the public that there should be limits on when and how commercial entities can invade ordinary Americans' privacy—be it at their homes from telemarketing calls or on their computers from endless e-mail spam.

These concerns are equally present in the debate over affiliate sharing, except the dangers to privacy are so much more insidious. Americans are fully aware of telemarketing calls because their dinners and evenings at home are interrupted by them. Americans are fully aware of spam because their e-mail is clogged with them. In the case of affiliate sharing, most Americans are not aware that their personal information travels from their bank to hundreds or even thousands of other companies.

What is an affiliate and why should we be concerned about the sharing of information among affiliates?

Affiliates are companies related by common ownership. As one example, Travelers Insurance, Diners Club International, Citi Financial, and Salomon Smith Barney are all affiliated companies owned by Citigroup. So the types of businesses that financial institutions can be affiliated with run the gambit: insurance companies, so you can be bugged by insurance companies; securities brokerages; mortgage lenders; travel agencies; retailers; automobile dealers; collection agencies; financial advisers; tax preparation firms. I even think they buy them just for this reason.

In 1999, Congress passed the Gramm-Leach-Bliley Act, which repealed portions of the Glass-Steagall Act that prohibited banks from entering into affiliations with other lines of business. So it became fair game. These financial institutions have moved, in a major way, to affiliate themselves with a tremendous array of businesses. These include insurance and securities brokerages, as I said, mortgage lenders, ''pay day'' lenders, finance companies, and on and on and on.

It could include investment advisers who are not required to register with the Securities and Exchange Commission. These are not mom-and-pop companies. The top dozen U.S. banks and financial institutions alone control thousands of health and life insurance companies, home mortgage companies, car loan lenders, housing developments, securities brokers, and other businesses.

Take a look at this. Citibank alone has 1,736 affiliates which they own. They own a mortgage company, an insurance company, a student loan corporation, Travelers Life and Annuity, Diners Club International, and Salomon Smith Barney holdings. This becomes a veritable goldmine of information trading for them, and the information that is traded is your personal information that lets an insurance company, or a mortgage company, or an investment banking company know where to go to get business.

Morgan Stanley has 628 affiliates, including the Discover Card, Dean Witter Realty, Southeastern Energy Corporation, and a number of insurance companies.

Wells Fargo, headquartered in my city of San Francisco, has 777 affiliates, including, again, a mortgage company, Advance Mortgage, Dial Finance Company, Pacific Rim Health Care Solutions, Tower Specialists, Norwest Auto Finance, and Auto Risk Managers. Again, a veritable treasure trove, a goldmine for the sharing of private, personal information.

Bank of America has 815 affiliates, including T-Oak Apartments, Stanton Road Housing, NationsBanc Insurance Agency, and General and Fidelity Life Insurance. By mining data from their affiliates, these corporations can compile vast dossiers on consumers to use to their commercial advantage. An affiliated company can call you up with full knowledge of your financial history and offer you credit cards, securities, loan consolidation, whether you need it or not, and you have no way to prevent the company from using your most intimate personal information.

Consider the following case: Several years ago, Nationsbank paid fines of $7 million to the Securities and Exchange Commission and other agencies over its sharing of confidential customer financial statements and account balances with affiliated securities firms. Nationssecurities used the account information to identify those bank customers who had expiring certificates of deposit. Sales representatives then marketed to these customers highly leveraged investments, mischaracterizing them as straightforward U.S. Government bond funds. Investors, 65 percent of whom were over 60 years old, lost millions of dollars from this practice.

While Nationsbank paid a fine for its false and misleading sales practices, its sharing of customer information was perfectly legal under existing law. We need stronger laws to protect us from the potential predations of affiliate sharing. Unfortunately, the Senate bill does not rise to this test.

The 1996 Fair Credit Reporting Act standard on affiliate sharing, which is, for the most part, preserved in S. 1753, is not a strong national standard. The 1996 act permits financial institutions to share ''transaction and experience'' information with affiliates without restrictions. This experimental standard has proven vague and unworkable. Even though the 1996 act has been in effect for 7 years, no one can definitively say what the terms ''transaction and experience'' information mean.

When I asked the CRS to explain the FCRA standard, here is what they said:

> The [Fair Credit Reporting Act] does not offer a definition of a phrase, nor does the act provide any guidance with respect to what types of information may be included. Furthermore, none of the Federal bank regulators, nor the Federal Trade Commission, have promulgated regulations regarding the definition of ''information solely as to transactions or experiences'' or what information may be included in such.
>
> Finally, discussions with industry representatives did articulate a consistently used definition of what constitutes a ''transaction or experience'' information.

In essence, both the House bill and the Senate bill maintain an exemption for the sharing of personal information, which nobody has defined.

Seven years after passage of the 1996 FCRA amendments, neither Congress, nor the Federal Trade Commission, nor any other agency has defined the term. An empty standard is a nonenforceable standard. I think America's personal privacy deserves better protection.

Consider again the sensitive information which could be shared among unrelated corporate affiliates if we allow the current standard to stand. This

chart refers to the information I have just been over: an employee's work history, including performance ratings, sick and vacation days, safety, whether the consumer is a complainer or not, can go out to all affiliates, your certificates of deposit maturity dates, so somebody can contact you when that certificate matures; stocks you own, so others can approach you. Then there are the personal things, such as political contributions, charitable contributions, your magazine subscriptions.

Think about that. These companies develop a personal profile on who you are and what you like, and then tell other companies about you. Today, I heard testimony at a Senate Judiciary Committee hearing about someone who shopped at Victoria's Secret who had their personal information used in that way. That is what this allows.

The collection of this information is not hypothetical. In Great Britain, unlike the United States, companies are required by law to file a report with the Government on the type of information they collect about consumers.

Here is what Citibank reported to the British Government about the type of information it was collecting about British citizens for marketing purposes. I think it is likely they collect the same information about United States customers. This information includes: personal identifiers, financial identifiers, identifiers issued by public bodies, personal details, habits, current marriage or partnerships, details of other family, household members, other social contacts, accommodations or housing, travel movement details, lifestyle, academic record, membership of professional bodies, publications, current employment, career history.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. Mr. President, I am not aware of a time limitation.

The PRESIDING OFFICER. There is a previous order to recess for the policy meetings at 12:30 p.m.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that I might be permitted to continue when the Senate resumes.

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

Mrs. FEINSTEIN. I thank the Chair.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

NATIONAL CONSUMER CREDIT REPORTING SYSTEM IMPROVEMENT ACT OF 2003—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, under the order, the Senator from California has the floor. If I may propound a unanimous consent request, the Senator from California is going to speak for approximately another half hour or thereabouts. Following that, Senator DURBIN and Senator MCCAIN wish to speak on matters unrelated to the matter now before the Senate. To save a lot of confusion, I ask unanimous consent that following the remarks of the Senator from California, Senator NELSON of Florida be recognized for up to 3 minutes; following that, the Senator from Illinois, Mr. DURBIN, be recognized for up to 15 minutes; following that, the Senator from Arizona, Mr. MCCAIN, be recognized for up to 20 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, we usually go back and forth, I tell my friend.

Mr. REID. The Senator from Arizona wishes to go before Senator DURBIN?

Mr. MCCAIN. Yes.

Mr. REID. That is fine. I thought it was the reverse order. I ask that the unanimous consent request be modified so that Senator MCCAIN be recognized prior to Senator DURBIN.

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

Mrs. FEINSTEIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California is to be recognized.

Mrs. FEINSTEIN. Mr. President, the Senator from Florida has asked if I would yield for just a short time before I begin. Is that agreeable?

Mr. REID. That is in the unanimous consent order. It is up to the leadership. However, after Senator FEINSTEIN completes her statement and Senator NELSON completes his statement, I rather doubt they could do that, but somebody could move for a vote prior to that time. I don't suggest anyone doing so. It could happen.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, is it possible for me to yield for 3 minutes to the Senator from Florida?

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

AMENDMENT NO. 2054

Mr. NELSON of Florida. Mr. President, I rise to support the amendment of the Senator from California and to point out that I think the committee has done a very good job on the underlying bill. They address the question of medical privacy in the bill where a big holding company might have a subsidiary company, such as an insurance company, and an individual, when they get a life insurance policy, will have to get a doctor's examination, so that in the bosom of that health insurance company would be medical records. That health insurance company may be owned by a bank.

What the underlying bill does is protect against someone having their personally identifiable medical information shared throughout that holding company and shared with those who would want to market that personally identifiable medical information.

However, the underlying bill does not protect on the personally identifiable financial information, so that one part of a holding company could have personally identifiable financial information such as how much you take out of your ATM, what kind of purchases you make on your credit card, what time of day or what time of the week you go and make deposits in your ATM or take out from your ATM. Those things that are personally identifiable ought to be private unless the individual consumer says they are willing to have that information shared among the holding companies.

That is one of the things the amendment of the Senator from California addresses which, if we are going to take privacy seriously, we need to address. That is why I support the amendment of the Senator from California.

I yield the floor.

Mrs. FEINSTEIN. I thank the Senator from Florida and I thank the Chair for allowing this opportunity for the Senator to make a statement. I think he is referring to an amendment that I will introduce at a later time having to do with clearing up the health definition in the bill.

The health definition in the bill is archaic. The vast majority of states have adopted more fully inclusive definitions, and we would like to have that definition in the bill.

Prior to the break for lunch, I was beginning to explain why the bill before us has a weak privacy standard on affiliate sharing. Specifically, the underlying bill permits financial institutions to share a customer's transaction and experience information with affiliates with few, if any, restrictions. As I stated, transaction and experience information could include extremely sensitive information about individuals such as their bank account balance and data mined from their check or credit accounts or where they buy goods.

If consumers cannot preserve the privacy of their bank balances or the places they go to make purchases, they do not have meaningful privacy protections. That is the weak privacy standard that will become the national norm if this bill passes the way in which it is envisioned.

Supporters of the existing weak standard argue that America's credit environment has thrived since 1996. So they say, why mess with a system that is working? I challenge that assertion.

First, because transaction and experience information remains undefined. As I pointed out before lunch, we asked the CRS to look at current law. We asked them how they would define ''transaction and experience'' information. They said it has never been defined. So it is questionable whether any privacy regime at all exists for the bulk of affiliate-sharing practices.

Secondly, identity theft has emerged as a national epidemic in the last 7 years. Both the chairman and the ranking member of this committee have done their utmost and been very receptive to trying to enact legislation to prevent identity theft.

The Federal Trade Commission recently published a study that suggested 9.9 million Americans are victims of identity theft every year. The cost is $50 billion annually. Studies have shown that much identity theft occurs in the workplace. So increased affiliate sharing will likely facilitate this crime. Potentially, thousands of employees in affiliated businesses will have increased access to the currency of identity theft, and that is Social Security numbers and other sensitive identifying information, such as date and place of birth and mother's maiden name.

In her testimony before the Senate Banking Committee, Vermont Assistant Attorney General Julie Brill directly linked affiliate sharing to identity theft. Here is what she said:

> Many identity fraud cases stem from the perpetrator's purchase of consumers' personal information from commercial data brokers. Financial institutions' information sharing practices contribute to the risk of identity theft by greatly expanding the opportunity for thieves to obtain access to sensitive personal information.

So that is what we are doing here. Now, this is a prosecutor who should know. This is what she deals with. So why broaden the scope and opportunity for identity theft to take place?

Assistant Attorney General Brill also cited work by researchers at Michigan State University who studied 1,000 cases of identity theft and found that 50 percent of the victims traced the theft of information to an employee of a company compiling personal data on individuals.

Third, it is an open question whether affiliate sharing has offered any price or service advantage to customers. According to an article by Janet Gertz in the San Diego Law Journal, there is some evidence that businesses use affiliate sharing to extract concessions from consumers. Let me quote her:

> By profiling consumers, financial institutions can predict an individual's demand and price point sensitivity and thus can alter the balance of power in their price and value negotiations with that individual. Statistics indicate that the power shift facilitated by predictive profiling has proven highly profitable for the financial services industry. However, there is little evidence that any of these profits or cost savings are being passed on to consumers.

Just recently, for example, the Federal Reserve issued a report on financial service fees and services showing that fees at larger institutions are generally increasing and services are decreasing.

So we are letting exist this whole area where businesses buy other businesses just to share consumers' data? And the consumer has no control over their personal data. That is wrong.

My colleagues may hear during the debate on this amendment that the affiliate sharing problem is addressed because S. 1753 allows consumers to opt out of certain marketing solicitations by affiliates.

I want to go into this because this has been widely circulated by the financial institutions. Senator BOXER and I were just questioned about it at a press conference we held. In truth, these restrictions that they say are there are grossly inadequate, and they barely scratch the surface of the problem.

Let me describe some of the uses of affiliate sharing that the bill does permit. First, internal credit reports: The bill permits companies to use transaction and experience information to create internal credit reports.

Martin Wong, general counsel of Citigroup's Global Consumer Group, testified before the Senate Banking Committee in June that:

> Citigroup is able to use the credit information and transaction histories that we collect from affiliates to create internal credit scores and models that help determine a customer's eligibility for credit.

In other words, a bank can use transaction and experience from its affiliates to determine if it is going to charge a higher interest rate to certain credit card customers and give perks to others or to deny a credit applicant a credit card.

In contrast to a traditional credit card report, a consumer has no right of access to transaction and experience information used by a bank to deny him or her credit. Nor would a consumer have any right to correct any errors made in compilation of these internal credit reports. So one can have their credit changed even without their knowledge. It can be wrong, and the person would not know about it. It all happens in this secret world of affiliate sharing.

Similarly, a health insurer could deny a customer a health insurance or life insurance policy based on transaction and experience information. For example, a life insurer might reject an insurance applicant because of evidence in his card or check transaction record that he visits liquor stores frequently, buys products at stores selling mountain climbing equipment and therefore is at risk of injury, or has purchased a gun.

These are just indications. These are just areas. But you can see where this thing is going. Essentially, consumers can be denied products or services and they will have no ability to determine why the denial occurred.

The bill would permit prospective or current employers, without an individual's knowledge or consent, to mine information about the individual from other affiliates with whom the individual does business. This could be used for hiring decisions, disciplinary action, job evaluations, or other employment purposes. Again, all of this goes on simply because you bank with a given bank. You think all these things are protected and in fact they are data-mining checks, where you go, who you are paying. This information is going out to a whole host of other companies, sometimes thousands of companies.

Some affiliates are offshore and American consumer protection laws do not apply to those countries. As United States companies continue to acquire affiliates overseas, consumers may not even be able to depend on existing consumer protection laws to protect information that is shared with an affiliate.

Earlier this month, and many of us read about it, a woman in Pakistan, transcribing medical files for the University of California Medical Center in San Francisco, threatened to post patient medical records on the Internet unless she was paid more money. While we have strict laws governing medical files in the United States, these laws are virtually unenforceable overseas.

The Senate bill does not prevent affiliated companies from accumulating and sharing uncomplimentary information about customers, such as if they have filed for bankruptcy, do not pay their credit on time, or complain a lot. This information can be used to push unprofitable customers into a different tier of customer services. Example, where there are longer waits for a customer representative, or eliminate the customer altogether. All of this happens because of the ease with which this information can be shared among commonly held companies.

Let me give an example. Business Week magazine has reported that Sanwa Bank gives A's to its best customers, but those whose profiles show they will generate less revenues get C's from the bank. The bank tends to charge those earning C's more fees, and is more likely to put them on hold when they call in for service. This type of profiling certainly can occur in the context of affiliate sharing.

Even in the area of marketing, this bill is grossly inadequate. It purports to give consumers the right to opt out of the sharing of transaction and experience information for marketing, but there are loopholes. The institutions are going around the Hill today, pointing out they already do protect this.

Let me talk for a minute about the loopholes. The bill excludes companies from the opt-out if they have a preexisting business relationship with the consumer.

What is a preexisting business relationship? Your guess is as good as mine because the bill doesn't define it. Presumably, a bank could argue it has a preexisting relationship with a consumer if a consumer came into the bank 5 years ago to cash a check, or even just made an inquiry about an account. Additionally, if a consumer does exercise the opt-out for marketing, which is in the bill, the opt-out expires after 5 years. At that time, affiliates can then start marketing again to the customer.

I find it disturbing that the supporters of the bill want to permanently preempt States from enacting stronger affiliate-sharing laws for credit reporting purposes, but only think customers' preferences should be recognized for 5 years.

Last, but perhaps most fundamental, the Senate bill denies the consumer the ability to define the parameters of his or her relationship with a company, and this, I think, is really important. Under the current bill, when a consumer purchases a product from a megacorporation, the consumer automatically, without his or her choice or consent, makes his or her information available to hundreds of companies. Lawyers call this type of relationship, where one side has all the bargaining power, an adhesion contract. Some courts rule these types of contracts invalid because they do not reflect arm's-length negotiation and could result in unconscionable terms for the consumer.

Our amendment is a substitute to the affiliate-sharing language in S. 1753. Supporters of the underlying bill claim the Government needs a viable national standard to ensure the efficiency of our credit market. This amendment provides such a standard. It gives consumers all across the country—in Alabama, in Maryland, in Kentucky, in Colorado, in Washington—the opportunity to have some say, some choice in how their personal data is shared. With the privacy of Americans more at risk because of the latest technological developments and identity theft, with privacy invasions at its core becoming the fastest growing white-collar crime in the United States, we believe strong national standards are critical.

Our amendment reflects the terms of the California privacy law, which the California Bankers Association just a very short time ago called reasonable and workable, and are now lobbying against.

I read the letter of the author of the California bill, which I think irrefutably states the turnaround the financial institutions have done in this opt-out provision. Jim Bruner of the Securities Industry Association stated at the press conference announcing the agreement on California law on August 14, just a short time ago:

''While we would have preferred a national standard,'' [the California law] ''encompasses all aspects of the workability needed to ensure protection of consumers' privacy.''

And then they turned around and did a 180.

Jamie Clark of the California Bankers Association said at the same press conference that the banks:

''. . . have no objection to the measure passing'' and would tell its supporters to vote for the bill.

Clark added:

''We prefer a national standard so that you have a uniform operating environment.''

But they didn't tell anyone in California, which has just passed a new law which provides opt-out, that they could not live with the opt-out standard.

They did not come back here saying the law was sloppily drafted. They liked it then. When you do the law back here, all of a sudden it is sloppily drafted.

Diane Colborn of the Personal Insurance Federation called the California bill ''a balanced measure that will provide meaningful privacy protections to consumers while also addressing the workability concerns that our members and customers had.''

The California credit unions supported this legislation and still do. I thank them for their support.

This amendment offers businesses in California and around the country the chance to get a moderate, reasonable, uniform national standard on personal privacy.

Under the amendment, companies would be required to give consumers notice of their intent to share transactions and experience and other information with their affiliates. Consumers would then have the opportunity to opt out—to say, I don't want you to do it, or to do nothing at which point the information could be shared. The company would be notified and would give them, I hope, a choice of whether their most personal information is shared among affiliates.

This amendment would also allow closely related affiliates in the same line of business to share information with each other. Specifically, companies would not need to provide an opt-out choice if one, the affiliate is regulated by the same functional regulator—an example of that is institutions that regulate financial service institutions such as the Office of Thrift Supervision and the Office of the Comptroller of the Currency would be considered the same functional regulator; two, the affiliate engages in the same line of business. An example of that is the selling of securities, banking services, and insurance would all be considered independent lines of business; three, the affiliate shares a common brand identification; and four, the affiliate is a wholly owned subsidiary of the same company.

The amendment also has numerous other exceptions that were ironed out after 4 years of negotiation in California to meet the practical needs of business. The exceptions include the following: No. 1, information maintained in common databases. This is another false rumor that is being spread on this bill. This amendment allows employees of an affiliate to have access to information maintained in a common information system or database so long as the information is not accessed, disclosed, or used.

That is the key. It doesn't require new databases. It doesn't mess up their database. It just says you can't access it if the individual opts out.

This exception is necessary because we don't want to disadvantage companies that have streamlined operations by combining databases and other information technology resources. On the other hand, this amendment still permits consumers to have a choice over whether information in the database can be used for secondary purposes.

This amendment, as the Gramm-Leach-Bliley and California law, has an exception for transactional uses of information.

Information sharing ''necessary to affect, administer or enforce a transaction requested or authored by the consumer'' or ''with the consent or at the direction of the consumer'' is excluded from the opt-out.

Our amendment has exceptions for affiliate sharing of personal information that is necessary for companies to effectively manage their operations. For example, for security purposes, institutional risk control, and to respond to customer disputes or inquiries.

Proponents for unrestricted sharing of affiliate information argue that it is needed to solve identity theft. They correctly point out that companies can track unlawful purchases or suspicious activity by monitoring unusual account activity, change of address requests, and other suspicious behavior.

This amendment explicitly allows for affiliates to share information ''to protect against or prevent actual or potential fraud, identify theft,'' et cetera.

In addition, the amendment has exceptions relating to a business, a merger, a sale, a transfer; to comply with Federal, State, or local laws; for outsourcing functions with vendors such as data processing or billing; and, to identify or locate missing and abducted children, witnesses, criminals and fugitives, parties to lawsuits, parents delinquent in child support payments, organ and bone marrow donors, pension fund beneficiaries, and missing heirs, or to report known or suspected instance of elder or dependent adult financial abuses; and an exception is also carved out for the United States of America PATRIOT Act.

I deeply believe that without this opt-out the National Consumer Credit Reporting System Improvement Act would create a permanent and unworkable Federal standard that would set back the privacy of personal information and allow sensitive personal data to be moved through dozens, hundreds, and, in some cases, thousands of other companies.

This amendment is quite simple. It is about consumer choice.

I am puzzled at the ferocity with which the financial institutions and the banks are lobbying against this amendment. They serve people. That is what they are there to do—serve people. Shouldn't someone know if this information is being marketed within the loophole? Shouldn't someone have the opportunity to say, I don't want you to use my information? In fact, I think I am going to change banks, if they do this. Find a bank that won't do it. That would be my advice to everybody.

I think consumers should be given the opportunity to tell a bank they don't want their information shared with other companies. This is America. We should have that freedom. We should have that right. If you vote for this amendment, Americans will.

Do I have a few more minutes? If I could quickly set aside this amendment and send one other amendment to the desk, I will not speak to it.

I am happy to wait. I will yield the floor at this time and do it later.

Thank you very much.

Mr. MCCAIN. Mr. President, I don't mind waiting a few minutes if the Senator from California wishes to proceed.

Mrs. FEINSTEIN. No. That is all right.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona has the floor. The Senator from Arizona.

U.S.-RUSSIA RELATIONSHIP

Mr. MCCAIN. Mr. President, a creeping coup against the forces of democracy and market capitalism in Russia is threatening the foundation of the U.S.-Russia relationship and raising the specter of a new era of cold peace between Washington and Moscow. The new authoritarianism in Russia is more than a test of America's ability to defend universal values that have taken shallow root since the Soviet empire collapsed. It presents a fundamental challenge to American interests across Eurasia. The United States cannot enjoy a normal relationship, much less a partnership, with a country that increasingly appears to have more in common with its Soviet and czarist predecessors than with the modern state Vladimir Putin claims to aspire to build.

On October 25, masked Russian security agents from the FSB, the successor to the KGB, stormed Russian businessman Mikhail Khodorkovsky's private plane during a stop in Siberia. He now sits in prison awaiting trial, accused of tax evasion, fraud, forgery, and embezzlement. Russia's richest man, founder and chief executive of its most successful private company, a leader in incorporating Western principles of accounting and transparency into business practice, and a generous donor to charity, Khodorkovsky had committed what in the Kremlin's eyes is the worst crime of all: supporting the political opposition to President Putin. Such an alternative center of power could threaten the Kremlin's supreme political control.

Upon assuming power in 2000, President Putin announced a now-famous ultimatum to Russia's top business leaders, whose fortunes were made by acquiring control of Russian assets privatized at fire-sale prices in the 1990s. President Putin said to them: stay out of political life and keep your fortune, or risk it by engaging in political activity. Most of the oligarchs chose to remain quiet. Three did not. Business tycoons Boris Berezovsky and Vladimir Gusinsky were forced into exile as a result of their support for opposition political parties and free media. Mikhail Khodorkovsky actually attempted to exercise basic political freedoms guaranteed, in theory, for all Russians. He has been thrown into jail as a result.

Admittedly, Messrs. Gusinsky, Berezovsky, and Khodorkovsky may not provide to proponents of democracy and free markets in Russia the most laudable personal histories upon which to wage a resolute defense of our democratic principles. But failure to defend them would acknowledge exactly what the Kremlin cynically alleges: that they are being prosecuted because of the way they made their money. What has caused these three Russian tycoons to be singled out are their activities in support of opposition political parties and free media. In reality, a concerted campaign to clean up Russian politics and society would reach into every corner of the Kremlin and every boardroom in Russia, but that is not happening. For better or for worse, there is a consensus in Russian society that the past should remain in the past as Russia moves forward. If Russian business and government leaders are in fact going to be prosecuted for their conduct a decade ago, then perhaps the former KGB officer named Vladimir Putin who assisted Stasi leaders and Eric Honnecker in oppressing the German people should answer for his crimes.

Mikhail Khodorkovsky's arrest, like the politically motivated indictments of Berezovsky and Gusinsky, should be seen not as prosecution for financial dealings done a decade ago—which would implicate thousands of Russian businessmen and political figures—but as part of a larger contest between the forces of statist control and a liberal-oligarchic elite. Who wins will go a long way toward determining whether Russia reverts to the traditions of its czarist-imperial past or charts a new course as part of an integrating, liberal international order. The consequences of this struggle, for both the Russian people and the world, will be profound.

For the Russian people, President Putin's rule has been characterized by the dismantling of Russia's independent media, a fierce crackdown on the political opposition, and the prosecution of a bloody war against Chechnya's civilian population. The ascent of former KGB officers throughout Russia's ministries and in the Kremlin has enabled Putin to use the long arm of the state to crush internal dissent, silence opposing political voices, and subdue free media. During the first Chechen war, more Russians got their news from Vladimir Gusinsky's independent NTV than from state media. Today, there is almost no free media in Russia. Intimidation, coercion, assassination of journalists, and armed raids by the security services have put most independent media outlets out of business. Beatings and assassinations of journalists recall not the new Russia but the dark legacy of the Soviet past. Those independent media outlets that remain feel forced to practice the kind of self-censorship that characterized the Soviet Union. Today, most Russians who read newspapers or tune into television or radio hear only the voice of the Russian state—as they did under totalitarian rule.

In a land where financial support for opposition political parties comes largely from business, the arrest of Mikhail Khodorkovsky, like the indictments of Berezovsky and Gusinsky, sends a chillingly clear message to Russia's business community that their assets are safe only if they steer clear of politics. Putin himself made this same threat to the oligarchs in 2000; it is clear that his government is carrying it out, and that Khodorkovsky is the latest victim.

Political assassinations also demonstrate the risk of speaking out against state power. Earlier this year, State Duma deputy Sergei Yushenkov, who had been investigating potential connections between the 1999 Moscow apartment bombings and the start of the second Chechen war, was killed outside his Moscow apartment. State Duma deputy Yuri Shendoshokhtin, who had been looking into the role of the FSB in the Moscow bombings as well as a scandal surrounding the involvement of FSB officers in illegal trade, was also killed in mysterious circumstances. Both crimes remain unsolved. In today's Russia—as in Soviet Russia, as in czarist Russia—the state uses its power to suppress political dissent. The arrest of Mikhail Khodorkovsky fits in a long tradition of political arrest and persecution stretching across the vast dictatorial tundra of Russian history.

Under President Putin, Russian citizens in Chechnya have suffered crimes against humanity at the hands of Russian military forces. It was during Mr. Putin's tenure as Prime Minister in 1999 that he launched the Second Chechen War following the Moscow apartment bombings. There remain credible allegations that Russia's FSB had a hand in carrying out these attacks. Mr. Putin ascended to the presidency in 2000 by pointing a finger at the Chechens for committing these crimes, launching a new military campaign in Chechnya, and riding a frenzy of public anger into office. Since then, between 10 and 20,000 Chechen civilians have been killed and hundreds of thousands displaced by Russian security forces. At Putin's direction, the Kremlin recently stage-managed an ''election'' in Chechnya that put Moscow's hand-picked candidate in power. The principal voters were Russian conscripts forced to serve in Chechnya. Moscow has made no effort to address the political grievances of a population increasingly radicalized by the brutality of Russian rule. Yes, there are Chechen terrorists, but there are many Chechens who took up arms only after the atrocities committed by Russian forces serving first under Boris Yeltsin's and then Putin's orders.

In short, Mr. President, I am worried that what we are seeing in Mr. Putin's government is a continuation of 400 years of autocratic state control, and repression. Since the end of the Cold War, many Western observers have optimistically argued that the way Russia is governed has fundamentally changed. Sadly, this appears not to be true. Whether ruled by the czars, Stalin, Brezhnev, or Putin, the Russian state has remained supreme within Russian society. It seeks fundamentally to control society, not to answer to it. The people serve the government,

not the reverse. This is not the behavior of a modern European nation; it is a form of unenlightened despotism cloaked in the mantle of international respectability, which Russia derives principally from its relations with other great powers—particularly the United States.

The ascent of former KGB officers to positions of power throughout the structures of the Russian state underscores this trend. Apparently KGB veterans Igor Sechin and General Viktor Ivanov, both deputy chiefs of presidential administration in the Kremlin, masterminded the assault on Mr. Khodorkovsky. I would like to congratulate the KGB for arresting one of the most pro-Western business figures in Russia today—someone whose personal and corporate behavior, through charitable giving and adopting Western standards of business, have brought more credit to Russia in the last three years than anything the Russian government has done. Meanwhile, the FSB has been unable to solve the murder of leading independent journalists. It has failed to bring to justice any suspects in the murder of democratic politicians. It has not been able to identify a single case of corruption inside the Russian government. Not a single Russian has been held to account for committing crimes against humanity in the Soviet Gulag. The FSB can't do any of that—but it can arrest Mikhail Khodorkovsky. What brave men they must be to kick down the doors of a private airplane and arrest an unarmed man.

The FSB's dominance in the Russian Government has renewed the specter of the imperial temptation that has guided Russia's external relations for centuries. For too many of Russia's neighbors, it is like the old Beatles song: ''Back in the USSR.'' Under President Putin, Russia has refused to comply with the terms of the Treaty on Conventional Forces in Europe. Russian troops occupy parts of Georgia and Moldova. Russia has effectively annexed the Georgian province of Abkhazia, which it has occupied for a decade. Moscow has supported attempts to overthrow neighboring governments that appear too independent of Russia's embrace. Russian naval forces recently attempted to assert control in the channel connecting the Sea of Azov and the Black Sea from Ukraine. Russian secret services are credibly accused of meddling in elections in Azerbaijan and Georgia. Russian agents are working to bring Ukraine further into Moscow's orbit. Russian support sustains Europe's last dictatorship in Belarus. And Moscow has attempted to cynically manipulate Latvia's Russian minority and enforced its stranglehold on energy supplies into Latvia in order to squeeze the democratic, pro-American government in Riga.

Under President Putin, Russia has pursued a policy in its ''near abroad'' that would create an empire of influence and submission, if not outright control. On October 9, Russian Defense Minister Sergei Ivanov declared that Russia reserves the right to intervene militarily within the Commonwealth of Independent States in order to settle disputes that cannot be resolved through negotiation. At the same press conference, President Putin declared that the pipelines in Central Asia and the Caucasus carrying oil and natural gas to the West were built by the Soviet Union, and said it is Russia's prerogative to maintain them in order to protect its national interests, ''even those parts of the system that are beyond Russia's borders.'' In the runup to the war in Afghanistan, President Putin was given great credit for ''allowing'' the United States to use the military facilities and airspace of sovereign countries in Central Asia. But Russia has no more right to speak for these countries than we do. The Putin Doctrine, asserting a right to imperial intervention in Russia's ''near-abroad,'' coupled with the ascendancy of the FSB, recalls a discredited Russian imperial past whose victims number in the millions. Russia's assertion of political control over its neighbors speaks not to a modern vision of Russian reform and renewal, but appears to reflect a czarist impulse to dominate neighboring populations. It is the international dimension of rising state control at home.

The dramatic deterioration of democracy in Russia calls into question the fundamental premises of our Russia policy since 1991. American leaders must adapt U.S. policy to the realities of a Russian Government that may be trending towards neo-imperialism abroad and authoritarian control at home. It is time to face unpleasant facts about Russia. Russia is moving in the wrong direction—rapidly. While the United States undertakes a necessary and comprehensive review of our policy, I believe Russia's privileged access to critical Euro-Atlantic institutions should be suspended. This access was obtained with the understanding that President Putin was committed to free markets, the rule of law, pluralist democracy, journalistic freedom, and the lawful constraint of the intelligence and security services. These now appear to be false premises.

The Russian Government is not behaving in a manner that qualifies it to belong in the club of industrialized democracies. The United States is hosting the next G–8 Summit at King Island, Georgia, in June 2004. Russia has been invited to participate and has been working its way in, but President Putin's conduct at home and abroad has worked Russia out. Putin's Russia should have no place at the next G–8 Summit.

Congress should not consider the repeal of the Jackson-Vanik amendment for Russia. It would be incomprehensible to consider easing a law created in response to Soviet repression when the Russian Government is continuing a similar pattern of behavior. I will oppose any effort to repeal Jackson-Vanik as long as Russia is moving in the wrong direction.

To any American businesses contemplating investment in or trade with Russia, I would simply say that this is not a place where the rule of law and Western codes of conduct prevail. You invest at your peril. Many Members of Congress have heard from U.S. businessmen who have lost money in Russia due to the absence of the rule of law. The American business community should consider itself warned: the Kremlin's recent behavior is a clear signal that your investments are not safe. I call on my own Government, including the Export-Import Bank and the Overseas Private Investment Corporation, to cease all guarantees of investment in Russia due to the unacceptable risk of state interference and expropriation, as demonstrated by the Russian Government's actions. American taxpayer dollars should not be used to subsidize U.S. investment in Russia as long as the rule of the FSB prevails over the rule of law.

Clearly, in personal meetings, the President of Russia attempts to reassure the President of the United States that he is a fellow democrat. An accumulation of evidence forces me to draw the opposite conclusion. I hope I am wrong, but I am increasingly concerned that in Mr. Putin's soul is the continuity of 400 years of Russian oppression. Under President Putin's leadership, Russia looks to the West for prosperity, technology, and modernity, but seems to be striving in every way to keep the values of the West out of Russia. Far from having a vision for Russia in which democracy and freedom and the rule of law thrive, I fear President Putin may have a vision for Russia in which the capricious power of the police at home, and the menacing weight of subversion and intimidation abroad, guide the state. Administration policy must recognize the cold realities of Putin's Russia.

The responsibilities that follow from this are clear: it is time for a hard-headed and dispassionate reconsideration of American policy in response to the resurgence of authoritarian forces in Moscow. It is time to send a signal to President Putin's government that undemocratic behavior will exclude Russia from the company of Western democracies. The wholesale suppression of free media and political opposition cannot be ignored. American policy must reflect the sobering conclusion that a Russian Government which does not share our most basic values cannot be a friend or partner and risks defining itself, through its own behavior, as an adversary.

Mr. President, I thank the forbearance of my colleagues. I yield back the remainder of my time and yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, the Senator from Illinois is recognized for 15 minutes.

Mr. DURBIN. Thank you, Mr. President. I appreciate the indulgence of Chairman SHELBY and Senator SARBANES for this opportunity.

Mr. SARBANES. Will the Senator yield to me for just 30 seconds?

Mr. DURBIN. Yes.

Mr. SARBANES. Mr. President, we are having two major statements on unrelated issues. We have an amendment pending. We are trying to work through these amendments. We think there is an opportunity to dispatch them in good order. So I certainly encourage people who want to speak on the pending Feinstein amendment to come to the floor so they can be heard and we can complete that debate and then move to a vote on or in relationship to that amendment and then follow on with the other amendments and move this bill toward completion.

I know there is no one in the Chamber wishing to speak now, and we certainly think the Senator from Illinois ought to be able to offer his statement, so this is not directed at him. I want to certainly assure him of that. But as we proceed, thereafter, if we could follow along, I think it would be very helpful.

The PRESIDING OFFICER. The Senator from Illinois.

HONORING AND PROTECTING OUR ARMED FORCES

Mr. DURBIN. Mr. President, America's burden in Iraq grew heavier over the last 7 days. In that period of time, 27 American servicemen were killed and 35 wounded. We were awakened to newspaper headlines on Monday morning of: ''U.S. Copter Hit, With 16 Dead.''

On Sunday, I received the sad news that the National Guard helicopter which was downed was attached to the 82nd Airborne Division and piloted by 1LT Brian Slavenas from Genoa, IL. It was shot down by a surface-to-air missile near Falluja in Iraq.

Press accounts report that the missile was likely a heat-seeking missile because it hit the engine, but, thankfully, it did not explode. The helicopter went out of control, and First Lieutenant Slavenas clearly did the best he could at crash-landing the crippled aircraft. Quite possibly he saved the lives of those who survived. Sadly, he did not.

This morning, I called the Slavenas family expressing my sympathy for the loss of their son. I have read the press accounts about his short but eventful and full life and the love which his family and so many others had for him.

This morning I heard interviews on National Public Radio of his friends talking about a great young man—this 30-year-old helicopter pilot. He had just graduated from college a few months ago. He enlisted in the Army right after high school and, having completed that stint, he enlisted in the National Guard and went to officer training school and he became a helicopter pilot. He earned a degree in engineering from the University of Illinois. Although Brian stood 6 feet 5 inches tall, he was a gentle giant. He was an accomplished pianist. His brother Marcus said, ''He was very generous, very patient with people. I just loved being with him. He was my favorite person in the whole world.''

I ask unanimous consent that these articles of tribute to Brian Slavenas be printed in the RECORD.

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

[From the Chicago Sun-Times]

(By Dave McKinney)

His brothers and his father served in the military, but when 1st Lt. Brian Slavenas was called to active duty earlier this year, his family tried to discourage him from shipping out. He could have resigned his commission in the Illinois Army National Guard and skipped the deployment that carried his aviation unit to Iraq, Despite his family's concerns, the 30-year-old helicopter pilot who had graduated from college a few months earlier decided it was his duty to go overseas with his outfit. On Monday, relatives gathered at the family home in the tiny farm town of Genoa to mourn his death spoke with pride—and some regret—about his decision to continue a family tradition of military service.

Brian Slavenas died Sunday when his CH–47 Chinook helicopter was shot down by shoulder-fired missiles in a attack that killed 16 U.S. soldiers. ''We know he didn't have to be there. But he chose to go and to serve his country,'' said his oldest brother, Eric Slavenas, 39 a U.S. Army veteran who participated in the invasion of Grenada in 1983. ''I miss him. I wish he were still here,'' Eric added. ''But I'm not going to go against his decision. I back him 100 percent.''

Brian wasn't eager to go to Iraq when he left in April, other family members said. He had completed study at the University of Illinois at Urbana-Champaign in December with an engineering degree and was eager to get on with his career. Still, he felt obligated to go overseas with his unit. ''He wasn't keen on the idea but he said, 'Once you're in, you can't cop out,''' said his dad, Ronald Slavenas, a former Army paratrooper who later served for a time with Brian in the same Illinois National Guard unit.

DRAWN BY HISTORY, ADVENTURE

During his time overseas, Brian's letters, calls and e-mails home were usually upbeat and often funny, his family said. Brian liked the adventure of being overseas in such an exotic location, Eric said, recalling that in one letter Brian described how he sipped a glass of Tang as he flew over the ancient ruins of Babylon. ''He enjoyed the sights he saw, being in such a historic part of the world,'' Eric said. ''He knew it was dangerous, but it was more of an adventure for him.'' At times, Brian talked of possibly staying in the military as a career, in part because he loved flying. ''I think during the war, he got gung-ho about what he was doing,'' said his brother, Marcus Slavenas, a 33-year-old former U.S. Marine who served in Operation Desert Storm.

Brian had already served a stint in the Army, joining after he graduated from DeKalb High School, where he played drums and threw the discus. After finishing active duty, he joined the National Guard, then went to officer school and became a helicopter pilot. Along the way, he also obtained a private pilot's license and earned his degree from the U. of I. Although he stood a towering 6 foot 5 inches tall, Brian was a ''gentle giant,'' according to his father. He was an accomplished pianist and dedicated weight lifter who could get along with just about anyone, his brother said. ''He was very generous, very patient with people,'' Marcus said, adding, ''I just loved being with him. He was my favorite person in the whole world.''

Besides his two brothers and father, he is survived by his mother, a stepmother, a stepbrother and stepsister.

MAY HAVE SAVED LIVES

Brian, a member of the Peoria-based 106th Aviation Unit, was activated in February and had been serving in Iraq since April, said Brig. Gen. Randal Thomas, adjutant general of the Illinois National Guard. He had been certified to fly the CH–47 Chinook helicopter since 2002 and was flying at 150 mph at about 200 feet off the ground when it was shot down near Fallujah, Iraq. Thomas told reporters in Springfield.

''We're thankful that a number of individuals survived that crash. It would be speculative to say the pilot did his job and got that aircraft down and saved lives, but I'd sure like to believe that,'' Thomas said.

The Slavenas brothers say they're upset the Army wasn't taking more precautions to protect the slow-moving Chinook helicopters from missile attacks like the one that killed Brian. Since the attack, the military has banned Chinook flights during the day because the choppers are too vulnerable. ''I support our military. The only thing I question is the tactics that were used in this situation,'' Eric said. ''Someone should have had enough foresight to see ahead that a lumbering aircraft that only flies 180 miles an hour makes a good target.''

Saying he ''just didn't believe this was our war,'' Marcus isn't sure the conflict was worth his younger brother's life. ''Personally, I wish these people in Iraq well, but I don't care about them like I do about my brother,'' he said. ''I think maybe I would like to see American military used to defend America and not police the entire world.''

And he regrets not trying harder to keep his brother from going to Iraq.

''We all very strongly encouraged him not to go,'' Marcus said. ''In retrospect, I'm going to kick myself—I wish I would have tried harder.

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[From American Morning (CNN), Nov. 4, 2003]

INTERVIEW WITH FAMILY OF DOWNED HELICOPTER PILOT

SOLEDAD O'BRIEN, (CNN Anchor). There was more violence in Iraq this morning. Another soldier was killed, the second in as many days. The soldier was killed after an improvised explosive device, or an IED, exploded in Baghdad. Another U.S. soldier was wounded in that blast.

The attacks followed Sunday's downing of a U.S. helicopter near Fallujah, the deadliest single attack on U.S. forces since the invasion. According to eyewitnesses, the second of two shoulder-launched missiles hit the CH–47 Chinook, as it flew just a few hundred feet above the ground. The missile struck the rear engine and started a chain reaction that caused the helicopter to crash.

Most of the soldiers were heading out to begin a two-week leave when the chopper was shot down. Sixteen soldiers were killed, and among them was the pilot, First Lieutenant Brian Slavenas, a member of the National Guard from Peoria, Illinois.

A little earlier today, I spoke to his family about their loss.

Mr. Slavenas, if I can begin with you. Brian actually could have avoided deployment, but he chose not to. Tell me why.

RONALD SLAVENAS (Father of Chinook Pilot). Well, that's the kind of person he is. He's a responsible person, and he took on something and he brought it to completion. That's the nature of Brian. He may not like the idea, but he followed it through, and I've got to do it, and he did it.

O'BRIEN. I read that he felt obliged to serve his country. He was a helicopter pilot in the National Guard.

Marcus, why don't you tell me a little bit about your brother, the person, not necessarily the military man?

MARCUS SLAVENAS, (Brother of Chinook Pilot). Not just because he was my brother, but he was really one of the best people I've ever known. Very clean living, very dedicated to what he did. If he decided to do something he did it. He focused on it and did it until he was excellent at it. He was very kind to people. He was a good person. It was not based on some rules. It wasn't based on religion. It's just the way he was. He cared about those around him and tried hard always to do his best.

O'BRIEN. Tell me—I know that he recently finished school. He'd gone to school for engineering. Give me a sense of what his plans were and his dreams were further down the road.

UNIDENTIFIED MALE. Well, we felt that Brian was probably going to get out of the military and pursue a career in engineering. He had a very promising career ahead of him. He did well in his field. I know there were a lot of companies that wanted to interview him. So, we were hoping and we all felt that he was going to continue on with the engineering.

O'BRIEN. Mr. Slavenas, when you first saw the reports—I have to imagine you saw the reports before you heard the news that it was Brian who was actually piloting this chopper. What was your reaction to this? And I've got to ask you, did you think after a certain amount of time that it was indeed your son who was among the lost?

R. SLAVENAS. Well, it crossed my mind. I thought he was further west of the area of where it happened, but he's been flying around all over Iraq, I guess, to Kuwait and back and forth. The Chinook is like a shuttle service for different units. He was flying support for different outfits. The last one for the 3rd Armored Calvary, and I thought he was further west. So, that was my kind of hope that maybe that wasn't Brian, but then later on we found the news that it was Brian, actually.

O'BRIEN. You served in the military, sir, and your three sons all served in the military as well. What are your thoughts about the U.S. involvement in Iraq and the occupation of Iraq right now?

R. SLAVENAS. Well, now that we're in, we have to stay the course. We just can't pull out. If we pull out, we'll have pandemonium. They have so many different factions in Iraq—the Sunnis, the Shiites, the Kurds, and what have you. And if we pull out now without stabilizing the situation, we'll have, as I said before, pandemonium. It would be a revolution. That's my feeling.

So, we have to keep a stabilizing cap over it and hopefully getting more help from other nations and other sources.

O'BRIEN. Marcus, you served in the military as well, and I know you have strong opinions on this.

M. SLAVENS. Yes.

O'BRIEN. What's your take on U.S. involvement in Iraq right now?

M. SLAVENAS. I don't believe we need to be there. I wish the Iraqis well, and I hope they can figure out their problems, but I don't want this to happen at the expense of our boys. I would like to see them come home. And as far as the troops go, while they're still there, I'm fully behind them. Fight as hard as you can. Destroy the enemy and keep yourselves alive and come back home. But as far as the government is concerned, please try to get out of that business and bring them back home as soon as possible.

[From the Chicago Tribune, Nov. 4, 2003]

FOR FAMILIES, SAD NEWS HITS HOME

(By Russell Working and Angela Rozas)

One soldier was going to visit his wife and three children, the youngest of whom he had never met. Another was on his way home to attend his mother's funeral. A third wanted to surprise her family in California with a two-week visit.

On Monday, the Department of Defense began releasing the names of the 16 soldiers killed when a transport helicopter was shot down in Iraq, marking the single largest loss of service members in that country since major combat ended in the spring. Another 20 soldiers were injured. Many of the dead had been heading home for vacation or emergency leave. Around the country, families that had been anticipating happy reunions instead were stunned by unexpected loss. As of Monday evening, 377 U.S. service members had died since military action began in Iraq. In that time, more than 1,836 have been injured as a result of hostile action.

Among those killed Sunday in the crash was 1st Lt. Brian Slavenas, 30, an Illinois Air National Guard pilot from Genoa who was one of two pilots on the twin-rotor CH–46 Chinook that was shot down Sunday. Four crewmembers, also National Guardsmen, were from Iowa. They were injured, but survived the crash, said Illinois National Guard spokeswoman Lt. Col. Alicia Tate-Nadeau. One of the Iowans was the senior pilot of the aircraft, but it was unclear whether he or Slavenas was flying the Chinook when it crashed, she said. Some 120 members of Slavenas' unit, the Peoria-based F Company of the 106th Aviation Battalion, are now deployed in Central Iraq. Another 85 Guard soldiers are deployed from an aviation unit housed in Davenport, Iowa.

Slavenas was a dedicated student who followed his father and two older brothers into the military. He was so unassuming it took him a week to tell his family he had recently been promoted to first lieutenant, said his father, Ronald Slavenas. His unit arrived in the Persian Gulf in mid-April, and had been based in Balad, Iraq, since July 22, said Chief Warrant Officer Ty Simmons, operations officer for the company. On Monday, they were grieving Slavenas' death and hoping for the recovery of the helicopter's crew, he said.

The crews spend their days flying over central Iraq, a dusty desert region better known as the Sunni triangle, where they move everything from Humvees and generators to drinking water and soldiers on leave. During missions, they fly fast and low, seeking to make themselves a more difficult target as they navigate dust clouds, high-tension electric lines and tan-colored towers that blend into the background of the desert, Simmons said.

Brian Salvenas deployed with the unit to the Middle East in March. Four months earlier, he had received a bachelor's degree in industrial engineering from the University of Illinois, said his mother, Rosemarie Dietz Slavenas, who lives in Rockford. He studied piano in high school and ''played beautiful, beautiful Chopin nocturnes,'' his mother said.

On Sunday, Ronald Slavenas thought of his son as he listened to reports of a helicopter crash in Iraq, and watched through the front curtain as a uniformed man arrived on the doorstep of his two-story brick home in Genoa. ''My heart sank,'' he said. ''I opened the door and said 'He's dead, right?' ''

On Monday, an American flag hung in the rain from the second floor of his house. ''Brian was just a real perfectionist,'' said Slavenas' brother Eric, 39. ''He wasn't a gung-ho, go-to-war kind of guy.''

Mr. DURBIN. Mr. President, there is another very important issue that is associated with this story. I have learned within the last 24 hours that all of the Chinook helicopters in the 106th unit, of which Mr. Slavenas was a part, consist of seven helicopters from the Illinois National Guard and seven from the Iowa National Guard. All of these helicopters do not have the aircraft survivability equipment required to protect them from the very threat that brought down this helicopter on Sunday.

This is a recurring and troublesome issue. We have heard time and again about National Guard forces which are activated and then shortchanged when it comes to the best equipment. We expect the most updated equipment to be given to the units that are in the fight. We understand that Active Duty troops must receive what they need. But consider where we are in the war in Iraq. It is supposedly a complete and seamless integration of National Guard, Reserves, and Active Duty forces. We expect the National Guard, under these circumstances, to receive the necessary upgrades in the war theater.

These Chinook helicopters are supposed to be equipped with one or more protective systems, such as the ALQ–156 system, to detect surface-to-air missiles, along with an automatic flare dispenser as a countermeasure. They are also supposed to be equipped with seat armor to protect the pilot and crew.

What I have learned within the last 24 hours, from reliable military sources familiar with the situation on the ground in Iraq, is many of the Illinois and Iowa National Guard helicopters have flown for almost 6 months in the theater without the necessary aircraft survivability systems. Some of them have received systems, some partial systems, but only within the last week or two, many of the systems have been scavenged from departing Guard units from other States that are leaving Iraq. Many of the helicopters don't have seat armor. There are reports that the radios don't function properly. Reliable military sources have told me and my office about the level of protection for our helicopters in Iraq and what they tell me is unacceptable. They tell me of helicopters ill equipped to deal with the threat of shoulder-fired missiles; units scavenging equipment from helicopters leaving the theater to secure the protective gear they need. They report on helicopters flying without seat armor to protect the pilot and crew, and of helicopters flying without equipment designed to protect them from known infrared missile threats; Guard units scrambling to find the parts necessary to equip their craft with protective gear. Is this how we equip our men and women who are called to active duty?

Today I am asking Secretary Rumsfeld to see to it the helicopters in the theater are provided with the aircraft survivability equipment necessary to meet the expected threat. If that equipment is not available, I believe Secretary Rumsfeld should protect those

units until they are properly equipped or reassess when and where they will fly.

I ask unanimous consent that this letter I am sending to Secretary Rumsfeld be printed in the RECORD.

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

DEAR MR. SECRETARY: We are concerned about reports that the CH–47 National Guard helicopters attached to the 82nd Airborne Division, the unit which included the helicopter shot down by a surface-to-air missile in Iraq on Sunday, may not have had necessary or fully complete aircraft survivability equipment. As you know, 16 military personnel died in that attack, including the pilot, First Lieutenant Brian D. Slavenas, from Genoa, Illinois. The helicopter was from the Iowa National Guard.

We understand that, while Guard units that are activated may leave the United States without all the necessary equipment, they are to be upgraded in theater. Sources tell us that a number of the helicopters in the unit in question were flying in Iraq for almost six months without necessary equipment, and were only recently provided aircraft survivability equipment, some of which was not complete. Some may still be lacking this equipment.

First, we ask that you immediately ensure that the helicopters in theater are provided with the aircraft survivability equipment necessary to meet the expected threat. If that equipment is not available, you should protect those units until they are properly equipped, or re-assess when and where they will fly.

We ask that you investigate, and respond as soon as possible, whether the helicopter that was shot down on Sunday had on board a fully-operational ALQ–156 system with an automatic flare dispenser and whether it had seat armor; whether all of the helicopters in this unit are fully equipped at this time and the precautions being taken to protect the crews and passengers of those not properly equipped. The same questions need to be asked regarding all activated Guard and Reserve helicopter and fixed-wing units.

We understand that the ALQ–156 is intended to protect against the expected threat from some surface-to-air missiles, but may not be as effective against other missiles. Is the ALQ–156 adequate for the expected threat in Iraq? If not, we would like to know when the helicopters will receive the upgraded equipment and your assessment of the risk to military personnel of flying without such upgraded equipment.

I appreciate your prompt response to this inquiry.

Yours truly,

RICHARD J. DURBIN
U.S. Senator.

Mr. DURBIN. Mr. President, I am also calling on Secretary Rumsfeld to investigate and respond as quickly as possible on whether the helicopter that was shot down on Sunday had on board a fully operational ALQ–156 system with an automatic flare dispenser and whether it had seat armor. I also believe we need to know the status of the other helicopters in this unit in reference to protective equipment, and what steps are being taken to protect the crews and passengers in those that are not properly equipped. I understand the ALQ–156 system is intended to protect against the expected threat from surface-to-air missiles, but may not be effective against other missiles in the theater.

I am also asking the Secretary if that ALQ–156 is adequate for the expected threat in Iraq. If not, I would like to know when the helicopters will receive the upgraded equipment and his assessment of the risk to military personnel of flying without such upgraded equipment.

I find the reports I am receiving from military sources about the lack of protective equipment on these helicopters to be alarming and unacceptable. We know what a dangerous environment Iraq is. The threats from surface-to-air missiles were well known even before this tragic crash. The helicopter that was shot down was not on a mission directed against regime remnants or terrorists. It was transporting soldiers to the airport in Baghdad so they could leave for R&R.

We will not know for sure how it was shot down or how it was equipped until the investigation is completed. This tragedy highlights the fact that protective equipment cannot only be reserved for missions in the fight. Every mission is in the fight in Iraq today.

The Senate passed the Iraq supplemental appropriations conference report yesterday with more than $87 billion for equipment for our troops in Iraq. If the funds are not adequate to protect our troops and aircraft, the Congress must be advised immediately. If there is a shortage of equipment, we must act immediately to secure it.

The dangers of war are well documented. Every soldier, sailor, marine, and airman should know this Government has done everything in its power to protect them, keep them safe, and give them everything they need so they can complete their mission and come home safely.

We have given this administration every dollar for which they have asked. Now they must give our soldiers what they need to be safe and successful—the protective gear and body armor they need—as they work on the ground among dangerous situations. Armor is needed for the Humvees to protect them from rocket-propelled grenades, and they need state-of-the-art equipment to protect our helicopters from shoulder-fired missiles.

I call upon the Secretary to address these shortages immediately and to investigate fully whether the helicopter that was shot down and all of the helicopters in Iraq are adequately protected. We owe this to our men and women in uniform and to their families who pray for their safe return.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, does the Senator from Colorado wish to speak?

Mr. ALLARD. Yes.

Mr. SARBANES. Before the Senator begins, I want to renew the call we made a few minutes ago. I know the chairman agrees with me in doing this. To those who want to speak on the pending amendment, we hope you will come to the floor and do so. We hope others who have amendments they want to offer will be prepared, once we dispose of the current amendment, to present their amendments so we can move along.

There is a possibility I think we can finish this bill in good order. I know that is what everyone would like to accomplish. I know Chairman SHELBY is anxious to, on the one hand, move things along and, on the other hand, ensure people have an opportunity to address these matters. In order for them to do that, we need them to come to the floor, so we are putting out that call.

Mr. REID. Will the distinguished Senator from Maryland yield for a question?

Mr. SARBANES. I am happy to yield to the distinguished leader for a question.

Mr. REID. My concern with this legislation is not as much the legislation itself as it is that Thanksgiving is coming soon. We don't have the luxury of waiting for days. This legislation could take days with the order that is now in effect in the Senate. We have more than 20 amendments. If we take several hours on each amendment, we are not going to finish this week. I ask that those people—Senator FEINSTEIN was here and she has indicated on her next two amendments she would take a half hour on each.

I ask the floor staff, when they have an opportunity, we probably should probably get two amendments locked in so we have at least time limits on those two. I know Senator BOXER has some amendments. If we could ask those Senators to come forward and agree to time limits on them, that makes it much easier for the two managers to manage the bill. I am quite confident that if the two leaders see the work on this bill is not going very quickly, it will be an awfully late night tonight because I know there are many things the two leaders want to finish on Thursday and Friday. I think there was some expectation and hope the bill would be completed by tomorrow.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the chairman of the Banking Committee and the ranking member for giving me the opportunity to speak on the bill. To accommodate them, if individuals come to the floor willing to offer an amendment, signal me and I will clear the floor and give them an opportunity to offer their amendment. I agree with their goal of getting us out of here quickly and getting the work done. If someone has an amendment, I do not want to hold up the process.

I rise in support of S. 1753, commonly referred to as the National Consumer Credit Reporting System Improvement Act of 2003. I was pleased to support the bill as a member of the Banking Committee, and I am sure it will receive

strong support on the Senate floor as well.

I would like to thank Chairman SHELBY and his staff for their hard work. This is a balanced, sensible bill and clearly a product of their willingness to listen to all interested parties. Chairman SHELBY compiled an extensive hearing record and provided a comprehensive foundation for crafting this legislation.

He crafted a bill that provides a balanced approach to the concerns expressed during the hearings and provides significant improvement, I believe, to the Fair Credit Reporting Act. I thank him for working so closely with committee members to ensure that our concerns were addressed in this bill.

I would also like to acknowledge the efforts of the ranking member, Senator SARBANES, and his staff. As I mentioned, this bill received strong bipartisan support in committee, and this is certainly due in part to the diligence of Senator SARBANES. His effort and his support have made this a stronger and better bill.

Reauthorization of the Fair Credit Reporting Act is vital to the functioning of our Nation's credit markets. I think that goes without saying. Without the FCRA, credit would cost more or, in many cases, simply would not be available to consumers.

S. 1753 ensures that the markets will continue functioning smoothly by permanently reauthorizing the Fair Credit Reporting Act. As a former State legislator and a strong champion of States rights, I do not take Federal preemption lightly. In fact, I have a very high threshold for Federal preemption. I believe, though, that FCRA meets the necessary standard. The credit markets truly are national, and a patchwork approach to credit reporting will quickly disintegrate the necessary comprehensive approach we need.

When it comes to credit reports, accuracy is in the best interests of both industry and consumers. I believe this bill will help improve accuracy in credit reports. Consumers will have increased access to their credit information and increased tools to combat identity theft.

The framework provided in the bill provides sufficient flexibility for the act to adapt with time and changes in technology. I am especially pleased that S. 1753 includes a bill I have worked on with Senator SCHUMER referred to as the Consumer Credit Score Disclosure Act of 2003. This provision would allow consumers applying for a mortgage to receive a copy of their credit score. Credit scores are increasingly being used in deciding whether to extend credit. Yet consumers do not always have access to this information.

What I found out about credit scores and heard in reports back from my constituents about things that affect their credit was that few of them realize that the number of times you apply for a credit card, for example, could impact your credit. It does when you look at the credit score.

I always figure as long as you paid your bills on time or your credit cards on time and the more credit cards you had and paid them on time, it just showed what a better job you were doing in managing your finances and would actually enhance your ability to get loans. That is not true. If you got carried away and decided to apply for every credit card you received in the mail, you could actually adversely impact your credit rating, particularly as it applies through the credit score.

This provision contained in S. 1753 would ensure that consumers would receive the critical information when applying for a mortgage, which is generally the largest purchase a person will make during their lifetime.

In addition to their actual numerical score, the consumer will be entitled to receive information concerning the factors that helped determine their score, as well as ways in which they can improve their score. This provision will empower consumers to shop around and help prevent them from becoming victims of predatory lending.

I believe expanding access to credit scores is an important victory for consumers, and I am pleased it has been included in the bill we are considering today. I am hopeful this will be the first step toward giving consumers even broader access to credit scores.

As chairman of the Housing Subcommittee, I would also like to make a few comments on the impact, the importance of the Fair Credit Reporting Act as part of the home buying process. Because FCRA gives lenders access to more accurate and more complete credit information, they are able to more accurately price risk. This is important because for most people, a home is the largest purchase they will make. The ability to accurately price the risk as reflected in mortgage rates can make the difference of thousands and thousands of dollars over the life of the mortgage.

The availability of credit information stemming from the FCRA has reduced the cost of home ownership for many and opened up previously unavailable opportunities to others. In fact, home ownership rates are currently at record highs. Permanent reauthorization of the Fair Credit Reporting Act will help us continue on that path. This is especially important as we work to expand the minority home ownership rates as minorities are disproportionately impacted when credit becomes less available.

The Fair Credit Reporting Act has been beneficial to consumers, and the improvements contained in S. 1753 will extend those benefits. I am pleased to add my voice to those in support of the bill, and I encourage my colleagues to join me in voting for the National Consumer Credit Reporting System Improvement Act of 2003.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 2054

Mr. JOHNSON. Mr. President, I wish to express my great high regard and respect for my colleague from California, Senator FEINSTEIN, but I must rise in opposition to the amendment she offered earlier this afternoon.

I think it is important for us to keep in mind that the Fair Credit Reporting Act provided for a national preemption going back to 1996. It has been an extraordinary success story for America's consumers, particularly America's middle class and working families who previously suffered the most from a lack of access to credit but now find themselves having access to credit never before imagined and having it done in an instant fashion.

The legislation before us is an enormously complex piece of legislation. It takes the 1996 preemption and builds on it, and strengthens consumer rights beyond anything we have ever known before. Chairman SHELBY and ranking member SARBANES deserve great credit for what they have been able to do. They put together a bill that had a unanimous vote out of the Senate Banking Committee—no easy feat, we all know.

To now on the floor of the Senate introduce a very complicated and, some would suggest, improperly drafted amendment only serves to slow the process and, in fact, perhaps even to jeopardize passage of the reauthorization of the Fair Credit Reporting Act, something that must be done before the first of the year, otherwise, the consequences would be catastrophic not only to the business community and to our economy but to American consumers who would be the biggest losers of all if we were unable to pass legislation because of the additional burden put on it by the Feinstein amendment.

I wish to very briefly touch on some problems that this amendment poses. The amendment being offered is different from and far more unworkable than the affiliate sharing restriction in the California legislation, and I will comment on why this is so.

First, the amendment being offered is much broader in scope than the California bill. Despite claims that they fixed the overly broad scope because of drafting errors, that simply is not the case. Unlike the California amendment SB–1, which applies specifically to financial institutions, this amendment applies to any institution that has affiliates, including retailers, manufacturers, nonprofits, labor unions, churches, universities—basically, every type of organization in the country that shares certain consumer report information.

Yet the most important exception by this amendment being offered is provided only to financial institutions. Clearly, the drafters of the amendment have spent a lot of time on the California bill, perhaps more so than on the FCRA, because there does not seem to be the full appreciation of the breadth of the very statute they are amending.

The Feinstein amendment provides exceptions to certain institutions based on their functional regulator, a concept we defined in Gramm-Leach-Bliley in the Banking Committee and which is specifically defined in this amendment. It is limited to financial institutions such as banks, securities firms, and insurance companies.

This means while financial institutions can qualify for what proponents refer to as the ''silo'' exception, other covered businesses cannot. I assume this is probably a drafting oversight, but it simply reinforces my concern that this amendment has not been fully vetted by the Banking Committee or by any other presence in the Congress. I doubt very seriously that the sponsors are trying to give large financial institutions a competitive advantage, but that is one of the consequences of the amendment that has been offered.

The FCRA has a sweeping scope by design. Congress believed and still believes that sensitive information bearing on credit, employment, or insurance risk, no matter who is using it, should be protected. That is why the FCRA is by no means limited to financial institutions, and should not be.

The amendment being offered backtracks on the final version of the California legislation with respect to the so-called common database exception that was an integral part of the deal.

The amendment contains the original, unnegotiated version of the common database exception, which was widely understood to be unadministratable. This provision, which was intended to assure companies with large information databases that they would not have to undergo major systems revisions, fails to accomplish that goal.

The final version of the database exception prohibited information from a common database to be further disclosed or used by an affiliate. The amendment before us this afternoon prohibits not only disclosure or use but even access itself.

What is the point of a common database if it cannot be accessed? I understand that the California bill has come under fire recently for including what some view as a giant loophole of the common database exception, and I share Senator FEINSTEIN's concern about the loophole but it is not right to make a major change to a central provision and continue to claim that this amendment mirrors SB–1, the California legislation.

Even if all the California exceptions were added, the amendment would still be far less workable than the affiliate sharing provision in the unanimously adopted Senate Banking Committee bill.

With all the California exceptions, the only sharing not permitted would be affiliate sharing used for solicitation and marketing purposes.

It is simply not true, as some have suggested, that the California opt-out applies to information shared for a broad range of purposes other than marketing and solicitation. But if sharing for solicitation is all that is subject to the California opt-out, then why not use the far more straightforward approach of the bipartisan Banking Committee bill? That is, why not target the opt-out only to solicitations of noncustomers made possible by affiliate sharing?

As the Banking Committee has recognized, and as the Senator from California has pointed out many times during today's debate, the real consumer concern is getting bombarded by advertisements from unfamiliar companies. We all sympathize with that. The bipartisan committee bill addresses this concern head on with its targeted, focused provision on affiliate sharing, while the pending amendment, even if it added all of California's numerous exceptions, which it does not, is far more cumbersome and overreaching on its face. In fact, the committee bill gives consumers far more control. S. 1753 allows consumers to opt out of all marketing from any affiliate. The pending amendment does not do that.

For example, the California silo exception strips away consumer control over information shared by affiliates in the same line of business. By contrast, we believe consumers should not have to be bombarded by marketing materials just because they have chosen to do business with a large financial institution.

Sharing of information among affiliate entities has a significant impact on the cost and availability of credit in ways that are not always apparent to consumers. This is a critical point that I believe has been lost in the course of this debate.

Former Treasury Secretary Robert Rubin testified back in 1997, for example, that consumers could expect ultimate savings of as much as $15 billion per year from the increased efficiencies that affiliation provides.

Treasury Secretary John Snow recently testified that affiliate information sharing serves a critical purpose in the war on identity theft.

FDIC Chairman Don Powell has noted that access to credit and the cost of credit is far more favorable in the United States than in other parts of the world due, in large part, to the relative ease of information sharing between potential credit customers and potential lenders.

Finally, Federal Reserve Chairman Alan Greenspan has noted that information sharing has had ''a dramatic impact on consumers and households and their access to credit in this country at reasonable rates.''

The Senate bill ably balances the legitimate concerns of consumers against the substantial benefits that information sharing brings to this economy and to all consumers. As Chairman SHELBY and ranking member SARBANES have noted, this is an enormously complicated area of law, and the committee took great care to guard against unintended consequences, spent literally months on the drafting and formulation of this legislation.

Make no mistake, it is hard to imagine that what we are doing here today is the last word on privacy. Our constituents will continue, rightfully so, to demand that we review our current laws as information technology develops. I believe we intend in a bipartisan fashion to do just that.

At this point in time, giving consumers the right to opt out of marketing, with no exceptions, is the right rule for American consumers, while at the same time providing immediate and affordable access to credit to all of our consumers, regardless of their economic background, regardless of racial or other factors is something that I think this Senate can take great pride in and we can take great satisfaction in the quality of this bipartisan legislation.

I urge my colleagues on both sides of the aisle to mirror the bipartisan vote of the Senate Banking Committee and to support the FCRA reauthorization and oppose the Feinstein amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I have listened carefully to the comments of Senator FEINSTEIN earlier, and I will make a couple of important points in response to her amendment.

First, as a privacy advocate, I fully appreciate the interest and concern at hand. Indeed, both Senator SARBANES and I have been very sensitive and worked together a lot on privacy concerns. As we took up the Fair Credit Reporting Act, this was one of the key considerations we sought to balance, even as the law itself requires. We did this in what was a very comprehensive, transparent, and lengthy review of the law and issues at hand as we considered reauthorizing our national credit standard.

Second, the amendment of the Senator from California makes two basic assumptions which ultimately guide her amendment's approach and goal, as I understand it. No. 1, that there is something inherently nefarious about the use of affiliate structures; No. 2, that consumers have no rights or means to protect themselves with respect to the handling of their transaction and experience information.

I believe that our consideration in the Banking Committee would therefore be instructive in understanding the better approach adopted in our bill and why I intend to oppose the amendment of the Senator from California. To the first point: Why do affiliates exist? Companies establish affiliates for a variety of legal, tax, and accounting reasons—because laws require them to do it.

What do these structures mean for consumers? Some companies choose to create separate legal entities known as

separately capitalized affiliates. Other companies elect to locate all of their business lines in a single entity. Regardless of the structure that a firm employs, consumer information is generally used in the same fashion. Affiliates or the separate business line share it to service their customers, fight fraud, or develop new business. The affiliate sharing provisions contained in the Fair Credit Reporting Act exist to make it clear that companies should not suffer because they have chosen a particular corporate structure.

From the consumer's perspective, I believe there is no real difference between a company making an internal transfer of information among departments and sharing between affiliates. In fact, in many cases where affiliate sharing is occurring, most consumers would not recognize that the two parties are involved in the transfer. Rather, they would be under the impression that information is merely being moved within the single entity with whom they have chosen to do business.

Second, there are real rules and provisions governing the manner in which transaction and experience information is handled. First, we need to consider what exactly transaction and experience information is. Transaction and experience information involves checking and saving account balances, credit card balances and repayment history, mortgage balances and repayment history, and mortgage and brokerage account balances and transaction activity. In many instances, the information is the very information provided to the consumer reporting agencies where, as consumer report information, consumers are afforded significant rights under the Fair Credit Reporting Act.

More important, however, this is information that is routinely provided to consumers as required by separate laws and regulations. For example, the Truth in Lending Act, the Fair Credit Billing Act, the Truth in Savings Act, the Electronic Funds Transfer Act, provisions of the securities laws and the Uniform Commercial Code all provide consumers substantive rights with respect to transaction and experience information. These include disclosures and access rights and error resolution procedures.

I believe the bottom line is that consumers already have access to and rights concerning transaction experience information right now under the law. But at the end of the day, I believe the main concern I heard with affiliate sharing uses was the use for marketing purposes. At the end of the day, I believe that is all that is really left restricted, in some way, under California's approach after accounting for the exceptions and exemptions.

So after spending more than a year considering the law carefully in order to balance the needs of our national credit system, which we all believe is crucial to the operation and strength of our economy, with a need to protect consumers rights, the Banking Committee identified two key areas for increased Federal protection: The sharing of medical information and restricting affiliate sharing used for marketing purposes.

This bill does so in the context of the Fair Credit Reporting Act in a straightforward and narrowly tailored way and does not give preferential treatment to certain business models over others.

This brings us to a third and very important point. The Fair Credit Reporting Act deals with more than just financial institutions. The sponsors, as you know as a member of the Banking Committee, Mr. President, seek to impose a model that was tailored strictly for financial institutions to all furnishers of credit information, subject to the Fair Credit Reporting Act. This model is largely based on SB–1, the California Financial Services Law.

The amendment's sponsors have tried to graft a banking bill on to the Fair Credit Reporting Act. This effort, I believe, is misplaced, and this effort does not mesh with how the FCRA, the Fair Credit Reporting Act, works and to whom it applies. Gramm-Leach-Bliley made it permissible for California and all other States to pass legislation that regulates third party sharing activity. This bill would not affect those provisions in the California law that come because of Gramm-Leach-Bliley. With respect to the part of SB–1 that conflicts with the Fair Credit Reporting Act, the California law was preempted, making it unenforceable when it was enacted. This bill does not change or alter that fact in any way.

The irony is that, even if we were to assume these provisions were violated, California's attempt to overturn Federal law is actually weaker than the Senate bill. The California law, as I have heard here, as it is targeted at financial institutions, covers a much more limited range than the broader Fair Credit Reporting Act, which deals with information, not entities, and therefore includes retailers, auto dealers, mortgage providers—anyone who furnishes credit.

Furthermore, California's rule is eaten by its exceptions and its exemptions. Its provisions provide consumers with no real choices or meaningful protection. The Senate bill covers the areas that consumers care about—marketing and the sharing of medical information—by providing real protection. Unlike the Senate bill, the California law still exempts most of the largest financial service firms they claim the law is intended to address.

The Senate bill was carefully tailored to address key concerns in a more clear and a concise way. The Senate bill before us targets unwanted solicitations without otherwise preventing sharing activities that provide benefits to consumers. Unlike the California bill, the Senate bill is designed to protect consumer interests. The unenforceable portions of the California law were designed to promote a specific business model by hobbling others.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I rise in favor of the Feinstein-Boxer amendment, and I note that there are a number of others on that amendment as well. I hope colleagues will realize this amendment will make this bill better, will make this bill stronger, and I am going to take a few minutes to explain why in as simple a way as I can.

I stand here very proud that my State treasures privacy and they acted on that value. After years of struggle, California put into law the most tough financial privacy standard in the Nation.

Others can say oh, that is not true, and they can quibble, but the facts are the facts. Every consumer group that you ask, any group that is objective on the subject, will tell you that our law is the best and is far better—certainly than the House bill, and better than the bill that is before us today.

I do want to compliment my friend. You have made some good advances here. I will talk about that in my statement. But we can do better, and I offer this amendment with Senator FEINSTEIN in a very friendly way, in the hopes that maybe we can make this better.

The struggle to pass SB–1, California's financial privacy law, was very long and very transparent. I want to say that State Senator Jackie Speier did an unbelievable job. For 4 years, she worked with banks on behalf of the consumers. The industry invested more than $20 million in lobbying expenses and campaign contributions during those 4 years but eventually a wonderful thing happened. The banks came to the table and they negotiated with Senator Speier. The fact is, there was a reason. They saw the handwriting on the wall. They saw that there was going to be a State initiative. They had already gathered 550,000 signatures quickly and Senator Speier's provision for more strict privacy was supported in the polls. How about this? California Democrats in the polls supported this initiative by 96 percent; and California Republicans, 88 percent; Independents, 90 percent.

So Senator Speier had touched on a very important value of Californians. I really do believe if you took a poll today, just a really carefully worded one which went into every State in the Union, there would be support for this Feinstein-Boxer amendment to make this bill stronger.

I will explain it.

The committee went ahead and did some good things. It includes fraud alerts for consumers and protection for credit card numbers on receipts and free credit reports.

It is very important they say that you can't go outside and share the information with outside companies. That is great. I salute Senators SHELBY and SARBANES for that progress.

However, there is one major problem Senator FEINSTEIN and I are addressing in this amendment. We are saying, first of all, if a State wants to go further than you have, we ought to have that chance. Your bill ought to be a ceiling. All good wisdom doesn't reside here. We always like to think it does, but it doesn't.

A lot of our States are ahead of us, and they want to do more. Yet California finds itself left out because there is no preemption for our State. We know we are not going to get that. We have 35 million people in our State. We can't get an exemption. We understand that. We are simply asking you follow the lead of our State on this one because I think it is the fair thing to do.

Some people listening today might say, Well, the committee bill says you can't go outside and share information. But you can share it with your own affiliates that are in your little corporate family. What is wrong with that? That is a logical question until you look at the banking industry and look at how big these families can get.

Let us take a look at some of these families for which this bill would allow affiliate sharing.

Let us take a look at Citigroup. They are small? They have 1,630 affiliates.

Bank of America. How well I remember the proud history of that bank in my State. They have 1,323 affiliates.

JP Morgan, 967 affiliates; Wachovia Corporation, 886 affiliates; Wells Fargo, 671; Bank One, 253.

When you say to all of these people you cannot share information outside your family, you are in essence saying you can share it within your families. We are talking about thousands of affiliates that will get every bit of information about you and your financial transactions. My colleagues can stand up here from night until morning and argue with me on the point that we are wrong on this. I know we are right. This is the right thing to do to protect our constituents.

Let me show you Bank of America affiliates. I want to show it in a way that is pretty graphic. I will not read every one of their affiliates. I am going to truncate and do this quickly.

We have nine charts listing all of these. These are Bank of America banks: Commonwealth National Bank, First National Bank, National Bank of Howard County, and American State Bank. I can't even pronounce some of these. Bank of America Mexico; Finacero Bank of America. They will know your transactions. That is just the first Bank of America chart. Let us look at one other. We do have nine of these. I will go quickly.

Here is another one. Let us go to Bank of America insurance companies and look at who they own: First National Insurance Services, American Fidelity and Liberty, Bank of America Insurance Services, Inc., and Home Focus Services. I don't know what they do, but they will know what you do. General Fidelity Life. How about Boatman's Insurance Agency? You do business with any one of these and more than a thousand affiliates will know how much you earn, what your Social Security number is, how did you pay, if you missed a payment, what your likes and dislikes are.

Let us show a couple of others.

Bank of America and other affiliated companies: Oakland Trace Redevelopment, Holly Springs Meadows, LLC, East Nashville Housing. You go into a bank in California and East Nashville will know what you are worth.

Dallas-Ft. Worth Affordable Housing, Old Heritage New Homes, Texas Corporate Tax Credit Fund, and it goes on. Michigan, Osbourne Landing Limited, it goes on and on. West Wood Manor Development, Elk Ridge Apartments.

The point I am making—and I will show one last chart. We have 9 of these charts listing Bank of America's 1,600 affiliates, for anyone who really cares enough to examine each and every one of these affiliates.

Our point is we could go on and on and make our point with each and every chart, but I am going to spare my colleagues. They have worked long and hard already today. Here is the point: Do not share. That is a simple message. This Senate supported ''do not call.'' We said people deserve their privacy. If you don't want to get a call at night, you shouldn't have to get a call at night.

We are saying if you decide—and our amendment simply says you have to opt out automatically under this Feinstein-Boxer amendment—your information would be shared, you have to take an affirmative step and opt out. If you are a person who believes in your right to privacy, and you don't want some company over in The Netherlands to know what you are about, because there is one here—Bank of America Netherlands. How about Odessa Park? These are worldwide affiliates. We are very proud of Bank of America. Good for them. They have all of these affiliates. But not good for them if they start to share information.

Under the underlying bill, they can share all sorts of information with every one of these affiliates. Guess what. You get turned down for a loan, let us say, because of information that was shared among the affiliates. You have absolutely no right to know who told who what, where, and when. What if it was wrong? There is no redress. There is no way to correct the record.

All I can say is I have heard the debate, and I have heard our amendment taken out of context: Oh, gee, that amendment will make it worse for people. Wrong. I will tell you who is supporting our amendment—people who have fought their whole lives for consumers and for the rights of people to have privacy. That is who is supporting us.

The AARP, which represents many seniors, supports our amendment; the ACLU fights for civil liberties and privacy; Consumer Federation of America, Consumers Union, the National Association of Consumer Advocates, National Community Reinvestment Coalition, Privacy Rights Clearinghouse, Privacy Times, U.S. PIRG. These are people who absolutely know our amendment is a step in the right direction.

I have a couple of other points to make. I will make them as quickly as I can.

I want to share with you some of the quotes that were made by the big banks when California passed its law. Did they complain about it? Not at all. This is what they said.

This is Diane Colborn who lobbies for Personal Insurance Federation. She called this workable, reasonable compromise a ''balanced measure that will provide meaningful protections to consumers while also addressing the workability concerns that our members and customers had.''

Jim Bruner, who lobbies for the Securities Industry Association, appeared before our committees in California. He said the measure is a ''good, workable, reasonable bill.''

The ink didn't dry on that bill before they came up here and started wining and dining and talking to people—I guess you can't wine and dine anymore, and that is a good thing—about why this bill couldn't go too far. Don't go too far; it is a burden. I am so sorry about that. I was so excited when California passed the privacy protections.

In closing my remarks, I will read some newspaper editorials.

From the New York Times: ''Buyer Beware,'' just written a few days ago.

> This (affiliate sharing) is a dark and unmapped universe in which banks, credit card companies and insurers have free rein to share detailed records among thousands of affiliates, with customers largely powerless and unknowing. Bank balances, buying habits, investment profiles and more can be tapped into in ways that invite fraud, marketing assaults, identity theft and unfair credit decisions.
>
> The Senate measure contains no real solution for indiscriminate data sharing. Far preferable is an amendment to be offered by Senators Dianne Feinstein and Barbara Boxer of California that would require advance notice from businesses so consumers would have a chance to block planned sharings that reached beyond relevant credit issues. Rejection of this amendment would only compound businesses' temptation to be marketers rather than the protectors of the privacy of the American consumer.

We know in the underlying bill you cannot share for marketing purposes, but there is a giant loophole dealing with preexisting relationships, making it confusing and complicated. That is why I believe the Feinstein-Boxer amendment will cure these problems.

From the San Jose Mercury News:

> The financial services industry is guilty of a nasty bait-and-switch on the people of California. Its lobbyists worked with privacy advocates to help shape the law into what the industry called a reasonable and workable compromise. All the industry said it hoped for was a uniform privacy standard across the nation.

Yet immediately after the California law was approved, industry lobbyists went to Washington to try to erase it from the boxes. The only national standard they are interested in is one that gives them the unfettered right to sell their customers' personal financial details to the highest bidder. That was the San Jose Mercury News, in the heart of Silicon Valley. This is a newspaper that very often is on the cutting edge of the way we ought to be thinking about financial issues.

I close with an editorial from The Los Angeles Times, October 29, entitled ''Put Privacy on the List.''

Congress promised voters that it would improve consumer rights with regular reviews of the Fair Credit Reporting Act, initially passed 33 years ago to balance the competing interests of business and consumers. Bills in the House and Senate would make it easier for consumers to see credit reports and report identity theft. But the legislation wouldn't help consumers keep private their bank balances, spending patterns and other sensitive data. Congress could cover this gaping problem by adopting the amendment crafted by Feinstein and Boxer, which keeps alive the protections at the heart of SB 1.

Colleagues, I know sometimes we get bills where deals have been cut, deals have been made, and everyone has put their hand out like after a sports game, saying: OK, on blood oath, we will not take amendments. I have been here long enough to know that.

I hope some colleagues will be open to this. We have done the right thing. Strong percentages of the American people—if it mirrors California, it would be 80 percent and above—support making sure that your personal-private financial data cannot be shared within a family of a company which could include thousands—1,600, 2,000, who knows—as more and more mergers go on. We do not want that information to be shared.

That is exactly the right course to take. I am hopeful we will get a strong vote on the Feinstein-Boxer amendment.

I yield the floor.

Mr. DURBIN. Mr. President, I rise to speak in support of the Feinstein-Boxer amendment to S. 1753 on the sharing of information among affiliates. This amendment would give consumers the choice to opt out of having their personal ''transaction and experience'' information shared among affiliates. The privacy provision in the California law represented by this amendment was the result of long negotiations among consumer groups and banks, and in the end the banks in California called this provision ''reasonable and workable.'' Reasonable and workable. I am a cosponsor of this amendment because, in a reasonable and workable way, it simply gives consumers some control over their personal information.

Let me emphasize just a few key points about this amendment. The amendment is still about an opt out, not a blanket restriction. It just gives consumers the option of keeping their personal information personal. Now the underlying bill also has an opt out, but that opt out is minimal: it is just for marketing, just for new customers, and would expire 5 years after the consumer requested it. The Feinstein-Boxer opt out, by comparison, is for the exchange of transaction and experience information; it is for uses other than marketing; it is for current and new customers; and it has no expiration. It, therefore, provides more protection for consumers who are concerned about protecting their privacy.

Another thing to remember about this amendment: the amendment does not alter preemption. With this provision States would still be deprived, permanently, of the opportunity of enacting their own legislation relating to affiliate sharing. If we are going to have a national law, we need a reasonable national standard.

Mr. President, a lot has been said about this amendment and how it would create all kinds of problems, so let me be clear about what this amendment would not do.

The amendment would not prevent the extension of affordable credit. Affiliates could still request credit reports and scores, as always.

The amendment would not prevent affiliates working under the same name in the same line of business from working together: it contains an exception for sharing among such close affiliates. It would not impede the investigation for fraud or identity theft. It would not impede transactions or the servicing of a product requested by the consumer. It would not impede institutional risk control. It would not impede the resolution of customer disputes or debt collection. It would not impede efforts to locate missing and abducted children.

Mr. President, I say again: If we are going to have a national law, we need a reasonable national standard. This amendment is just such a standard. I urge my colleagues to support it.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Maryland.

Mr. SARBANES. I will be quick because I know the chairman intends to move ahead with respect to this amendment. I will make some very basic points.

Some of this discussion has been along the lines that under existing law this information is shielded and we are taking something away from people. The fact is, under existing law there are no limitations on the sharing of information with affiliates. That is the existing law.

What the committee has sought to do is place the limitation on the sharing of information with affiliates for solicitation for marketing purposes, which is the biggest complaint we have heard flowing out of the sharing of information. That is what people have complained to us about. We are trying to provide that protection for the consumer.

The California law and the amendment take a different approach. They, in effect, say you cannot share information with an affiliate or the consumer has to be given the opportunity to opt out. But the California law has some exceptions or exemptions from that requirement. The amendment that is pending has 17 such exemptions.

To evaluate this—it is very complex; I agree with my colleague from California when she says this is a complex area; it is very complex—but to evaluate these exemptions, you have to work through all of the exceptions and see where that leads as opposed to what is in the committee bill.

Let me give an example. One exception is if a company is in the same line of business, a common brand, then the provisions of the amendment do not apply with respect to restricting and sharing of information. What the committee has reported out would, in fact, apply a limitation, an opt-out limitation in that instance for soliciting for marketing purposes.

As I said earlier, that is generally what we have heard as being the source of people's concern and discontent. In that sense, what is in the bill is for that purpose broader than what is in the amendment.

These extensive exceptions will involve a great deal of litigation. We do have a preexisting customer relationship exception, our provision, which we expect the regulators to define, to give it more content and more meaning.

Second, the amendment has an exemption for a common database and the information that goes into a common database. In fact, it says a person does not disclose information or share information with an affiliate solely because information is maintained in a common information system or database and employees of the person and its affiliate have access to that common information system or database. That is another provision in the amendment, a major provision, which in fact restrains or restricts the consumer's ability to opt out.

I could go on with this form of analysis, but I have probably given enough to underscore my thoughts. I appreciate the commitment of the two Senators from California, Mrs. FEINSTEIN and Mrs. BOXER, on this issue. They have been champions and leaders on this issue. Many Members have been with them on these matters and presumably will remain with them.

But we are trying to craft a bill to deal with the FCRA. It is not comprehensive. We are dealing with that subject alone. What is in the bill from the committee is a significant improvement over existing law. I don't think there is any question about that. I think there is an arguable case that, in fact, it may provide more protection for the consumer than the amendment that is pending. Therefore, I am supportive of the chairman and his efforts with regard to this issue.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I now move to table the Feinstein-Boxer amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 2054. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FRIST. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from Kentucky (Mr. MCCONNELL), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING) would vote ''yes.''

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. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 24, as follows:

[Rollcall Vote No. 434 Leg.]

YEAS—70

Akaka	Daschle	McCain
Alexander	DeWine	Miller
Allard	Dodd	Murkowski
Allen	Dole	Nelson (NE)
Baucus	Domenici	Nickles
Bayh	Dorgan	Pryor
Bennett	Ensign	Reid
Biden	Enzi	Roberts
Bingaman	Fitzgerald	Santorum
Bond	Frist	Sarbanes
Breaux	Graham (SC)	Schumer
Brownback	Grassley	Sessions
Burns	Gregg	Shelby
Campbell	Hagel	Smith
Carper	Hatch	Snowe
Chafee	Hutchison	Specter
Chambliss	Inhofe	Stabenow
Cochran	Inouye	Stevens
Coleman	Johnson	Sununu
Collins	Kyl	Talent
Conrad	Landrieu	Voinovich
Cornyn	Lincoln	Warner
Craig	Lott	
Crapo	Lugar	

NAYS—24

Boxer	Feinstein	Leahy
Byrd	Graham (FL)	Levin
Cantwell	Harkin	Mikulski
Clinton	Hollings	Murray
Corzine	Jeffords	Nelson (FL)
Dayton	Kennedy	Reed
Durbin	Kohl	Rockefeller
Feingold	Lautenberg	Wyden

NOT VOTING—6

Bunning	Kerry	McConnell
Edwards	Lieberman	Thomas

The motion was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2059

Ms. CANTWELL. I call up the Cantwell amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Ms. CANTWELL], for herself and Mr. ENZI, proposes an amendment numbered 2059.

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

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

The amendment is as follows:

(Purpose: To provide for certain information to be provided to victims of identity theft, and for other purposes)

On page 22, line 6, strike the quotation marks and the final period and insert the following:

''(e) INFORMATION AVAILABLE TO VICTIMS.—

''(1) IN GENERAL.—For the purpose of documenting fraudulent transactions resulting from identity theft, not later than 20 days after the date of receipt of a request from a victim in accordance with paragraph (3), and subject to verification of the identity of the victim and the claim of identity theft in accordance with paragraph (2), a business entity that has provided credit to, provided for consideration products, goods, or services to, accepted payment from, or otherwise entered into a commercial transaction for consideration with, a person who has allegedly made unauthorized use of the means of identification of the victim, shall provide a copy of application and business transaction records in the control of the business entity, whether maintained by the business entity or by another person on behalf of the business entity, evidencing any transaction alleged to be a result of identity theft to—

''(A) the victim;

''(B) any Federal, State, or local governing law enforcement agency or officer specified by the victim in such a request; or

''(C) any law enforcement agency investigating the identity theft and authorized by the victim to take receipt of records provided under this subsection.

''(2) VERIFICATION OF IDENTITY AND CLAIM.—Before a business entity provides any information under paragraph (1), unless the business entity, at its discretion, is otherwise able to verify the identity of the victim making a request under paragraph (1), the victim shall provide to the business entity—

''(A) as proof of positive identification of the victim, at the election of the business entity—

''(i) the presentation of a government-issued identification card;

''(ii) personally identifying information of the same type as was provided to the business entity by the unauthorized person; or

''(iii) personally identifying information that the business entity typically requests from new applicants or for new transactions, at the time of the victim's request for information, including any documentation described in clauses (i) and (ii); and

''(B) as proof of a claim of identity theft, at the election of the business entity—

''(i) a copy of a police report evidencing the claim of the victim of identity theft; and

''(ii) a properly completed—

''(I) copy of a standardized affidavit of identity theft developed and made available by the Federal Trade Commission; or

''(II) an affidavit of fact that is acceptable to the business entity for that purpose.

''(3) PROCEDURES.—The request of a victim under paragraph (1) shall—

''(A) be in writing; and

''(B) be mailed to an address specified by the business entity, if any.

''(4) NO CHARGE TO VICTIM.—Information required to be provided under paragraph (1) shall be so provided without charge.

''(5) AUTHORITY TO DECLINE TO PROVIDE INFORMATION.—A business entity may decline to provide information under paragraph (1) if, in the exercise of good faith, the business entity determines that—

''(A) this subsection does not require disclosure of the information;

''(B) the request for the information is based on a misrepresentation of fact by the individual requesting the information relevant to the request for information; or

''(C) the information requested is Internet navigational data or similar information about a person's visit to a website or online service.

''(6) LIMITATION ON LIABILITY.—Except as provided in section 621, sections 616 and 617 do not apply to any violation of this subsection.

''(7) NO NEW RECORDKEEPING OBLIGATION.—Nothing in this subsection creates an obligation on the part of a business entity to obtain, retain, or maintain information or records that are not otherwise required to be obtained, retained, or maintained in the ordinary course of its business or under other applicable law.

''(8) RULE OF CONSTRUCTION.—

''(A) IN GENERAL.—No provision of Federal or State law (except a law involving the nondisclosure of information related to a pending Federal criminal investigation) prohibiting the disclosure of financial information by a business entity to third parties shall be used to deny disclosure of information to the victim under this subsection.

''(B) LIMITATION.—Except as provided in subparagraph (A), nothing in this subsection permits a business entity to disclose information, including information to law enforcement under subparagraphs (B) and (C) of paragraph (1), that the business entity is otherwise prohibited from disclosing under any other applicable provision of Federal or State law.

''(9) AFFIRMATIVE DEFENSE.—In any civil action brought to enforce this subsection, it is an affirmative defense (which the defendant must establish by a preponderance of the evidence) for a business entity to file an affidavit or answer stating that—

''(A) the business entity has made a reasonably diligent search of its available business records; and

''(B) the records requested under this subsection do not exist or are not available.

''(10) DEFINITION OF VICTIM.—For purposes of this subsection, the term 'victim' means a consumer whose means of identification or financial information has been used or transferred (or has been alleged to have been used or transferred) without the authority of that consumer, with the intent to commit, or to aid or abet, identity theft or any other violation of law.''.

On page 33, line 6, strike ''7'' and insert ''5''.

On page 41, line 19, strike ''(e)'' and insert ''(f)''.

On page 47, line 1, strike ''(e)'' and insert ''(f)''.

Ms. CANTWELL. Mr. President, this amendment is one more addition to the great underlying Fair Credit Reporting Act that would establish a process where business records can be accessed by consumers whose identities have been stolen. I urge my colleagues to support this amendment.

Mr. ENZI. Mr. President, I thank Senator SHELBY and Senator SARBANES for their work. They have put in a lot of time working through different changes in this to make it not only more acceptable but more useful. We appreciate that.

I also want to give special mention to Senator CANTWELL, the Senator from Washington, for her perseverance, for her tenaciousness, for her innovation, and for her flexibility. She did a marvelous job of working on this bill. It is extremely important to the Nation.

This is an extremely critical part of fair credit.

In today's world of digital transactions and online living, nobody is safe from the fastest growing crime in America known as identity theft. Last year alone, the Federal Trade Commission estimated that nearly 10 million Americans were victims of this crime, and each paid an average of $500 in order to repair the damage done by fraudsters and credit abusers. To these millions of American families, $500 means mortgages, car payments, student loans, child support, groceries. In the larger context, $500 per victim means American families and businesses lost more than $50 billion in recovery costs in 2003 alone. That is a $50 billion drag on our economy—an economy that is just starting to bounce back. With the number of identity theft cases increasing at an alarming rate, the economic costs will be even higher next year.

As such, I rise today in support of an amendment that will make it easier for victims of identity theft to recover both economically and emotionally from this devastating crime. This amendment is based on a bill my colleague from Washington and I introduced in both 2002 and 2003. Even though the bill passed unanimously last Congress, we have made a number of changes that I believe greatly improve the legislation. I firmly believe this amendment will provide consumers with the right information and businesses with the right safeguards to facilitate quick and cost effective recovery from identity theft.

This amendment will allow victims to work with businesses to obtain information related to cases of identity theft so they can start reversing the lasting and damaging effects of this crime. In drafting this legislation we have worked with all of the stakeholders to ensure that the needs of both consumers and the needs of small businesses, banks and other credit agencies were addressed.

Our amendment provides consumers with the right to ask businesses for records relating to a transaction evidencing identity theft. Businesses, in return, have the right to ask for specific kinds of identity verification and clear proof that the individual asking for the information is, in fact, a victim and not another fraudster. Also important to note, our amendment does not require businesses, to keep new records or seek out information not in their control. It simply requires businesses to share current records with consumers who can prove they have been victims of identity theft.

I am confident that we have drafted careful legislation that will truly help victims of identity theft recover from this terrible and expensive crime. I commend my colleagues on the Banking Committee who have worked closely with us to make the numerous improvements to this amendment. I urge my colleagues to support it.

In summary, the Federal Trade Commission estimated that nearly 10 million Americans were victims of identification crime and that each paid an average of $500 in order to repair the damage done by the fraudsters and credit abusers. That is $50 billion that is taken out of our economy each year.

This amendment is based on a bill my colleague from Washington and I introduced in 2002 and in 2003. Even though the bill passed unanimously the last time, we have made a number of changes that I believe greatly improve the legislation.

I firmly believe this amendment will provide consumers with the right information and businesses with the right safeguards to facilitate quick and cost-effective recovery from identity theft.

This amendment allows the victims to work with businesses to obtain information related to cases of identity theft so they can start reversing the damaging effect of the crime.

In drafting this legislation, we worked with all of the stakeholders. Our amendment provides consumers with the right to ask businesses for records relating to the transaction. Businesses, in return, have the right to ask for specific kinds of identity verification and clear proof that the individual asking for the information is in fact the victim and not another fraudster.

It is also important to note our amendment does not require businesses to keep records or seek out information not in their control. It simply requires businesses to share current records with consumers who can prove they have been victims of identity theft. I think this will help consumers in a tremendous way.

I appreciate the work Senator CANTWELL has put in on this amendment. This $50 billion drag on the economy can be solved and will be appreciated by consumers.

I thank my colleagues for supporting it and Senators SARBANES and SHELBY for statements on the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, the managers are prepared to accept this amendment. I commend Senator CANTWELL and also Senator ENZI for the work they have done in this regard.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, we are happy to take this amendment. I wish to echo the chairman in thanking Senator CANTWELL and Senator ENZI for their work on this important issue. This is an issue they have been addressing for quite some time, and we are very pleased that there are important identity provisions as the bill came from the committee, and I think this is a positive addition.

Mr. SHELBY. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 2059.

The amendment (No. 2059) was agreed to.

Mr. SHELBY. 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. 2060

Mrs. BOXER. I send an amendment to the desk and ask for its immediate consideration. I am very pleased to say both Senator SARBANES and Senator SHELBY have signed off on this amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mrs. FEINSTEIN, proposes an amendment numbered 2060.

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

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

The amendment is as follows:

(Purpose: To address the duration of certain consumer elections and to define the term ''pre-existing business relationship'')

On page 50, strike line 12 and all that follows through page 51, line 3 and insert the following:

''(3) DURATION.—The election of a consumer pursuant to paragraph (1)(B) to prohibit the sending of solicitations shall be effective permanently, beginning on the date on which the person receives the election of the consumer, unless the consumer requests that such election be revoked.

''(4) DEFINITION.—For purposes of this section, the term 'pre-existing business relationship' means a relationship between a person and a consumer, based on—

''(A) the purchase, rental, or lease by the consumer of that person's goods or services, or a financial transaction between the consumer and that person during the 18-month period immediately preceding the date on which the consumer receives the notice required under this section; or

''(B) an inquiry or application by the consumer regarding a product or service offered by that person, during the 3-month period immediately preceding the date on which the consumer receives the notice required under this section.

''(5) SCOPE.—This section shall not apply to a''.

Mrs. BOXER. I ask unanimous consent that Senator FEINSTEIN be added as a cosponsor.

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

Mrs. BOXER. Very briefly, this amendment closes what I consider to be a little bit of a loophole in the marketing opt-out provision of the bill. We do two things. The underlying bill says the marketing opt-out expires after 5 years, unless a consumer opts out

again. We make the first opt-out permanent as long as the consumer wants it.

Secondly, the definition of a preexisting relationship with a company, with an affiliate, is drawn in such a way, it is very broad. So what we say is, a person will be deemed to have this preexisting relationship with the affiliate if they have purchased, rented, or leased a service or good from the affiliate during the 18-month period before the information sharing takes place or they have inquired about an affiliate's product in the 3 months before the sharing takes place.

By adopting this simple amendment, we keep financial institutions from violating consumer rights. I am very pleased that both sides of the committee have signed off on this, and I would be happy to take a voice vote on this at this time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, the managers are prepared to accept this amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I actually wish to commend the Senator from California because she has introduced some specificity into a provision that is in the committee-reported bill. I am very frank to say I think this will be very helpful, and I join the chairman in supporting the amendment.

Mr. SHELBY. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2060.

The amendment (No. 2060) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2061

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk on behalf myself, Senator BOXER, and Senator KENNEDY.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mrs. BOXER, and Mr. KENNEDY, proposes an amendment numbered 2061.

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

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

The amendment is as follows:

(Purpose: To address restrictions on the sharing of medical information among affiliates, and for other purposes)

On page 81, strike lines 6 through 15 and insert the following: ''to any person related by common ownership or affiliated by corporate control, if the information is medical information, including information that is an individualized list or description based on the payment transactions of the consumer for medical products or services, or an aggregate list of identified consumers based on payment transactions for medical products or services.''.

(c) DEFINITION.—Section 603(i) of the Fair Credit Reporting Act (15 U.S.C. 1681a(i)) is amended to read as follows:

''(i) MEDICAL INFORMATION.—The term 'medical information' means information or data, other than age or gender, whether oral or recorded, in any form or medium, created by or derived from a health care provider or the consumer, that relates to—

''(1) the past, present, or future physical, mental, or behavioral health or condition of an individual;

''(2) the provision of health care to an individual; or

''(3) the payment for the provision of health care to an individual.''.

Mrs. FEINSTEIN. Mr. President, this amendment essentially updates the definition of ''medical information.'' It takes a medical definition submitted by the National Association of Insurance Commissioners. It is the definition that is used by a majority of our States. I ask unanimous consent that a letter in support of this definition from the American Medical Association, the American Cancer Society, the California Medical Association, the Community Clinic Consortium, the San Francisco AIDS Foundation, and the AIDS Health Care Foundation be printed in the RECORD.

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

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, November 3, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the American Medical Association (AMA), we applaud you for your amendment that would improve the medical privacy protections in the National Consumer Credit Reporting System Improvement Act of 2003 (S. 1753).

Your amendment would strengthen the protections in S. 1753 restricting the sharing of medical information for employment, credit or insurance purposes, by broadening the definition of ''medical information'' to ensure that it covers all patient information held by physicians and other health care providers, including mental and behavioral health information.

Thank you for your efforts to protect sensitive patient information in this important legislation.

Sincerely,

MICHAEL D. MAVES, MD, MBA.

AMERICAN CANCER SOCIETY,
Washington, DC, October 30, 2003.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the American Cancer Society and its millions of volunteers and supporters, we applaud your efforts to protect patient medical information from improper use or disclosure by employers, insurers or creditors.

Many cancer patients and their families are concerned about the privacy of information relating to their medical care, especially with the increasing use of electronic payments and data keeping. As a result, the American Cancer Society supports a definition of medical information that allows medical research to advance, while at the same time, protects the rights and needs of patients and their family members.

Sincerely,

DANIEL E. SMITH,
National Vice President, Federal and State Government Relations.

WENDY K. D. SELIG,
Vice-President, Legislative Affairs.

CALIFORNIA MEDICAL ASSOCIATION,
Sacramento, CA, October 31, 2003.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the California Medical Association and its 35,000 member physicians, we support your efforts to protect patient medical information from improper use or disclosure by employers, insurers or creditors.

Many patients and their families are concerned about the privacy information relating to medical care, especially with the increasing use of electronic payments and data keeping. We support a tight definition of medical information of when such information could be used. Your language accomplishes this while at the same time allowing appropriate utilization for research purposes.

Please let us know if we can do more to support your efforts.

Sincerely,

STEVEN M. THOMPSON,
Vice President, Government Relations.

SAN FRANCISCO COMMUNITY CLINIC CONSORTIUM,
San Francisco, CA, October 31, 2003.

Re The San Francisco Community Clinic Consortium Supports S. 1753, the Medical Information Privacy Amendment to the Fair Credit Reporting Act (FCRA).

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: The San Francisco Community Clinic Consortium—an organization of neighborhood health centers serving 66,000 low-income and uninsured San Franciscans—strongly supports the passage of S. 1753, the Medical Information Privacy Amendment to FCRA.

The vague definition of ''medical information'' in FCRA creates loopholes in FCRA protection that could prove harmful to people like our clinic clients with stigmatized diseases like mental illness, HIV/AIDS and long-term chronic conditions. S. 1753 corrects the potential problems and provides the more complete protections that people deserve.

S. 1753 would clarify and strengthen FCRA's definition of medical information. It would also eliminate the false distinction between medical information and medical transaction information. This new definition is critical to protecting the privacy of individuals with chronic illnesses. Even the possibility of breaches of patient medical record confidentiality undermines health care. Patients who know their medical care information could and would be shared with employers, credit organizations and insurance companies will be less forthcoming with their health care providers and, thus, the quality of health care they receive will be compromised; this is neither necessary nor desirable.

SFCCC looks forward to continuing to work with you to protect the essential privacy of individuals' medical and health status information; this is a cornerstone of effective health care. Please call (415 345–4233)

if you need additional information or assistance on this matter.

Sincerely,

JOHN GRESSMAN,
President/CEO.

SAN FRANCISCO AIDS FOUNDATION,
San Francisco, CA, October 29, 2003.

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: The San Francisco AIDS Foundation strongly supports the passage of S. 1753, the Medical Information Privacy Amendment to the Fair Credit Reporting Act (FCRA). While the FCRA attempts to protect consumers from having their medical information used for employment, credit or insurance purposes, the vague definition of ''medical information'' in FCRA creates loopholes in the protection that would prove harmful to people living with HIV/AIDS, mental illness and other stigmatized diseases. S. 1753 rectifies the problems in the underlying legislation and provides the protections these consumers require and deserve.

The current definition of medical information in FCRA does not protect the information consumers would supply on documents such as life insurance applications, which ask what medications a consumer is taking. Nor does FCRA protect information obtained without consent. A specific example of this is the reporting of unpaid medical bills from HIV clinics. FCRA does not protect consumers from banks data mining its customers' medical payment transactions to make credit decisions. The majority of U.S. bankruptcies are due to health care costs, which give banks an incentive to determine a customer's creditworthiness based on health. The ties between insurance companies and banks are continuously strengthened as large banks often have hundreds of affiliates, many of whom are also insurance companies. As insurance companies move to electronic forms of payments, they are giving banks large amounts of medical transaction data about their clients. This may include the type of clinic and specific service delivered.

S. 1753 would clarify and strengthen FCRA's definition of medical information and eliminate the false distinction between medical information and medical transaction information. This new definition is essential for people living with HIV/AIDS because it provides them with financial privacy. After more than 20 years of dealing with the epidemic, there is still significant cultural stigma attached to HIV disease. Potential disclosure of medical information and breaches in financial privacy create additional health care access barriers. It is therefore essential that the confidentiality of ones health status and medical information be protected from inappropriate use in employment, credit or insurance purposes.

The AIDS Foundation looks forward to working with you to promote medical information privacy and health status confidentiality. Please do not hesitate to call at 415–487–3096.

Sincerely,

ERNEST HOPKINS,
Director of Federal Affairs.

AIDS HEALTHCARE FOUNDATION,
Los Angeles, CA, November 3, 2003.

Re Letter of support for privacy amendment to S. 1753.

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN:

AIDS Healthcare Foundation (AHF) would like to thank you for sponsoring a legislative amendment to the Fair Credit Reporting Act that will protect the privacy of personal medical information in the form of payments for medical services and products and other transactions. As the United States' largest AIDs organization, and provider of medical care to over 12,000 persons in the U.S., AHF is acutely aware of the need to protect consumers from unauthorized use of data pertaining to their medical treatment. Such information is clearly private, and it is highly inappropriate for it to be used for marketing or similar purposes. Such an abuse can only erode the trust patients have in their medical providers and the medical system in general. Thank you, again, for sponsoring this amendment, which AHF is happy to support.

Sincerely,

CLINT TROUT,
Associate Director, Government Affairs-Federal.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 30, 2003.

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building, U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: We applaud you for your efforts to strengthen and improve the medical privacy protections containd in your amendment to expand the definition of ''medical information'' under The National Consumer Credit Reporting System Improvement Act of 2003 (S. 1753).

Although the original bill's medical privacy section includes significant new consumer protections that black-out the use of medical information for employment, credit, or insurance purposes, it includes an inadequate definition of the term ''medical information,'' which could result in creating a loophole that weakens the bill's intended objective. By describing ''medical information'' using the National Association of Insurance Commissioner's (NAIC) definition, which has been agreed upon and implemented by insurance regulators in a vast majority of states, your amendment closes existing loopholes and eliminates the opportunity for unscrupulous use of sensitive medical information.

We also support your amendment because it eliminates the inconsistent differentiation between medical information and medical transaction information, providing greater certainty to the bill's language and to future interpretations of legislative intent. This would be a marked improvement to the underlying bill's definition of medical information, which as currently written does not protect mental or behavioral health information, data provided by consumers on life insurance applications, or medical information obtained without consent, such as the reporting of an unpaid bill from a cancer center. We believe the effect of these harmful oversights can be negated by passage of your amendment.

As you know, millions of consumers worry that their health providers or insurers may be sharing their private information with others. Beyond this concern, however, is a feeling that they have less and less control over their sensitive medical files. Medical information should have no place in employment decisions or credit determinations and related corporate entities should not be able to share it—this information deserves the strongest protection under the law, but beyond that, it is important that we give consumers back some control over who can and cannot use this information.

Both the National Consumer Credit Reporting System Improvement Act and the Fair and Accurate Credit Transactions Act, recently passed by the House of Representatives, contain landmark provisions protecting consumers' private medical information. This amendment builds upon these strides by correcting important deficiencies in the Senate bill, and we strongly urge its adoption by the Senate and its inclusion in the legislation that emerges from the Conference Committee. Again, we congratulate you on your thoughtful and bipartisan amendment, and wish you success in its passage on the Senate floor later this week.

Sincerely,

RAHM EMANUEL,
Member of Congress.
WALTER B. JONES,
Member of Congress.

Mrs. FEINSTEIN. I believe both sides will accept the definition, and I would be happy to take a voice vote.

The PRESIDING OFFICER. Is there further debate?

The Senator from Alabama.

Mr. SHELBY. The managers are prepared to accept this amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I join with my colleague in accepting the amendment. I commend the Senator from California. Actually, medical information is something that people feel very keenly about and the Senator's amendment will strengthen the provision that was in the bill adopted in the committee. We thank her very much for the amendment.

Mr. SHELBY. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2061.

The amendment (No. 2061) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2062

Mr. DURBIN. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follow:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 2062.

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

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

The amendment is as follows:

(Purpose: To require reporting to national consumer reporting agencies regarding Federal student loans in order to promote the responsible repayment of such loans and ensure the completeness of information contained in consumer credit reports and scores)

At the end of section 312, insert the following:

(c) REPORTS TO CONSUMER REPORTING AGENCIES.—

(1) REPORTS.—Section 430A(a) of the Higher Education Act of 1965 (20 U.S.C. 1080a(a)) is amended to read as follows:

''(a) AGREEMENTS TO EXCHANGE INFORMATION.—

''(1) IN GENERAL.—For the purpose of promoting responsible repayment of loans covered by Federal loan insurance pursuant to

this title or covered by a guaranty agreement pursuant to section 428, the Secretary, each guaranty agency, eligible lender, and subsequent holder shall enter into an agreement with each national consumer reporting agency as described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)) to exchange such information as is required by the Secretary concerning each borrower of a loan made, insured, or guaranteed under this title who is served by the Secretary, agency, lender, or holder, respectively, regardless of the default status of the borrower. Such information shall be reported to the agencies regularly, shall be identified as pertaining to such a loan, and shall include any positive or negative repayment information relevant to the borrower.

''(2) OBJECTIONS RAISED BY BORROWERS.—For the purpose of assisting the reporting agencies in complying with the Fair Credit Reporting Act, such agreements may provide for timely response by the Secretary (concerning loans covered by Federal loan insurance), by a guaranty agency, eligible lender, or subsequent holder (concerning loans covered by a guaranty agreement), or to requests from the reporting agencies, for responses to objections raised by borrowers.

''(3) NONPAYMENT.—Subject to the requirements of subsection (c), such agreements shall require the Secretary, the guaranty agency, eligible lender, or subsequent holder, as appropriate, to disclose to the reporting agencies, with respect to any loan under this part that has not been repaid by the borrower—

''(A) the total amount of loans made to any borrower under this part and the remaining balance of the loans;

''(B) information concerning the date of any default on the loan and the collection of the loan, including information concerning the repayment status of any defaulted loan on which the Secretary has made a payment pursuant to section 430(a) or the guaranty agency has made a payment to the previous holder of the loan; and

''(C) the date of cancellation of the note upon completion of repayment by the borrower of the loan or payment by the Secretary pursuant to section 437.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(A) in section 427(a)(2)(G)(i) (20 U.S.C. 1077(a)(2)(G)(i)), by striking ''credit bureau organizations'' and inserting ''reporting agencies'';

(B) in section 428C(b)(4)(E)(i) (20 U.S.C. 1078–3(b)(4)(E)(i)), by striking ''credit bureau organizations'' and inserting ''reporting agencies''; and

(C) in section 430A (20 U.S.C. 1080a)—

(i) in subsection (b)—

(I) by striking ''such organizations'' and inserting ''the reporting agencies''; and

(II) by striking ''(a)(2)'' and inserting ''(a)(3)(B)'';

(ii) in subsection (c)(2), by striking ''such organizations'' and inserting ''the reporting agencies'';

(iii) in subsection (b)(4)—

(I) by striking ''(a)(2)'' and inserting ''(a)(3)(B)''; and

(II) by striking ''credit bureau organizations'' and inserting ''the reporting agencies'';

(iv) in subsection (d), by striking ''credit bureau organization'' and inserting ''reporting agency''; and

(v) in subsection (f), by striking ''consumer reporting agency'' each place the term appears and inserting ''reporting agency''.

Mr. DURBIN. Mr. President, I announced my intention to offer this amendment at an earlier date. Since the announcement of that intention, we have been negotiating with Sallie Mae, the Government-sponsored enterprise which is the largest provider of student loans in the country. The reason for this amendment was a new policy of Sallie Mae, as of a few months ago. In fact, about a year ago Sallie Mae decided to stop reporting repayment information to two of the three major credit bureaus in the United States. It turns out that the Higher Education Act, which governs Sallie Mae, required that defaults on student loans be reported to all three national credit bureaus but, by regulation, positive repayment information only went to one.

As a consequence, many responsible students who had paid off their student loans were not provided the credit information on their own backgrounds so that it was clear that they paid off their loans. So these students who had turned to a credit bureau for a mortgage or a loan on a car would have an outstanding student loan. It worked to their disadvantage. This decision by Sallie Mae worked a terrible disadvantage to students who had done the right thing.

I made it clear to the chairman, Mr. SHELBY, as well as Senator SARBANES, that I thought this was an injustice that needed to be corrected. Fortunately for me and for the students involved, Sallie Mae has sent a letter. I understand Chairman SHELBY, if I am not mistaken, has received a copy of this letter from Sallie Mae; is that correct?

Mr. SHELBY. If the Senator will yield, we do have a copy of the letter from Sallie Mae.

Mr. DURBIN. I ask unanimous consent this letter be printed in the RECORD.

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

SALLIE MAE, INC.,
Washington, DC, November 4, 2003.

Hon. RICHARD C. SHELBY,
U.S. Senate, Committee on Banking, Housing and Urban Affairs, Washington, DC.

Hon. PAUL S. SARBANES,
U.S. Senate, Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR SENATORS SHELBY AND SARBANES: I am writing to update you on how Sallie Mae reports the credit performances of our customers to the national credit bureaus.

Our goal is to ensure that our customers get the credit they have earned. To that end, we have been reporting to one of the national credit bureaus all along, as required by law. When we learned recently that one of our borrowers has not had full access to his credit history, we began negotiating again with the other two credit bureaus so that we could resume reporting to them.

I am pleased to let you know that following extensive discussions with the other two credit bureaus, Sallie Mae has agreed to resume reporting to them and will provide each with credit information for our customers. We will keep you and your staffs apprised as we move forward in implementing this decision.

We are pleased that the credit bureaus are being responsive to our concerns and we look forward to working with them. Thank you for your interest in this important issue. Please feel free to contact me if you have questions or need additional information.

Sincerely,

ROSE DINAPOLI,
Vice President, Government & Industry Relations, Sallie Mae.

Mr. DURBIN. The letter makes it clear that Sallie Mae is reversing its position; that from this point forward they will report repayment of student loans to all three major credit bureaus. This is what my amendment sought to achieve, so I am going to withdraw this amendment and thank both Senator SHELBY and Senator SARBANES for their cooperation and urge them to join me in offering an amendment to the Higher Education Act which codifies in law this new policy that the Sallie Mae agency has now decided to implement.

There is no reason responsible college students, having paid off their loans, should be penalized because Sallie Mae refuses to notify all three major credit bureaus in America. I am glad with this letter they have decided to change their policy. I hope at a later time to offer this amendment to the Higher Education Act and thank the members of the committee for their cooperation in this regard.

Mr. DURBIN. Mr. President, Section 312 of the bill before us is entitled ''Procedures to enhance the accuracy and completeness of information furnished to consumer reporting agencies.'' My Responsible Student Amendment addresses exactly that: the completeness of information furnished to consumer reporting agencies. My amendment is designed to ensure that young Americans who have positive credit histories established by responsibly repaying their student loans will be able to take a clean shot at the American dream when they try to buy their first home. It does so simply by requiring what until recently was standard practice for student loan providers; regular reporting on all loan repayments to each of the three major credit bureaus.

Until recently, responsible repayment of student loans was rewarded as would be expected, with a positive credit history. Responsible repayment was responsibly reported by student loan providers, in the typical fashion, to all three major credit bureaus. One of those providers, the biggest, is Sallie Mae. Sallie Mae was founded in 1972 as a government-sponsored enterprise, GSE. In 1997, the company initiated the privatization process. Sallie Mae, in other words, was born and raised on the taxpayers dime. One might hope that it would therefore feel some responsibility to keep taxpayers' interest in mind.

About a year ago, however, Sallie Mae, by far the largest provider of Federally guaranteed student loans, suddenly stopped reporting repayment information to two of the three major credit bureaus. It turns out that The

Higher Education Act, which established the Federal student loan program, requires that defaults on student loans be reported to all three national credit bureaus, while positive repayment information only has to go to one. Is this the way we want to reward responsible repayment of student loans? Don't we want a system that rewards responsible repayment, rather than one that shrugs and says that that information doesn't matter?

What is the result of Sallie Mae not reporting to two of the three major credit bureaus? Thousands of young people—whose main or only use of credit has been their student loans from Sallie Mae—suddenly have major gaps in their credit histories. Stories in the Washington Post and the American Banker have described the case of one typical 31 year old, named Eric Borgeson. Mr. Borgeson is an architect who lives in Edwards, CO. Mr. Borgeson, who graduated from college 10 years ago, had a perfect credit repayment record on his three Sallie Mae loans. Then, midway through the home-buying process, his credit score dropped by 40 points. Sallie Mae had pulled his perfect repayment records from his credit reports with two of the three major credit bureaus. As a result, he ended up with a lower credit score and a significantly higher interest rate on his mortgage, that he estimates will cost him nearly $200 more per month in interest payments.

Why has Sallie Mae stopped reporting to two of the three major credit bureaus? The answer is simple: prescreened lists. Credit bureaus typically sell lists of their customers, prescreened to meet certain criteria based on the information in their credit reports. Sallie Mae's competitors were using such lists to offer Sallie Mae's customers better deals. Rather than meet the competition, Sallie Mae simply decided to pull its customers' information from bureaus that wouldn't agree to stop selling pre-screened lists.

Sallie Mae claims that it is simply protecting its customers from unwanted solicitations. Sallie Mae knows, however, that there is a toll free phone number people can call to keep their name off of such prescreened lists. If it really was concerned about protecting its customers from unwanted credit card solicitations, it could simply publicize that number: 888–567–8688.

The group of consumers in question here is a unique group of consumers. Just starting their careers, still paying off their loans: if there is any group of consumers that benefits from competition among loan providers and consolidators, this group is it. This is a group that often wants to hear from Sallie Mae's competitors. Those still repaying their student loans may get offers from consolidators who will combine all their loans and charge a lower overall interest rate. Those who have finished repaying their student loans are often establishing homes, careers, and families and therefore using credit cards more than average users. They, therefore, may benefit from being able to compare the credit card package they have with the offerings of competitors.

By trying to shield its customers from competing offers, Sallie Mae does them a disservice twice: it punches a big hole in their credit histories, resulting in higher rates on mortgages and other new loans, and it prevents them from learning of better deals for other financial services. Each of these alone could cost consumers thousands of dollars.

My amendment prevents that from happening. It amends the Higher Education Act by adding the word ''each,'' requiring reporting to each of the major ''consumer reporting agencies''—credit bureaus—and making clear that both positive and negative information should be accurately reported.

Responsible repayment of student loans should be rewarded by inclusion in accurate and complete credit histories. This amendment will ensure that result.

AMENDMENT NO. 2062 WITHDRAWN

I need no further time. I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is withdrawn.

Mr. SARBANES. Mr. President, I commend the able Senator from Illinois because he saw a problem and fastened on it and as a consequence, we at least have a solution, at least at the regulatory level. I understand the Senator may well pursue it statutorily, although Sallie Mae is not under the jurisdiction of our committee, as he understands.

I share his concern. I think this was an unacceptable situation which existed. Because of the actions of the Senator from Illinois and also the Senator from Wisconsin, Mr. KOHL—who also took a keen interest in this issue—I think we have the resolution of it. I appreciate the Senator's action.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I take a minute to commend Mr. DURBIN, the Senator from Illinois, for his good work in this area. He has recognized this as a very important issue and has done something about it. Whether it is Sallie Mae or anybody else, what we are interested in is all the reporting we can get that would affect someone's credit. I again commend Senator DURBIN for the work he has done. I am sure he will follow up and make sure this is part of the law.

Mr. DURBIN. Mr. President, I thank my colleagues. My colleague, Senator HERB KOHL, shares my feeling on this issue and introduced a similar amendment and joins with me in saluting this change and making it clear we are going to move forward.

Mr. KOHL. Mr. President, I rise today to join Senators DURBIN, SHELBY and SARBANES in expressing our concern about an issue that could affect countless graduates who work hard to pay off their student loans.

A little over a year ago, Sallie Mae—one of the largest originators of student loans and the largest secondary market for student loans—made a quiet decision that had a huge impact on college graduates.

Sallie Mae refused to report student loan repayment histories to two out of three major credit reporting agencies. That means graduates—most of whom have good records of paying on their student loans—have huge holes in their credit histories holes that prevent them from establishing credit or getting the best rates to buy their first home.

I recognize that our credit reporting system is essentially voluntary. There is no legal requirement that any private business report information to any credit bureau. However, Sallie Mae is an exception. U.S. Department of Education regulations require Sallie Mae to report student loan credit report histories to at least one of the three major credit reporting agencies.

Until last year, they reported to all three agencies. Then, Sallie Mae decided to stop reporting to two of the agencies. Some say they stopped because those two agencies routinely sold lists of Sallie Mae customers to competitors who could offer better deals. Sallie Mae maintains that they were protecting their customers from unwanted solicitations.

Whatever the reason, the result is clear: students who have worked hard to complete their education are hurt by this policy. Graduates entering the workforce and attempting to establish credit—even those who may have excellent records paying off their student loans—end up with incomplete credit records. On that basis alone, they may be denied credit.

This is a significant problem. Leaving out positive credit information on student loans can lead to a lower credit score for consumers. Lower credit scores penalize consumers in the form of higher credit card and mortgage interest rates, more expensive insurance, and even the risk of being excluded from the marketplace altogether.

Sallie Mae's decision has been especially detrimental to new home buyers. Mortgage credit is generally based on a merged credit report which incorporates information from all three credit repositories. It can only provide an accurate credit history if all three reports are complete.

The Washington Post recently highlighted the story of a 31-year-old architect who applied for a mortgage to buy a new house. Because Sallie Mae did not report his years of on-time student loan payments to all the credit bureaus, his credit score dropped 40 points—and his mortgage rate increased 1.5 points—costing him $200 dollars more per month in interest payments.

After learning of this problem last month, I have been in touch with Sallie

Mae to urge them to resume full credit reporting to all three of the major credit reporting bureaus. I have also been in touch with the chairman and ranking member of the Banking Committee, and with Senator DURBIN. I appreciate their willingness to work with me to ensure that student loan repayment histories are fully reported to all the major credit bureaus.

I am especially pleased that today, Sallie Mae announced that they have reached agreement with the credit bureaus and will now begin reporting to all three once again. I appreciate their efforts to work with our offices to solve this problem and ensure that their customers get the credit they have earned. I commend Sallie Mae for doing the right thing and fixing this problem promptly.

This is truly a positive step forward, but I think we should take one more at the appropriate time. Congress should codify these new agreements in law by requiring Sallie Mae to report to all three major credit bureaus. This will guarantee graduates that their student loan payment histories will always be reported and their credit scores will be complete. It will make sure that we do not face further problems in the future.

Senator DURBIN and I have both been working on amendments that would do just that. While I will not offer an amendment on this bill, I look forward to working with Senator DURBIN, Chairman SHELBY, and Senator SARBANES to address this issue in the future.

Mr. REID. Mr. President, I know the two managers are on the floor. I want to bring to their attention that Senator CANTWELL has been waiting to speak for some time on an amendment which was adopted. If you could work them into the order, I would appreciate it.

Ms. CANTWELL. Mr. President, my colleague from Wyoming and I tried to accommodate Members who were here in the last few minutes, trying to get several amendments adopted.

I want to spend a few minutes going into more detail about the Cantwell-Enzi Restore Your Good Name Act that has been incorporated into the Fair Credit Reporting Act.

I would first like to thank the chairman and ranking members of the committee for their strong support of this underlying bill that has been incorporated, along with the last amendment that we just voted on by voice a few minutes ago, dealing with business records.

It was roughly 2 years ago that the chairman of the Banking Committee and I spoke at a national platform for the attorneys general of America to address the issue of privacy and some of the biggest challenges to privacy at that time. We both made known our view that this country needed stronger legislation in the area of identity theft.

I commend the chairman and the ranking member for their strong step forward, a really critical step forward, to protect Americans from what is the fastest growing crime in America—identity theft.

Unfortunately, even though the Senate passed the Cantwell-Enzi legislation last year, the House failed to act on it and the number of victims has continued to grow. In fact, 9 million Americans have been the victims of identity theft. This underlying bill incorporates some of those good ideas that my colleague from Wyoming worked so hard on in the Banking Committee and that we worked through the Judiciary Committee to pass. I certainly commend my colleague, Senator ENZI, for his dedication to this issue. Consumers in America are going to be more protected because of his efforts. It has been a pleasure to work with him on these challenging issues, to make sure those protections are put in place.

The underlying bill that we have passed changes the framework by which consumers can now restore their good name and protect their identity. It does so, first and foremost, as Senator ENZI and I suggested, by formulating an affidavit process. So many people in America are victims of identity theft. But I can tell you this: it is not a crime for which you can call 911 and get immediate response. The biggest problem, once you are a victim of identity theft, is proving that you are in fact the person whose identity has been stolen.

I like to say that, in the case of the perpetrator who steals your television set right out of your living room, chances are that he is somewhere in the neighborhood. But the crime of identity theft could involve someone anywhere in the country, or for that matter, outside the United States, working with a ring.

So part of what we are trying to do, first and foremost, is to give victims and law enforcement tools to help victims reclaim their identity. The affidavit process that now must be accepted by business owners and credit agencies as proof that you are a victim of identity theft is the first step in making sure that your credit record is corrected and perpetrators are prevented from continuing to ruin your credit.

Second, the credit provisions that Senator ENZI was successful in getting added in committee represent a tremendous step in solving the problem that so many Americans face when their identity is stolen—that the perpetrators continue to pose as them, running up large credit bills.

In the case of a constituent I recently met in Washington State, the perpetrator who stole the constituent's license succeeded in buying five different vehicles. My constituent has continued to be a subject of investigation by law enforcement as she has tried to prove that it was, in fact, her identity that was stolen, that she was the victim. So a critical part of this legislation is the fact that individuals will be allowed to go to a credit agency and get that information blocked so that their good name is restored.

The amendment that we just adopted deals with another aspect of this problem, which is getting access to business records. Law enforcement in the State of Washington have been very successful at dealing with crimes of identity theft because identity thieves are often criminals who are involved in larger activities. There is a high correlation between people who are involved in identity theft—who use that stolen identity to get access to cash and resources in the State of Washington—and people who are involved with methamphetamine production. These criminals are involved in both drug activity and identity theft.

With this amendment, police can now get access to business records. Any victim, or law enforcement official acting on behalf of the victim, will have access to business records within 20 days after the victim provides identification, an affidavit and a police report to the business. This gives consumers a real tool to correct the harm caused them by this crime. This is a very fundamental part of this bill.

The last aspect of the identity theft bill that is part of the amendment we just agreed to deals with the statute of limitations. In the 2001 Supreme Court case of TRW v. Andrews, the Court ruled that the statute of limitations in these cases runs for 2 years from the time the crime is committed. But what we have found is that some victims of identity theft don't even realize they are victims until a year or 2 years after the identity theft has occurred. The statute of limitations therefore impacted the ability of victims to get justice. The underlying amendment we just agreed to extends the statute of limitations to give victims of identity theft 5 years from the time the crime was committed.

This underlying bill with the amendment we just agreed to represents a critical first step in dealing with one of the most important issues I think we will deal with in this information age, which is the issue of privacy. While this body has tried to deal with this issue in myriad ways by protecting the financial and health records of individuals, and by making sure that either opt-in or opt-out legislation have been cleared with consumers, I think we have much more work to do in the area of privacy. But you can be sure the Fair Credit Reporting Act before us today and the Cantwell-Enzi amendment and language adopted with it take a very positive step in dealing with one of the biggest privacy threats to Americans today—identity theft.

With these tools, law enforcement and individual consumers whose identities have been stolen will have the tools to make the process of reporting and resolving identity theft go smoother. While some may have said businesses would oppose the underlying amendment, or some of the features of the Cantwell-Enzi amendment, businesses have seen record losses of $22

billion a year from identity theft, and they have joined in this effort to make sure we pass strong national legislation.

I again thank Senator SARBANES and Senator SHELBY for their hard work, and certainly Senator ENZI for his effort and his stewardship in making sure we have good legislation in the process that can go on to passage and that will better protect consumers in America.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from New York.

Mr. SCHUMER. Thank you, Madam President.

I thank Chairman SHELBY and Ranking Member SARBANES for the wonderful job they did on this legislation. An important measure such as this that sails through the floor in 1 day is a tribute to the statesmanlike and fine legislative hand of our new chairman of the Banking Committee and, of course, the steady and wise old hand of our former chairman of the Banking Committee and now the ranking member.

I have been ready to offer an amendment on an issue related but not directly on point to this legislation; that is, debit cards. Right now, millions of Americans use debit cards. They are great. You don't need a checkbook when you have a debit card. It solves many problems. It is a real measure of convenience. They are easy and they save a little time. You don't have to go to the bank and get cash. It is a win-win, except for one catch: Most consumers think when they pay with a debit card it is free; that it doesn't cost anything. However, many banks are now charging the consumer when he or she uses the debit card as much as $1.50. In my State of New York, about half the banks charge anywhere between 25 cents to $1.50. When I have asked consumers, they don't know. My wife didn't know.

What I want to do is what I did in the House on credit cards and what I was able to do here in the Senate with ATMs—not eliminate the fees, because that is up to each bank but, rather, disclose them.

There are a couple of problems with disclosure. One is because it is not the banks that own the machines—the ATMs—rather, it is the stores.

It is a little more difficult to get that information out to the consumer even when the consumer swipes the card. What we have done here is ask the Federal Reserve to within 6 months study this issue and show us how it can be done.

In addition, there is another point our amendment has that we ask the Federal Reserve to study; that is, at least putting it on the monthly bank statement in clear letters what the fees are for debit cards. That is not done now. There are kids in college who were mailed these cards, and they used them to buy a Coke. The Coke was a dollar. The fee was a dollar. If they knew it cost $1, they probably wouldn't do it anymore.

I would like to engage in a colloquy with the chairman of the committee.

As the chairman knows, after a long fight Congress enacted legislation so that every ATM—no matter if it is run by a bank or private operator—tells you when you are being charged. Customers have come to know and expect that warning. But there is no warning when you use your card at a store and use it as a debit card. As often as not, you are charged. Is that correct?

Mr. SHELBY. If the Senator will yield, I understand the concerns. I think it is also true that debit card transactions and ATM transactions have some significant differences. Namely, the retailer owns the debit machine while the bank owns the ATM machine. This makes a ''point of sale'' disclosure—as we achieved in Gramm-Leach-Bliley—more difficult since banks cannot easily adjust the equipment and the software.

Mr. SCHUMER. I ask unanimous consent that the letter the chairman, the ranking member, and myself are submitting to the Federal Reserve Board be printed in the RECORD.

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

U.S. SENATE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, DC, November 6, 2003.

Hon. ALAN GREENSPAN,
Chairman, Board of Governors of the Federal Reserve System, Washington, DC.

DEAR CHAIRMAN GREENSPAN: We are writing to request a study by the Board of Governors of the disclosure of fees imposed by financial institutions on consumers in debit card transactions. Our request is outlined in the attached document.

As you know, consumers are increasingly using debt cards as an alternative to cash or credit cards. In 2001, there were estimated to be over 250 million bank cards in circulation with a debit function, and today it is estimated that debit payments make up almost 12 percent of retail payments. The reasons for this growth are clear. Debit cards offer convenience for consumers, and they offer substantial cost savings for banks through more efficient electronic processing.

Debit cards can be used by a consumer in two ways. In an online transaction, the consumer enters his/her personal identification number (PIN), and the debit occurs through an electronic transfer of funds over a local debit network, e.g., InterLink or Plus, from the consumer's bank to the merchant's bank. In an offline transaction, the consumer signs his/her name on a receipt, and the transaction occurs over a MasterCard or Visa network linked to the bank.

However, depending on how the consumer chooses to use his or her debit card, banks charge and make different amounts of money. In an offline transaction, banks charge a merchant from approximately 1.5 percent to 1.99 percent of the total value of the transaction, similar to credit card transactions that utilize the Visa or MasterCard networks. For example, in a $100 transaction, the merchant would be charged up to $2.00 for the processing of the transaction over the Visa or MasterCard network. In an online transaction, banks charge the merchant a flat fee of about thirty cents.

As those numbers illustrate, banks typically make more money when consumers use their debit cards in the offline or credit card-like function. In fact, it has been estimated to us that in a typical transaction banks make three to four times more money on offline transactions than on online transactions.

In part to make up for this revenue differential, banks have introduced new debit card fees in the form of a charge to the consumer for each PIN-based, online transaction he or she makes. This fee comes on top of the flat fee already charged to the merchant.

However, the consumer may be unaware of these fees at the time of the purchase. He or she has no explicit disclosure of the fee at the point of sale, and no option to accept or deny the additional charge, or to pay cash or use a different payment to avoid the fee. The evidence of the debit car fee shows up only later on the consumer's monthly bank statement. The debit card fees are published together with ATM fees, making it difficult for the consumer to distinguish or understand the charges. Many consumers end up calling the retailer to complain about the fee in the mistaken belief that it was the retailer, not their bank, that initiated the charge.

The growth of debit cards and the rise in debit cards fees makes this an important issue. The number of parties involved in the debit cards transactions—retailers, consumers, electronic payment networks, and banks—makes this a complex issue. As always we appreciate your support and the diligence and expertise of the staff at the Federal Reserve Board in helping us to consider and to address the disclosure of debit cards fees to consumers.

Sincerely,

RICHARD SHELBY,
Chairman.
PAUL SARBANES,
Ranking Member.
CHARLES SCHUMER,
United States Senator.

Mr. SCHUMER. Mr. Chairman, I know you have been in support of the Feds doing the study so we can see what to do next year in terms of legislation; I ask if that is amenable to you?

Mr. SHELBY. Absolutely. Senator SARBANES and I agree with Senator SCHUMER and support further study of this issue. We have planned and drafted a letter to the Federal Reserve Board asking them to conduct a comprehensive review of this issue.

Mr. SCHUMER. I ask the ranking member for his views on this letter and what we have to do in terms of disclosure on debit cards.

Mr. SARBANES. I share the chairman's view. I think the Senator from New York has spotlighted a very important issue, but probably the best way to proceed now is with this joint letter to the Federal Reserve. Then we would have the benefit of their study of this issue as we move ahead to try to address it.

Mr. SCHUMER. I thank the ranking member. We will make progress on debit cards. I will not go into all the details of the study. The letter is quite detailed. The Federal Reserve is willing to do it.

I make two other points after commending my colleagues on the bill overall. I am proud to be a cosponsor and supporter of this bill. There are two parts of the bill in which I was particularly interested. One is identity theft which has become an epidemic.

When your identity is stolen, it can take years to bring back your credit rating, even through no fault of your own. The criminals are getting very good at identity theft.

I introduced comprehensive legislation in this regard much earlier this year. The chairman has added provisions very similar to those I have introduced. As a result, this bill does a good job. Right now, becoming a victim of identity theft is as easy as saying your ABC's. With this legislation, it will be tougher.

My hometown, New York City, has the unfortunate distinction of being the identity theft capital of the world. I am glad we were able to do something quickly in that regard.

Second, on credit scoring, this is another issue on which the Senator from Colorado and myself worked long and hard. We thank the chairman and ranking member for incorporating that into the legislation.

The bottom line is, consumers have been kept in the dark about what their credit score is and how it is computed. This legislation, by adding the Schumer-Allard provision, lifts the veil of secrecy over credit scores. When a bank is going to charge you more for your mortgage, which could mean hundreds and hundreds of dollars every quarter, much more money every month, now you will be able to find out why and if there is incorrect information as to why you are being charged more. Maybe it is because you have a whole lot of credit cards, for instance, even if you pay your bills on time. You will be able to correct it.

This is fine legislation. I am speeding things along here because I know people want to move quickly. I thank the chairman.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 2064

Mr. CORZINE. Madam President, I have a couple of general remarks about the overall legislation and I have an amendment at the desk which I call up, No. 2064.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. CORZINE] proposes an amendment numbered 2064.

Mr. CORZINE. Madam 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 require financial institutions and other users of consumer reports to provide notice to appropriate Federal agencies in cases in which consumer information is compromised)

On page 16, line 25, strike the period at the end and insert the following: ''; and

''(C) prescribe regulations requiring each financial institution and each other person that is a creditor or other user of a consumer report to notify the Federal Trade Commission (and any other agency or person that such rulemaking agency determines appropriate) in any case in which there has been, or is reasonably believed to have been unauthorized access to computerized or physical records which compromises the security, confidentiality, or integrity of consumer information maintained by or on behalf of that entity, except that such regulations shall not apply to a good faith acquisition of information by an employee or agent of such entity for a business purpose of that entity, if the information is not subject to further unauthorized access.''.

Mr. CORZINE. I understand the amendment will be agreed to by both of the managers but let me first say that this amendment is about disclosure of breached customer data that may exist in our system. Frankly, 85 percent of businesses that have sophisticated computer systems have identified breaches in their system. My amendment asks for the reporting of those breaches to the FTC so we can get a database and understand it.

Mr. SHELBY. Madam President, the managers are prepared to accept the amendment offered by Senator CORZINE. It is a good amendment and makes a lot of sense.

Mr. SARBANES. The amendment of the Senator from New Jersey makes a positive contribution to this legislation. I am certainly happy to accept it.

I also thank the Senator for all the work he did in the committee on so many provisions in this legislation. He had a major hand in shaping the bill. I deeply appreciate that.

Mr. CORZINE. I appreciate that recognition.

The reality is the chairman and ranking member showed great stewardship and leadership to get this bill in a position where it has broad support in this body. It is going to make a big difference in the financial marketplace for consumers.

Both the reauthorization and additional elements embedded in this bill have truly improved our credit system, which is already the finest in the world. I thank the ranking member. I want to make sure the chairman knows that I appreciate the bipartisanship, the cooperation, and comity that has accompanied the framing of this bill. I very much appreciate the inclusion of the disclosure of breached consumer data as part of the bill.

There are some elements of this bill that I will highlight that others have given emphasis to. It is particularly important to strengthen the controls on personal, financial, and medical data in this bill; however, nothing is more important, in my view, than someone having the ability of requesting a credit file on themselves from the credit agencies once a year. People ought to be able to understand how they are being viewed in the system, if ever they are going to correct issues. That, to me, is one of the most important controls.

Very much to the credit of the ranking member, there is emphasis on promoting financial literacy embedded in this legislation that creates a real foundation for how we can talk to the general public, teach the principles of proper financial management, which is one of the most important elements in individual personal finances. When citizens find they are on the short end of their credit reports and they are in court to solve a bankruptcy, they wish they had learned more in school regarding managing personal finances.

The identity theft issue, which is part of why I have offered the breached customer data amendment, is so important. This is an epidemic in our society. The number of breaches, the number of extraordinary cases of individual pain that has come from people breaching our technologically connected world today is overwhelming. The protections we have started to talk about—fraud alerts, limitations on transfer of debt, and this free credit report a year—will go a long way toward trying to shape it up.

We could go further in this area, in my own view. As the Senator from New York discussed, this is an important piece of legislation. I wish we had done a little more to control the use of financial information, particularly among affiliates in some of our most complex organizations where there are 1,000 or 1,500 affiliates, some spread out but not as broadly controlled as some Members might think relative to what I know is in the case of the world financial markets.

But that said, this is a fine piece of legislation. The manager and ranking member should be congratulated, as should all of the members of the committee, including the Presiding Officer.

With that, I will yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, has that amendment been disposed of?

The PRESIDING OFFICER. It has not.

Is there further debate?

If not, the question is on agreeing to amendment No. 2064.

The amendment (No. 2064) was agreed to.

Mr. SARBANES. 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.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I have spoken to the two managers of the bill, and at this stage it appears we have two amendments left, both from the Senator from Wisconsin, Mr. FEINGOLD. He has agreed, with the permission of the managers, to offer one amendment, then offer the next amendment, and debate both those amendments at the same time; and then we would vote on both amendments following his debate on both amendments and, of course, the adequate response from the managers of the bill.

Senator FEINGOLD is here and he is in agreement with that, so we do not need a unanimous consent agreement, but

people should understand what he intends to do at this time, and what we intend to do.

Following that, it is my understanding, from speaking to the two managers, there are no other amendments. I think there may be a statement or two that Senators wish to give on the bill, but other than that, I know of no substantive amendments.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, I would anticipate we would be ready to go to final passage. I think we can move fairly quickly. I know Senators have conflicting demands on them, and we are trying to move along.

Mr. REID. Madam President, I have a statement that will take about 3 or 4 minutes that I will give at some time.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 2065

Mr. FEINGOLD. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2065.

Mr. FEINGOLD. Madam 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 for data-mining reports to Congress)

At the appropriate place, insert the following:

SEC. ___. DATA-MINING REPORTING ACT OF 2003.

(a) SHORT TITLE.—This section may be cited as the ''Data-Mining Reporting Act of 2003''.

(b) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term ''data-mining'' means a query or search or other analysis of 1 or more electronic databases, where—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) the search does not use a specific individual's personal identifiers to acquire information concerning that individual; and

(C) a department or agency of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist or other criminal activity.

(2) DATABASE.—The term ''database'' does not include telephone directories, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(c) REPORTS ON DATA-MINING ACTIVITIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data-mining technology shall each submit a public report to Congress on all such activities of the department or agency under the jurisdiction of that official.

(2) CONTENT OF REPORT.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that will be used.

(B) A thorough discussion of the plans for the use of such technology and the target dates for the deployment of the data-mining technology.

(C) An assessment of the likely efficacy of the data-mining technology in providing accurate and valuable information consistent with the stated plans for the use of the technology.

(D) An assessment of the likely impact of the implementation of the data-mining technology on privacy and civil liberties.

(E) A list and analysis of the laws and regulations that govern the information to be collected, reviewed, gathered, and analyzed with the data-mining technology and a description of any modifications of such laws that will be required to use the information in the manner proposed under such program.

(F) A thorough discussion of the policies, procedures, and guidelines that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected and used.

(G) A thorough discussion of the procedures allowing individuals whose personal information will be used in the data-mining technology to be informed of the use of their personal information and what procedures are in place to allow for individuals to opt out of the technology. If no such procedures are in place, a thorough explanation as to why not.

(H) Any necessary classified information in an annex that shall be available to the Committee on Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be—

(A) submitted not later than 90 days after the date of the enactment of this Act; and

(B) updated once a year and include any new data-mining technologies.

Mr. FEINGOLD. Madam President, the Fair Credit Reporting Act was designed to make sure that personal financial information about consumers is fairly maintained and accurately reported by credit agencies and provided only to the appropriate people. Maintaining the privacy of the consumer is one of the central objectives of the Fair Credit Reporting Act. My amendment will ensure that the Federal Government is not overstepping its role in obtaining and using this highly personal information.

My amendment will require all Federal agencies to report to Congress on the practice of datamining but it would not impose any limits on the use of datamining. This amendment will provide the American people with critical information about the use of datamining technology and the way highly personal information, such as credit reports and other financial information, is obtained and used by our Government.

The untested and controversial intelligence procedure known as datamining is capable of maintaining extensive files containing both public and private records on each and every American. Periodically, after millions of dollars have been spent, we learn about a new datamining program under development. Congress and the public should not be learning the details about these programs only after millions of dollars are spent testing and using datamining against unsuspecting Americans.

Coupled with the expanded domestic surveillance undertaken by this administration in the wake of September 11, the unchecked development of datamining is a potentially troubling step that threatens one of the most important values that we are fighting for in the war against terrorism; and that, of course, is freedom. My amendment would simply require all Federal agencies to report to Congress within 90 days and every year thereafter on datamining programs used to find a pattern indicating terrorist or other criminal activity and how these programs implicate the civil liberties and privacy of all Americans. If necessary, information in the various reports can be classified.

The amendment does not end funding for any program, determine the rules for use of the technology or threaten any ongoing investigation that uses datamining technology. All it does is ensure that Congress has complete information about the current datamining plans and practices of the Federal Government. With this information, Congress will be able to conduct a thorough review of the costs and benefits of the practice of datamining on a program-by-program basis and make considered judgments about which programs should go forward and which ones should not.

My amendment would provide Congress with information about the nature of the technology and the data that will be used. The amendment would require all Government agencies to assess the efficacy of the datamining technology and whether the technology can deliver on the promises of each program. In addition, the amendment would make sure that the Federal agencies using datamining technology have considered and developed policies to protect the privacy and due process rights of individuals and ensure that only accurate information is collected and used.

Congressional review and oversight is necessary in order to find out whether and how Government agencies, such as the Department of Homeland Security, the Department of Justice, and the Department of Defense, plan to collect and analyze a combination of intelligence data and personal information such as individuals' traffic violations, credit card purchases, travel records, medical records, communications records, and virtually any information contained in commercial or public databases. Through comprehensive data mining, everything from people's

video rentals or drugstore purchases made with a credit card to also their most private health records could be fed into a computer and monitored and reviewed by the Federal Government.

Using data mining, the Government hopes to be able to detect potential terrorists. There is no evidence, however, that data mining will, in fact, prevent terrorism. Data mining programs under development are being used to look into the future before being tested to determine if they would have even been able to anticipate past events like September 11 or the Oklahoma City bombing. Before we develop the ability to feed personal information about every man, woman, and child into a giant computer, we should learn what data mining can and can't do and what limits and protections are needed.

We must also consider the potential for errors in data mining. Most people don't even know what information is contained in their credit reports. Subjecting unchecked and uncorrected credit reports to massive data mining makes the prospect of ensnaring many innocents very real. If a credit agency has data bout John R. Smith on John D. Smith's credit report, even the best data mining technology might reach the wrong conclusion.

Most Americans believe that their private lives should remain private, especially from the Government. Data mining programs run the risk of intruding into the lives of individuals who have nothing to do with terrorism but who trust that their credit reports, financial records, shopping habits and doctor visits would not become a part of a gigantic computerized search engine, operating without any controls or oversight.

The executive branch should be required to report to Congress about the impact of the various data mining programs now underway or being developed, and the impact those programs may have on our privacy and civil liberties so that Congress can determine whether the proposed benefits of this practice come at too high a price to our privacy and our personal liberties.

Some may argue that this amendment does not belong in the bill before us. I respectfully disagree. As we consider legislation dealing with individuals' credit reports and their financial privacy, I think it is both relevant and important that we find out whether and to what extent the Government is reviewing databases containing highly personal information.

So I urge my colleagues to support this very simple reporting amendment. All it asks for is information to which Congress and the Americana people are entitled.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, I intend to oppose this amendment and all amendments that are not within the four corners of the Fair Credit Reporting Act legislation.

The committee spent a great deal of time, as the Presiding Officer knows, as a distinguished member of the Banking Committee, carefully considering the reauthorization and reform of the Fair Credit Reporting Act national standards.

The committee bill is carefully crafted, and it balances protecting consumer interests and ensuring the efficiency of our credit markets.

The committee bill was unanimously approved, as the Presiding Officer knows, by a voice vote in the committee, which is hard to get. It was unanimous.

Extraneous amendments, I believe, alter this balance and focus and threaten our ability to maintain the strong, bipartisan consensus necessary to pass this important legislation this year.

As a result, the managers of the bill—Senator SARBANES and I—intend to oppose including this amendment and all non-Fair Credit Reporting Act-related amendments, regardless of their merit. This might have some merit, but I think it can be better served at another place on another day.

At the proper time, I will move to table the amendment. Right now, I yield to Senator SARBANES.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, if I could respond briefly to the chairman, first, I congratulate the chairman and ranking member for putting this bill together. I intend to support it. I am pleased to support it. I recognize the managers had to achieve a balance, and they do not want to disrupt that balance.

I think I can pretty confidently assure my colleagues that a mere reporting requirement by Federal agencies could not possibly upset the balance they have so skillfully achieved. So I would argue in the case of this amendment—and my second amendment, which is also only about Federal Government reporting information—that it does no violence to what they have achieved and actually is, in this case, very consistent with the purposes of the bill that have to do with people's privacy of their financial records.

So I urge the chairman and ranking member to consider that this would be different from many other amendments that could upset the balance.

Mr. SARBANES. Madam President, I understand the data mining amendment encompasses the legislation which the Senator introduced and which is pending in the Judiciary Committee, if I am not mistaken. At least I am informed of that. So it is not within the scope of the work of our committee, I say with all due respect to the Senator.

I share some concerns about the issues he is raising, and I think they are worth paying attention to. But we have tried very hard to deal only with amendments that are relevant to the Fair Credit Reporting Act. A number of Members on both sides of the aisle, upon hearing that, have refrained or withheld from offering amendments that are outside that parameter, and we are very grateful to them for doing that. Obviously, it has enabled us to move this legislation along.

I think we have had a very open process in dealing with amendments that affect the provisions of the FCRA. We tried to keep it open and I think, in a sense, we have bent over backward to do that. But we have tried to dissuade the offering of amendments that are outside that scope.

I think this amendment falls into that category, and therefore I will be supportive of the chairman in the statement he made. This is not to speak to the substance of the Senator's amendment in any developed way; I assure him of that. But it seems to me this is not within the scope of what we do in the Banking, Housing, and Urban Affairs Committee.

Mr. FEINGOLD. Madam President, I will briefly respond with great respect. There were a number of other amendments with great substance that I would have very much wanted to offer, but did not in the spirit of trying to make sure nothing of great moment occurred on this bill. These are merely reporting amendments.

I understand the Senator's point. These are amendments that could have been possibly accepted; they are not particularly controversial. In any event, I respect what the managers have had to do in order to get the bill through.

I am prepared to move on to the next amendment, unless they want to continue to debate this. If the managers prefer, we could move on in the next amendment.

Mr. SHELBY. Madam President, I move to table the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SHELBY. Madam President, I ask unanimous consent that the vote be deferred temporarily.

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

AMENDMENT NO. 2066

Mr. FEINGOLD. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2066.

Mr. FEINGOLD. Madam 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 a report to Congress regarding Federal acquisitions of American-made products)

At the end of title VII, add the following:

SEC. 712. BUY AMERICAN REPORT.

(a) IN GENERAL.—Not later than 60 days after the end of each fiscal year, the head of

each Federal agency shall submit a report to Congress on the amount of the acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States in that fiscal year.

(b) CONTENT OF REPORT.—The report required by subsection (a) shall separately indicate—

(1) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of the total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States.

(c) PUBLIC AVAILABILITY.—The head of each Federal agency submitting a report under subsection (a) shall make the report publicly available by posting on an Internet website.

Mr. FEINGOLD. Madam President, I have come to this floor on several occasions this year to discuss the crisis in American manufacturing and some steps that I think Congress should take to stop the flow of manufacturing jobs overseas.

One step that I believe we should take to support American manufacturers is to ensure that the Federal Government buys American-made goods whenever reasonably possible. Congress enacted such a policy when it passed the Buy American Act of 1933. This law was enacted to ensure that the Federal Government supports domestic companies and domestic workers by buying American-made goods.

However, the Buy American Act includes a number of waiver provisions which allow agencies to buy foreign-made goods in certain defined circumstances. I am concerned that agencies may be using these waiver provisions to get around the spirit, if not the letter, of the law. That's why, earlier this year, I introduced the Buy American Improvement Act, which would strengthen the existing act by tightening its waiver provisions.

Unfortunately, it's virtually impossible to get hard numbers on the Federal Government's purchases of foreign- and domestic-made goods. Under current law, only the Department of Defense is required to report annually to Congress regarding its use of waivers of the Buy American Act and its corresponding purchases of foreign-made goods. As for other agencies, there is no real disclosure or accountability in the waiver process.

I think that Congress and the public should know how taxpayer dollars are being spent, and that's what my amendment would do. The amendment is very simple and, I hope, noncontroversial. It would just require all Federal agencies to prepare an annual report that details their purchases of foreign-made goods. That's it. It would not make any changes in the Buy American Act; that law and its waiver provisions would remain the same. All that would change is that we would all know whether the Buy American Act is working.

My amendment would require that the annual report to be submitted by agency heads include the following information: the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States; an itemized list of all applicable waivers granted with respect to such articles, materials, or supplies under the Buy American Act; and a summary of the total procurement funds spent by the Federal agency on goods manufactured in the United States versus on goods manufactured outside of the United States. The amendment also requires that the heads of all Federal agencies make these annual reports publicly available on the Internet.

Some may argue that this is a burdensome requirement. The truth is that it is similar to the reporting requirement that the Defense Department complies with every year. If the Pentagon, with its many procurement contracts, can report to Congress annually on its purchases of goods, so too can all other Federal agencies.

I am pleased that this amendment is supported by an array of business and labor groups including the AFL–CIO, Save American Manufacturing, the U.S. Business and Industry Council, and the International Brotherhood of Boilermakers.

Madam President, 2.5 million American manufacturing jobs have been lost since January 2001. The current unemployment rate is 6.1 percent. The stagnant economy and continued loss of high-paying manufacturing jobs underscore the need for the Federal Government to support American workers and businesses by buying American-made goods. This amendment is a modest step toward that goal.

I understand that the managers will oppose this and all amendments that are deemed to be non-relevant to the bill. I respect their prerogative to do so. I would have preferred to offer this important amendment to another bill. But opportunities to offer amendments have been few and far between this year, and it is the right of all Senators to offer amendments. I hope that my colleagues will not oppose this amendment simply because they do not feel it belongs on this particular bill. The question is not whether this amendment belongs on the bill; the question is whether it is good law. I think it is and I hope others will agree.

The American people deserve to know how their tax dollars are being spent, and to what extent these dollars are being used to support foreign jobs. I urge my colleagues to support American companies and American workers by supporting this amendment.

I yield the floor.

Mr. SHELBY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CARPER. Madam President, as we approach the end of actually a rather short, abbreviated debate on this legislation, I want to say a few words encouraging my colleagues to join the Presiding Officer, myself, and our respective Republican and Democratic floor managers in supporting this measure.

Let me begin by saying to Chairman SHELBY and our ranking Democrat, Senator SARBANES, that I think it is rather remarkable that we have come through the deliberations of the past year. We had extensive, balanced hearings on this legislation that gave people from all sides of the issue the chance to comment on what they would like to see us do with respect to reauthorization of the Fair Credit Reporting Act.

This is the way the process is supposed to work. We have a deadline, and that deadline is to act by December 31. Our chairman and ranking Democrat have orchestrated a series of hearings, as I said earlier, which allowed financial institutions to come in, allowed consumer groups to come in, and other folks—rank-and-file citizens—to share with all of us on the Banking Committee how they think we ought to proceed.

We did not have one hearing; we have had a whole series of hearings. I think what emerged from those hearings is a consensus that we aspire to have, but all too rarely see. I am proud to be part of this process, and I suspect the Presiding Officer feels the same way.

Our national credit granting standards that are created under the Fair Credit Reporting Act allow all Americans quick and easy access to credit, whether it is to purchase a home, to purchase a car, or any number of other consumer goods. There is compelling evidence that failure to reauthorize the expiring provisions of the Fair Credit Reporting Act would have significant economic consequences, and not very positive ones.

I am pleased to say that the legislation before us today extends these uniform standards. It makes them permanent. We avoid any adverse impact on our national credit granting system, and we avoid any negative impact on our national economy.

The legislation before us also makes a number of improvements to current law. I think this is an important point. It is one made by others, but I want to make it again. Earlier this year, the Federal Trade Commission released a survey indicating that millions of consumers have been victimized by the crime of identity theft. My own family understands how disruptive and devastating this crime can be, as one of our relatives in your State, Madam President, was victimized over a period of several years by identity theft. It

was an awful experience for her and not a pleasant one for her family.

The bill before us responds to this increasing trend by requiring the creation of a system of fraud alerts. This system of fraud alerts allows the victims of identity theft and also allows active duty military personnel to flag their credit reports for potential fraud. For example, if a consumer believes they have been the victim of identity theft, then that consumer can make one call and have a fraud alert put on his or her credit report. The alert will notify users of that report that this consumer could be the victim of a fraud. This alert, in turn, requires the users of this report to take extra steps before establishing new credit or establishing a credit limit.

In the year after the fraud alert is placed in the file, a consumer will be able to receive not one, but two free credit reports to make sure the information in their credit report is correct. In addition, consumers will have the ability to block information on their credit report that is the result of identity theft.

Importantly, the bill increases the maximum penalty for those who commit the crime of identity theft.

This legislation also gives consumers more control over the information that is contained in their credit reports. First of all, consumers will have easy access to a free credit report on an annual basis. This is a significant right that will allow consumers to review the information contained in their credit report and to make corrections to it.

To ensure consumers are aware of these rights, the Federal Trade Commission must actively publicize how consumers may obtain a free credit report and how to dispute information contained in that report.

I oftentimes use the analogy of if a tree falls in a forest, there is nobody there to hear it. My colleagues have probably heard that; probably used it a time or two. In this case, if a consumer has the ability to obtain a free copy of their credit report annually, but they don't know they have that right, is there a benefit that inures from this legislation?

In the legislation, we put the onus on others and the Federal Trade Commission to publicize how consumers can obtain a free credit report.

In addition, the bill gives consumers important protection for their medical information. One of our colleagues on the floor today was asking if they deal with a particular financial institution, a company that has access to some of the medical data, can they then share medical data with other affiliates of that company?

The answer is no; that is protected and prevented by this legislation. This bill prohibits the use of medical information in the credit granting process. In addition, as I just said, the legislation creates a system for consumer reporting agencies to code medical information so that someone looking at a credit report cannot discover a consumer's medical history.

Finally, the bill before us establishes the Financial Literacy and Education Commission. I believe this is an essential part of the legislation—it may not have gotten a lot of credit, but it is an important part of this bill—because a lot of consumers in this country have no knowledge or at least limited knowledge of how our credit system works. This new commission will be charged with reviewing financial literacy efforts throughout the Government to eliminate duplicative efforts. Importantly, the Commission will also coordinate the promotion of Federal financial literacy efforts, including outreach among State, and local governments, nonprofit organizations, as well as private enterprises.

This legislation creates many new tools for consumers. I have mentioned some of them. But if consumers lack basic financial literacy, they may not be able to use these tools with the kind of effectiveness that is intended.

Again, let me go back to where I started. We have seen this year a number of occasions when legislation has come to the floor without going through committee. We have seen legislation come to the floor for our consideration, sometimes rather complex legislation, and it has not had the benefit of the hearings it should have. The system has worked in this case: excellent hearings, the ability for us as Democrats and Republicans to work together to receive a whole lot of input from a broad cross-section of people and interest groups in this country, the ability to bring a bill out of committee on a unanimous voice vote. This is legislation that I think is going to be disposed of today.

I am proud to at least have been a small part of that process and pleased to lend my support. I urge my colleagues to do the same for this legislation.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, this is my opportunity to say a word or two about the National Consumer Credit Reporting System Improvement Act.

We always hear about how divided the Senate is and how divided we are politically, that there is so much partisanship. My experience indicates that when there is something that really is extremely important that needs to get done, we do it.

As I look back, there was the terrorism insurance, which was difficult to do, but in a bipartisan method we stepped forward and did that. We had significant problems after 9/11 with the airline industry. It was difficult to do, but we stepped forward with legislation that in fact allowed the airline industry as we know it in America to continue.

Fair credit reporting is an important issue, and the two sides have joined together. I think one reason we were able to do this was the experience and the abilities of the two managers of this bill. The Senator from Maryland has heard me brag about him on many occasions. He is a person of great intellect, a Rhodes scholar, someone who is very quiet. But whenever Senator SARBANES speaks, everyone should listen because he does not speak impulsively. He is aware of every word he says. His being the ranking member on this Banking Committee every day gives me comfort because it is an area of the law that I do not fully understand.

I have never been on the committees of jurisdiction that deal with these most important issues. This committee has wide-ranging jurisdiction. It deals with certainly much more than banking—housing, mass transit.

I also say, as I said this morning earlier about my friend from Alabama, the distinguished chairman of the committee, he is a fine legislator. We on this side of the aisle always look forward to the senior Senator from Alabama being part of legislation. Everyone in the Senate is a person of their word. I do not know anyone in the Senate, of the 99 other Senators, whose word we cannot trust.

The Senator from Alabama certainly is a man of his word, but the reason I have such great admiration for him is that he is willing to listen. He is willing to listen to someone who disagrees with him.

That this legislation arrived at the point it has, is the result of two fine legislators working through the committee system and reporting a bill to the Senate. This bill is proof that with enough hard work and commitment, we can move substantive, quality legislation through the Senate. Again, I applaud and commend the two managers of this legislation.

I have personally spent some time on this legislation, working with Members trying to work out an arrangement to allow us to have the bill on the floor today. We have been able to do that. We have worked to limit the number of amendments. The majority leader originally said he would not accept the agreement that we had. There were more amendments, so we went back and worked and whittled down the amendments. As a result of that, we were able to bring this to the floor.

I am very happy to see us moving this bill forward. It is very close to passage. It is an excellent example of what we can accomplish when Members make a dedicated effort to pursue a reasonable compromise. This legislation is not what Senator SARBANES wants, it is not what Senator SHELBY wants; it is what the committee wanted. They had to work with their Members. It is a compromise. Legislation is the art of compromise. That is not a bad word. That is the only way we can get legislation passed—consensus building—and they have done that.

This legislation will help safeguard the security of consumers' credit data

at the same time it guarantees those consumers rapid, widely available, and inexpensive credit.

It is a win for the people all over Nevada. It's a win for a family in Elko who receives a better mortgage rate because a mortgage bank can be confident about the information in the parents' credit history. The family pays a lower rate for their mortgage and, as a consequence, will pay thousands less over the lifetime of the loan, and that money can be redirected toward childcare, college, a family vacation.

It is a win for the used car dealer in Reno, or anyplace else in Nevada, who receives more complete and reliable information about prospective buyers. He can review an applicant's credit history and feel greater confidence about the degree of risk he is assuming when he extends credit to his customers.

It is a win for the public who will receive better protection than ever before against identity theft.

The United States has the lowest cost, most effective consumer credit market in the entire world, due in part to the Fair Credit Reporting Act. This bill will preserve and extend the best elements of this law and add important new provisions and make it even better.

In closing, I am glad to see that our hard work negotiating this legislation has paid off with a solid bill, and I look forward to seeing consumers and business reaping the benefit of this legislation for years to come.

Mr. CARPER. Will the Senator from Nevada yield for just a moment?

Mr. REID. I am happy to yield to my friend from Delaware.

Mr. CARPER. The Senator from Nevada has again heaped praise on our chairman and our ranking Democrat, as others of us have done, and that is important. I failed to mention this in my remarks and I want to atone for that omission now, that we are blessed with wonderful staff, as we all know, on both the Republican and the Democratic sides, and on the subcommittee and the full committee. I want to take a moment to also express my thanks to them and say to my own counsel, Margaret Simmons, who has done great work on this bill, a special thank you. None of us do this stuff by ourselves, as we all know. In this case, we have been greatly assisted by their efforts.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 2066 WITHDRAWN

Mr. FEINGOLD. Madam President, with regard to the second amendment I offered concerning the reporting for the Buy America Act, at this time I will withdraw the amendment, with my appreciation to the chairman for his interest in the matter, and I defer to his comments.

Mr. SHELBY. If the Senator will yield, I believe that is a good amendment. I think it ought to be in other legislation. I am going to work with Senator FEINGOLD. We all want to promote jobs in America. We believe the American worker can produce anything as well as, if not better than, any worker in the world. If we promote Buy America, I think we are saying something to our workers and our industry and our economy down the road, notwithstanding what others will argue.

So I commend the Senator from Wisconsin for bringing this up tonight. We are going to continue to work on this and try to put it in the proper legislation, where it is going to go somewhere.

Mr. FEINGOLD. Madam President, I thank the Senator from Alabama for his important statement to finally make some progress in strengthening the Buy America Act. I look forward to working with him on this matter.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. FEINGOLD. My understanding is the Senator intends to table my other amendment.

The PRESIDING OFFICER. The motion to table is pending.

Mr. SHELBY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

AMENDMENT NO. 2067

Mr. SHELBY. Mr. President, on behalf of Senator NELSON of Florida, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] for Mr. NELSON of Florida, proposes an amendment numbered 2067.

The amendment follows:

(Purpose: To ensure proper disposal of consumer information and records derived from consumer reports)

At the end of title II, add the following:

SEC. 216. DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by adding at the end the following:

"§ 627. Disposal of records

''(a) REGULATIONS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Federal Trade Commission shall issue final regulations requiring any person that maintains or otherwise possesses consumer information or any compilation of consumer information derived from consumer reports for a business purpose to properly dispose of any such information or compilation.

''(2) EXEMPTION AUTHORITY.—In issuing regulations under this section, the Federal Trade Commission may exempt any person or class of persons from application of those regulations, as the Commission deems appropriate to carry out the purpose of this section.

''(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to alter or affect any requirement imposed under any other provision of law to maintain any record.''.

(b) CLERICAL AMENDMENT.—The table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), as amended by this Act, is amended by adding at the end the following:

''627. Disposal of records.''.

Mr. NELSON of Florida. Mr. President, most companies are required to adopt rules to ensure the proper disposal of a consumer's private financial records. I learned last year, before comprehensive privacy regulations took effect, that some companies do not have protocols in place outlining the proper way to dispose of private consumer information when it is no longer needed. Last year, thousands of files containing sensitive customer records were discarded in a dumpster. If the wrong person came across these files, he or she would have had everything necessary to commit numerous crimes, including identity theft.

Since this incident, the company has acted to correct its privacy policies and the Federal Trade Commission issued its safeguards rule. The rule applies to credit reporting agencies and financial institutions that maintain consumer records and also contains guidance for businesses, which includes the storage and proper disposal of records.

Although check-cashing businesses, ATM operators, real estate appraisers, and even couriers are covered by the safeguards rule, rental property companies that assess the creditworthiness of tenants and businesses that maintain consumer accounts, such as cell phone companies and utilities, are not covered by the rule.

Improper disposal of a credit report could compromise driver's license information, Social Security numbers, employment history and even bank account numbers. My amendment will close the loophole and further protect credit information by requiring the Federal Trade Commission to issue regulations regarding the proper disposal of consumer credit information.

Mr. SHELBY. Mr. President, Senator SARBANES and I have reviewed the amendment. We have no objection to the amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I support this amendment. Senator NELSON of Florida has focused on an important issue involving the disposal of consumer financial records. We commend the amendment to our colleagues.

Mr. SHELBY. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2067) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT REQUEST—H.R. 1904

Mr. REID. Mr. President, there has been a lot of talk the last few days and different offers by the majority to go to conference on the Healthy Forests initiative and a number of other pieces of legislation. For the majority to say that going to conference is the only way to legislate between the two Houses is really, for lack of a better description, a bogus argument. Almost every day both Houses pass legislation for which a conference is not appointed. As I mentioned earlier today, just last night the Senate passed H.R. 3365, the Fallen Patriots Tax Relief Act. We amended it and sent it back to the House without asking for conference.

On other measures, we have done the same thing—H.R. 1584, H.R. 1298, H.R. 733, H.R. 13, H.R. 4146, and H.R. 659 just to name a few.

If there is any concern about holding up legislation, we believe the shoe fits the majority. The Healthy Forests initiative is something that needs to be done. We cannot understand on this side why the leadership has refused to send the bill to the House; that is, H.R. 1904, the Healthy Forests initiative, which passed here overwhelmingly just a few days ago. The House may not want to go to conference. They may like our legislation or they may want to amend it and send it back. But at least we ought to give the House this opportunity rather than holding the bill hostage. That is what is happening now. By refusing to send it to the House, the majority is holding the bill hostage.

I ask unanimous consent that the enrolling clerk be directed to immediately send H.R. 1904, which is the Healthy Forests initiative, as amended by the Senate, to the House of Representatives.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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, what is the regular order at this time?

The PRESIDING OFFICER. The regular order is the motion to table amendment No. 2065.

Mr. SHELBY. I believe the Senator from Wisconsin has an amendment pending.

Mr. DASCHLE. Mr. President, before the Senator from Alabama moves to table, first of all, I know we are getting close to the end of deliberations on this bill. I think that it merits broad bipartisan support.

I appreciate very much the efforts that have been made by the chairman and ranking member. Both Senators have worked very closely together to get it to this point. Obviously, there are outstanding issues that still have to be resolved. We have a couple of amendments.

I wanted to take a moment—I didn't realize we were this close to having the vote on the amendment itself—to draw a distinction in this legislation.

Obviously, because of the extraordinary effort that has been made on both sides to work together and the assurances I have been given by the chairman that it is not his intention to conduct a conference that would not involve the ranking member and members of the minority with regard to this bill and issues to be resolved in conference, I will recommend to our caucus that we move forward with a conference on this bill. I wish I could say that with regard to other legislation, but we have not been given the same assurances. We are not at that point yet. But in this case, we certainly intend to work with our colleagues and with the chairman in particular. I applaud him for his efforts and thank him for the kind of working relationship that our two colleagues have. It is a tribute to both of them. I acknowledge that prior to the time we take our vote.

Mr. SHELBY. Mr. President, I would like to respond to the Democratic leader.

First of all, we have gotten to where we are tonight on the Fair Credit Reporting Act coming out of the Banking Committee by working together in a bipartisan way. Senator SARBANES and the Democrats on the committee have been involved in the formulation of this legislation as so many members of the Banking Committee have. That is why we are here today. That is why we believe we have put together a far-reaching, very complex piece of legislation. We are going to continue—assuming this bill passes and goes into conference—to work together because that is the only way we are going to pass this legislation. This legislation, the Fair Credit Reporting Act, would expire at the end of this year. We know we are working on a deadline. We are working on a good piece of legislation. We want to continue that.

I yield to the Senator from Maryland.

Mr. SARBANES. Mr. President, I simply want to observe that we had a fair and open working relationship in the committee in bringing the legislation forward. All Members participated from both sides. I would expect that same relationship to then continue in the conference committee. We have been dealt fairly by the chairman. I presume we will continue to be dealt fairly by the chairman. I just wanted to add that perception to this relationship.

Mr. DASCHLE. Mr. President, with that explanation of our circumstances involving this bill, as I say, we will not object to going to conference. I wish our colleagues well as we finish our work on this legislation before the end of the year.

I yield the floor.

Mr. SHELBY. Mr. President, if it is proper at this time, I move to table the Feingold amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. The question is agreeing to the motion to table amendment No. 2065. The yeas and nays have already been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FRIST. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from Kentucky (Mr. MCCONNELL), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that if present and voting, the Senator from Kentucky (Mr. BUNNING) would vote ''yes.''

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator form Connecticut (Mr. LIEBERMAN), and the Senator from Florida (Mr. NELSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''no.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote.

The result was announced—yeas 61, nays 32, as follows:

[Rollcall Vote No. 435 Leg.]

YEAS—61

Alexander	Daschle	Landrieu
Allard	DeWine	Lincoln
Allen	Dole	Lott
Baucus	Domenici	Lugar
Bennett	Ensign	Miller
Bond	Enzi	Murkowski
Breaux	Fitzgerald	Nelson (NE)
Brownback	Frist	Nickles
Burns	Graham (SC)	Pryor
Campbell	Grassley	Roberts
Carper	Gregg	Rockefeller
Chafee	Hagel	Santorum
Chambliss	Hatch	Sarbanes
Cochran	Hollings	Sessions
Coleman	Hutchison	Shelby
Collins	Inhofe	Smith
Cornyn	Inouye	Snowe
Craig	Johnson	
Crapo	Kyl	

Specter	Sununu	Voinovich
Stevens	Talent	Warner

NAYS—32

Akaka	Dodd	Leahy
Bayh	Dorgan	Levin
Biden	Durbin	McCain
Bingaman	Feingold	Mikulski
Boxer	Feinstein	Murray
Byrd	Graham (FL)	Reed
Cantwell	Harkin	Reid
Clinton	Jeffords	Schumer
Conrad	Kennedy	Stabenow
Corzine	Kohl	Wyden
Dayton	Lautenberg	

NOT VOTING—7

Bunning	Lieberman	Thomas
Edwards	McConnell	
Kerry	Nelson (FL)	

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I would like to take a few moments to thank some of the staff who did outstanding work on the Banking Committee—Kathy Casey, chief of staff of the Banking Committee; Doug Nappi, our general counsel; Mark Oesterle, one of our counsel.

I also thank some of the Democratic staff who worked with us on this: Steve Harris, who is Democratic chief of staff; Marty Gruenberg; Lynsey Graham Rea, and Dean Shahinian. They have all worked together in a bipartisan fashion. I believe that is why this legislation was brought out of the committee unanimously and we will be able to pass it, because we had a lot of input from Members and committee staff on both sides of the aisle. It makes a difference.

Mr. SARBANES. Mr. President, I move to reconsider the vote.

Mr. SHELBY. 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 Maryland is recognized.

Mr. SARBANES. Mr. President, I echo the chairman in expressing my deep appreciation to the staff people he enumerated: Kathy Casey, Doug Nappi, and Mark Oesterle on the Republican side, and Steve Harris, Lynsey Graham, Dean Shahinian, and Marty Gruenberg on the Democratic side.

We are fortunate in the Banking Committee that we have a very committed, able, dedicated staff on both sides of the aisle. Furthermore, they have been able to work with one another in a very productive and cooperative fashion. The chairman and I are keenly aware of the fact of how much we rely upon them, and we want them to know how much we appreciate their terrific effort, which was reflected in this legislation and in many other matters with which the committee deals.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I ask unanimous consent that the vote occur on passage of the bill on Wednesday—tomorrow—with no intervening action or debate, at a time determined by the majority leader, after consultation with the Democratic leader. Further, I ask unanimous consent that following that vote, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, with a ratio of 4 to 3. I also ask unanimous consent that S. 1753 then be returned to the calendar.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2673

Mr. STEVENS. Mr. President, I ask unanimous consent that following morning business on Wednesday, the Senate proceed to the consideration of H.R. 2673, the Agriculture appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, there is no objection. The persuasiveness of the chairman of the committee allays any fears Senator DASCHLE and I had of proceeding to this appropriations bill. We look forward to having as few amendments as possible. We hope to find out how many amendments we have even tonight. It would be good to get them to the cloakroom. We will be on this probably around 10:30 tomorrow morning.

Mr. STEVENS. Mr. President, I echo what the assistant minority leader said in making that request. We know of some amendments that are out there. We believe we can finish the bill tomorrow if we apply ourselves to the task.

I yield the floor.

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

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for as much time as I may consume.

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

INTERNET TAX NON-DISCRIMINATION ACT OF 2003

Mr. ALEXANDER. Mr. President, the distinguished occupant of the chair and I are new Members of the Senate. There are a great many privileges to being here, and one is the congeniality to new Members of the Senate. One is the seriousness of the issues with which we deal these days. One is the great traditions in the Senate. But there is a very special privilege of being here, and being here tonight, which I realize, and that is this: Every single one of us as Americans someday, sometime, while sitting at home or on our job, may suddenly realize something about our Government that really stirs us up and we wish we could say something and do something that somebody would hear. We are angry about it, we are upset about it, we want to say something about it. I have a privilege as a Member of the Senate of being able to do just that tonight.

Nothing used to make me more upset as the Governor of Tennessee for the 8 years I was Governor than when Members of this distinguished body and the other distinguished body—Members of Congress—would get together and come up with some great idea and pass a law and tell us to do it, and then send us the bill requiring us to pay for it, even though they were printing money up here and we were balancing budgets at home.

The distinguished occupant of the Chair was mayor of a great city for 8 years, I believe, the same amount of time as I was Governor. I know he must have felt the same way.

It might have been the case in terms of storm water runoff. Somebody in Washington, like the EPA, the Environmental Protection Agency, in that case may have said sometimes when it really rains hard, the water gets mixed up with the sewage and it runs into the river, so we need to fix that situation.

Great idea, but who is going to pay the bill? I tell you who pays the bill. In Minneapolis, you have to raise the property tax, or in Nashville, you have to raise the sales tax. Or in Maryville, TN, you have to fire some teachers so you have enough money to do the storm water runoff.

I remember back in the mid-1970s, about the time I was getting into politics, the Members of Congress decided we needed to help children with disabilities. We are all for that. That is a wonderful idea. But at the time, the Federal Government was paying, as it is today, about 7 percent of all the costs of elementary and secondary education in America. Most of that is paid for by Minnesota and Tennessee taxpayers through income taxes, and sales taxes, and property taxes that are raised at home.

The Congress said, ''Help the children with disabilities,'' but they didn't pay the bill. So what happens. I meet with the Shelby County School Board in Memphis. What do they say to me? We have this huge, terrific cost and these orders from Washington and regulations about what to do, and then we have to take money we raise, that we would otherwise be spending for other purposes, and deal with the good idea from Washington, DC.

I have heard many Members of this body talk a little bit about No Child

Left Behind and the new provisions in that bill, wondering whether those are unfunded Federal mandates, a Washington word that if you boil it down to plain English means: We will do it up here in Washington; we will claim credit for it, but you pay the bill.

On Thursday, thanks to the generosity of the majority leader in a very busy week, the Senate has agreed to consider whether we will impose yet one more unfunded Federal mandate on State and local governments, and I refer specifically to the proposal to extend the ban on State and local authority to tax access to the Internet.

In advance of that vote, which will occur in the next few days, I want to discuss three basic considerations with my colleagues.

No. 1, some of my colleagues have seemed surprised when I suggested the proposed ban on State and local Internet taxation is an unfunded Federal mandate. Let me say exactly in these remarks why the proposed ban on State and local ability to tax Internet access is an unfunded mandate plainly in violation of the Unfunded Mandates Reform Act of 1995 which was passed by this body with 91 votes, and 63 Senators who voted to ban unfunded Federal mandates in 1995 are still Members of this body. In 1994, over 300 Republican candidates stood on the steps of the U.S. Capitol and said in the Contract With America: We will stop passing unfunded Federal mandates, and if we break this contract, throw us out. That is why, when this legislation is offered later this week, I plan to offer a point of order against its consideration because the Unfunded Mandates Reform Act of 1995 says that it is out of order for this Senate to pass an unfunded Federal mandate. The first thing I want to describe why this proposed ban on Internet taxation is an unfunded Federal mandate.

No. 2, I want to discuss a strange case of amnesia that seems to have enveloped this distinguished body, a strange disease that has caused many Members to forget, as I mentioned a few moments ago, that in 1995, at the beginning of the 104th Congress, the new Senate majority leader, Bob Dole, went down to Williamsburg, VA, and promised Republican Governors that ''The first bill in the Senate, S. 1, is going to be unfunded mandates.''

This is especially surprising because Senator DOLE was good to his word and, in fact, the second plank of the Contract With America that was enacted in this Congress was the ban on unfunded mandates. It was at the heart of the Contract With America. It was at the heart of the Republican revolution in 1994.

At that time, I was campaigning across this country in 1994. Nothing I found made local officials and citizens madder than Washington politicians who pass unfunded mandates, claiming credit without facing the costs, whether it was the legislation I described involving children with disabilities, storm water runoff, or highly qualified teachers. As a result, 91 Senators voted for the Unfunded Mandates Reform Act of 1995, and 63 of those Senators are still here today.

No. 3, I would like to discuss an amendment I will be proposing. I am filing tonight an amendment I call the Unfunded Federal Mandate Reimbursement Act. If a majority of the Senate should decide that banning State and local taxation of the Internet is important enough to create an unfunded Federal mandate—that is, claim the credit up here, but make it be done down there—then my amendment would provide a way for Congress to pay the bill for that by authorizing our Department of the Treasury to reimburse Tennessee and Minneapolis and other State and local governments each year for the cost of this new mandate.

Let me say briefly what we are talking about and what we are not talking about. We are not talking about the issue of whether to authorize States to require out-of-State companies, such as L. L. Bean, that sell by catalog or Internet, to collect the same Tennessee sales tax that Friedman's Army Surplus Store would collect when it sells me a red-and-black plaid shirt. That is an entirely different piece of legislation. The Senator from Wyoming and others have sponsored that legislation. The Senator from North Dakota is a part of that. We are not talking about making it easier to collect sales tax from Internet and catalog companies.

What we are talking about is whether Tennessee and other States can collect a sales tax from an Internet service provider when it connects my computer to the Internet, just as it collects sales tax from the telephone company when it connects my telephone or from the cable TV company when it connects my TV. Tennessee has been collecting this tax since 1996. Nine other States and the District of Columbia also collect a tax on Internet access.

The Knoxville News Sentinel had an excellent article on Sunday putting this into perspective. I ask unanimous consent that the article be printed in the RECORD.

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

[From the Knoxville, News Sentinel]

INTERNET'S TAXING ISSUE

STATE, SERVICE PROVIDERS WAGE FIGHT OVER SALES TAX ON WEB ACCESS

(By Larisa Brass)

Pull out your monthly Internet bill and take a look at the bottom line.

See a sales tax charge? Maybe, maybe not.

Nearly a decade after the Internet's debut, the argument still rages in Tennessee over whether online connections should be taxed like your telephone bill or your cable service.

The State says wording of its tax code implicitly includes Internet access as a telecommunications service subject to sales tax. A number of Internet service providers disagree, however, saying that Internet access amounts to an information, not communications, service and is not subject to tax.

The argument has landed the Department of Revenue and six Internet Service Providers, or ISPs, in court.

Five cases—two involving AOL and three against CompuServe, Earthlink and AT&T—are now in litigation in Davidson County Chancery Court. One case involving Prodigy is awaiting review by the Tennessee Supreme Court.

A number of disputes between the Department of Revenue and other service providers have not yet reached the courts, although the department won't say how many or which companies are involved.

Tennessee officials say they should be getting $18 million in revenue on Internet access sales taxes each year. In reality, the State's Department of Revenue reports collections of half that amount.

For a State in dire financial straits, that isn't pocket change. Add it up over the past seven years—the State began pursuing collections in 1996—and you get about $60 million.

That's enough to fund the Department of Revenue for a year or pay 1,600 teachers' salaries. In the next five years, the state estimates it could lose $109 million in uncollected revenues.

On one side, the Department of Revenue argues that Internet access should be charged as a telecommunications service because it falls under the state's definition of ''telecommunications.''

That definition is: ''communications by electric or electronic transmission of impulses, including transmission by or through any media, such as wires, cables, microwaves, radio waves, light waves or any combination of those or similar media.''

But Internet services providers argue that the term ''telecommunications'' doesn't apply to them at all.

When the State began to actively collect sales tax on Internet access ''the department simply didn't understand how ISPs work and that ISPs have never been considered telephone companies,'' said Henry Walker, a Nashville lawyer whose firm represents AOL and Planet Connect, a Kingsport-based Internet service whose dispute with the Department of Revenue has not yet reached the courts.

''(ISPs) don't sell telecommunications services,'' Walker said. ''They sell access to the Internet, and that's different.''

Internet providers simply sell access to information, he explained, not a communications service. He compared it to dialing a 1-900 number, saying that users already pay tax on the phone service and aren't charged separately for using that service to access information at the other end.

STATE VS. ISP

In the Prodigy case, the trial court and ultimately the Tennessee Court of Appeals agreed.

The court found that the intent of state lawmakers, when drafting the telecommunications tax code and the definition of telecommunications used by the Federal Communications Commission, supported Prodigy's claim that it should not have to collect sales tax on its service.

In addition, the court said that because telecommunications was not the ''true aim'' of Prodigy's service and because customers must supply their own, taxed telephone service to connect to Prodigy's servers, that the Internet connection should not be taxed as a telecommunications service.

Last month, the Department of Revenue appealed the ruling to the Tennessee Supreme Court.

''We think the court was wrong,'' said Loren Chumley, commissioner of the Tennessee Department of Revenue.

In a brief filed by the Tennessee attorney general on Oct. 9, the state argues Prodigy's services do ''fall squarely within the definition'' of telecommunications, according to Tennessee law, by providing access to ''the Internet, chat rooms, e-mail and information services.''

The state argued that Internet service should be taxed even though it was not explicitly included in the law.

''With all due respect to the Court of Appeals, the plain language of this statute should not be read narrowly to include only those technologies that existed when the statute was enacted,'' the filing stated, ''but should be read to incorporate new technologies, including Internet access and e-mail services such as those provided by Prodigy.

''. . . Only by giving statutes their full effect can the law keep up with technological advances.''

In addition, the state argued that the Court of Appeals should not rely on the FCC's definition of telecommunications and that to do so is to contradict another state appeals court decision holding ''that federal regulatory statutes should not affect the interpretation of state taxation statutes.''

The Department of Revenue is awaiting the state Supreme Court's decision on whether it will take the case.

Walker admits the issue isn't black and white. He agrees that many people use the Internet for communication, such as placing online orders or using Internet chat rooms or instant messaging.

And, he said, there may be a place for taxing some types of Internet communications, such as voice over Internet protocol, which allows a customer to set up home phone service via the Internet.

But ''at this point in time, the FCC has said, 'No, that's not telecommunications, that's information services,''' Walker said. ''I thought (state officials) were on shaky ground from the get-go, and I think the court shut the door pretty hard.''

TO TAX OR NOT TO TAX

In any case, the days of taxing Internet access appear to be numbered.

Tennessee is one of 10 states that, along with the District of Columbia, now collect sales tax on Internet access charges. They can do so because they were grandfathered into a law passed by Congress in 1998 known as the Internet Tax Moratorium.

The legislation forbade the collection of state Internet access taxes unless a state was collecting the taxes before the federal moratorium was passed.

Two bills now in Congress would end the state's ability to collect those taxes. One bill now stalled in the Senate would allow states to phase out the taxes within three years. The House version, already passed, would end the tax immediately.

Right now, states like Tennessee are more worried about provisions of the bill they say would end taxes on a broad array of telecommunications services and cost Tennessee $360 million in annual sales tax collections.

But Chumley said Tennessee stands to lose out, at least in the short-run, if the tax is abolished. The state is moving toward a streamlined sales tax system that would allow it to collect more taxes on the sale of goods via Internet companies, many of which are not now collecting state sales tax on purchases.

Chumley said that increased collections on Internet retail sales, however, won't immediately make up for projected losses due to repeal of the Internet access tax.

''I am concerned we could count on some revenue loss immediately,'' she said

If the tax is repealed, that won't affect state cases over tax collection of the past, Chumley said.

''It's not retroactive,'' she said. ''Again, we're left back in our case with, well, what is the court going to do?'' can do so because they were grandfathered into a law passed by Congress in 1998 known as the Internet Tax Moratorium.

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TAX NOT SO TAXING

Not all ISP's agree they shouldn't have to collect sales tax on the services they sell.

Ed Bryson, owner of Knoxville ISP Esper Systems, said he's been collecting sales tax since he started his business about eight years ago.

''I would actually support (Internet service) being taxed,'' he said. ''This state needs revenue. Do we pay sales tax on telephone bills? Do we pay sales tax on cable? (Internet access is) a commodity service.''

Bryson said it's not that he's such a big fan of taxes. He estimates that collecting and remitting the sales tax on his services cost about $500 per month. He says the company collects about $100,000 in sales taxes per year.

And Bryson figures he's lost a few customers to larger providers that don't charge sales tax.

But, he said, he doesn't believe that the Internet needs to be tax free for the country to go online.

''Do you really think the Internet needs any fertilizer right now? Do you really think that Tennessee needs to not tax the Internet to make jobs?'' he said.

''I don't like taxes anymore than anybody else,'' Bryson added. ''My philosophy is, just tell me what the rules are and I'll work within them. More than anything I'd like to see this (be) fair across the board.''

INTERNET TAX

Internet access sales tax: local and state sales tax charged on Internet service. The State considers Internet access a telecommunications service under Tennessee tax law.

Tax implemented: 1966

Tax rate: 7 percent state; 2.5 percent local.

Revenues collected per year: $9 million

Estimated revenues uncollected per year: $9 million

Estimated total revenue loss: $63 million

Tennessee court cases involving Internet service sales tax collection: 6

Companies involved: AOL (two cases), AT&T, CompuServe, EarthLink and Prodigy.

Other States that tax Internet access: Connecticut, Iowa, New Mexico, North Dakota, Ohio, South Carolina, South Dakota, Texas, Wisconsin as well as the District of Columbia

THE BASICS

With multiple tax codes, legislation and initiatives, thing can get a bit confusing when it comes to sales tax and the Internet.

1. Sales tax on Internet access. This is a state sales tax levied on the monthly subscription fees paid by customers to an Internet service provider.

Some providers don't charge the tax to Tennessee customers, saying the state legally can't require collection.

The issue has pitted five Internet service providers against the Tennessee Department of Revenue in court. This tax does not apply to the sale of goods over the Internet. (See item No. 3 below.)

2. Internet Tax Moratorium. This law was passed by Congress in 1998 and prohibited states from charging sales tax on Internet access.

Tennessee, which already was collecting tax on Internet service, was one of 10 states, along with the District of Columbia, allowed to continue collecting the tax.

The moratorium expired Saturday, and the House and Senate are hashing out a new Internet sales tax law. Both versions, so far, would end the collection of Internet access sales tax for the 10 grandfathered states, although the House's bill would postpone its expiration for another three years. The Senate bill has been stalled by Tennessee Sen. Lamar Alexander because of controversial provisions that states say would hinder collection of sales tax on a broad array of telecommunications services.

3. Tax on sales via Internet. This is sales tax charged on items bought over the Internet.

This issue has been in the news recently because Congress is contemplating a bill, separate from the tax moratorium, that would mandate collection of state and local sales tax on goods sold via the Internet to customers in States that comply with the Streamlined Tax Initiative.

This currently voluntary initiative includes a simplified tax structure that allows companies to more easily collect state and local sales tax on goods sold online. Tennessee has passed legislation changing its tax code to comply with the streamlined tax guidelines.

Mr. ALEXANDER. I thank the Chair.

Let me go to my first point, why this proposed legislation is an unfunded mandate.

The proposed legislation is an unfunded mandate because it would make it illegal for these States to continue to collect State and local Internet access taxes. The Congressional Budget Office estimates that these losses would amount to $80 billion to $120 billion a year.

That is not all. The language of the legislation enacted by the House of Representatives, and every version of that language we have seen thus far in this Chamber, broadens the ban on taxation on Internet access and increases the size of the Federal unfunded mandates, extending to some degree to other telecommunications services, which is why I suppose we have begun to see the halls filled with lobbyists from the telecommunications industry as they anticipate the possibility that

this Congress might be exempting them from some or maybe all of the taxes that State and local governments put on telecommunications.

Now, there are many estimates about how much this would cost State and local governments. I have a study prepared in November of 2001 by Ernst & Young for the telecommunications State and local tax coalition. This study by Ernst & Young says that telecommunications providers and consumers of telecommunications services paid a total of $18.1 billion in State and local taxes in 1999.

I am not suggesting this ban on Internet taxation would eliminate all of the $18 billion of State and local taxation on telecommunications, but virtually everyone agrees that it would eliminate some. Every time we, in our wisdom, tell a State or a city that it cannot use this tax, all we are doing is increasing the chance that Minneapolis or Tennessee will increase some other tax, or fire some teachers or lay off some employees or close some parks. We have to balance budgets where we come from. If we knock out a substantial part of the ability to State and local governments to tax the Internet and some part of the telecommunications industry, we are only increasing the possibility in Tennessee of raising the property tax, of raising the sales tax, of raising the tax on medicine, of raising the tax on food or, in our State, making it more likely that we will have sooner or later an income tax. That is just one estimate.

Another estimate by the Multistate Tax Commission reported on September 24, 2003: The Internet tax moratorium passed by the U.S. House of Representatives on September 17 would end up reducing State and local revenue collections by at least $4 billion, and as much as $8.75 billion by 2006, rather than the $500 million estimated cost under the legislation's narrow original focus.

The sponsors of the Internet tax ban in the Senate, Senators ALLEN, WYDEN and others, have been working with State and local officials and with other Senators to try to reduce the amount of loss to State and local governments. The House bill, which is also before the Senate, would cost Philadelphia, Nashville, Minneapolis, and our States up to $4 billion according to this study. So which taxes are they going to raise to replace it? Which teachers are they going to fire, from which school? Which park are they going to close? We are substituting our judgment for theirs.

There are other more specific estimates. We have been hearing from States. The Governor of Tennessee called me. He is a Democrat. I am a Republican. That does not matter so much because I respect the office. I had lunch with another former Governor of Tennessee, one of my predecessors. He is a Democrat as well. He agrees with us, too.

The Tennessee Department of Revenues says the managers' amendment will cost us $358 million a year. That is what the improved version of the House bill will cost one State, according to our State revenue department.

Then other States have been writing me, and writing their Senators. They say the Allen-Wyden amendment will cost Kentucky $40 million to $50 million, maybe $200 million. The new Governor of Kentucky is being elected, I guess as we speak. He will have a surprise on his hands perhaps when he finds out that he has some taxes to raise or some services to cut because we, in our wisdom, wanted to dictate that. Iowa, $45 million to $50 million; Maine, $35 million; New Jersey, $600 million; Ohio, $55.7 million; South Dakota, $34 billion; Tennessee, $358 million, as I said; Washington State, $33 million.

These are what the State governments are telling us the new and improved Senate version of the Internet tax ban would cost State and local governments. Those are some of the estimates we have heard about.

Now, to my second point, why is this so important? Why should we just not let it go on through?

Well, maybe one of the advantages of having been around a little while is I have seen and heard some things that I remember, such as 1994, I remember the Contract with America. I see my distinguished colleague from Pennsylvania. He remembers the Contract with America. He was a candidate, I believe, in that same year.

While I do not believe he was there, surely we all remember the 300 Republicans who stood on the steps of the Capitol. This was in September of 1994. This was just before something that was to happen that had not happened in half a century. It was a resurgence in the country that elected a Republican Congress.

What fueled all of that? What fueled that, according to the Heritage Foundation, in a candidate's briefing book that they did in 1996, looking back at 1994, chapter 14: With frustrated Americans focusing their anger increasingly on Washington and gridlock, many political candidates in 1994 successfully ran against Washington, appealing to voters to throw the bums out, replace them with individuals more honest and devoted to the public welfare.

Then they began to list the items of the Contract with America, one of which was to stop unfunded mandates.

I can remember that in 1994, the Republican Governors assembled in Williamsburg. They typically do this after an election every 2 years. There were 30 of them there. Governor ALLEN, now Senator, was the host, and Bob Dole, the new majority leader, came down. This is what he promised the Republican Governors, that S. 1, the first bill of the Senate, was going to be unfunded mandates. That was what Senator Dole promised the Republican Governors.

At about the same time, the Heritage Foundation was making a list of the unfunded mandates in this country that had given rise to all of this anger and frustration among the American people. I will not read them all but it reports, for example, that the National Conference on State Legislatures had identified 192 unfunded mandates on the States, including Medicaid, regulations governing the use of underground storage tanks, the Clean Water Act, the Clean Air Act, the Resource Conservation Recovery Act, the Safe Drinking Water Act, the Endangered Species Act, the Americans with Disabilities Act, the Fair Labor Standards Act, only to name a few. Those are all wonderful acts, but what was happening was they were claiming credit up here and those of us who were down there were having to pay some of the bill. The U.S. Conference on Mayors and Price Waterhouse estimated that the 1994 to 1998 cost of these mandates, excluding Medicaid, on 314 cities was $54 billion, or 11.7 percent of all local taxes. The EPA estimates that environmental mandates cost State and local governments $30 billion to $40 billion annually. State and local governments spend $137 billion to ensure safe drinking water.

These are good laws. I would like to have voted for them. I wish I had proposed many of them.

But the reason we had to come in here this year and pass legislation sending $20 billion back to the States and to local governments was not just because of the recession. It was because, consistently over the last 20 years, we have undercut the ability of State and local officials to make decisions for themselves about what services to provide and how to pay the bills.

One of my most vivid memories is of the distinguished former majority leader of the Senate, Bob Dole, who was elected in 1995 with that new Congress. He had a little copy of the United States Constitution, and he pulled it out when he met with the Governors in 1994 in Williamsburg, when they made the ''Williamsburg Resolve'' to stop these unfunded mandates. Senator Dole said he wanted to read to them the tenth amendment of the United States Constitution:

> The powers not delegated to the United States by the Constitution, nor prohibited by it by State, are reserved to the States respectively, or to the people.

Senator Dole went across this country during 1995, reading this amendment to Republican audiences and to audiences in general. I know because I was there at many of the same meetings; and I know because I was there, that this is the heart and the soul of the Contract With America and the Republican revolution in 1994.

I am surprised that this case of amnesia has come over so many of my colleagues and that we have forgotten about the importance of this. This is a body that is very respectful of one another. It would not be appropriate, I do not think, for me to mention a Senator's name. I suppose I could do it

within the rules of the Senate and then mention what he said about unfunded mandates in 1995 and apply it to the vote that we will be taking later this week. But let me read to you just a handful of examples of the kind of things that Members of this body said on this floor in 1995 when the Senate, by 91 to 9, passed the unfunded mandates bill. One Senator said:

In my own State, I repeat to the Senate, local officials, whether it be the Secretary of the State or Labor implementing motor vehicle registrations, or the mayor of the little town where I come from, attempted to meet the needs of the small city. I have heard their appeals and they clearly are tired of the Federal Government telling them precisely how to do things by regulation when they could do it just as well in different ways at less cost to their people.

A Democrat from the South:

I believe there is a tendency, particularly during a time of constrained Federal resources, to look to the imposition of obligations on State and local government as a means of accomplishing national objectives which we at the national Government are either unwilling or unable to pay for.

Another southern Senator, this one a Republican:

We worry about how we attract good people into office. It is things like unfunded mandates that drives them out.

Another Senator from the West:

I served in the legislature and a good deal of our budget was committed before we ever arrived by Federal unfunded mandates.

This goes on and on.

The one other matter that I would like to specifically mention before I conclude is I want to remind, if I may, my colleagues of why this is an unfunded mandate. Several have come up to me and said: This doesn't sound like an unfunded mandate to me. I thought an unfunded mandate was only when you pass a law to do a program, like help children with disabilities, and then only pay half the bill, which is what we do.

That is one kind of unfunded mandate. But another kind of unfunded mandate that is specifically defined by the Budget Act that was amended in 1995 by this Congress is a direct cost that

. . . would be required to be spent or prohibited from raising in revenues, in order to comply with the Federal intergovernmental mandate.

In other words, the term ''unfunded mandates'' just requires the requirements that we impose when we don't pay the bill. Whether we are requiring a new program or whether we are telling the State it cannot do this tax or that tax, it is a requirement we are imposing without paying the bill. In other words, we are claiming credit and asking others to pay the cost.

The Uniform Unfunded Mandates Reform Act of 1995 created a very specific procedure for this. This isn't guesswork. It said that when there appears to be an unfunded mandate, that here is how we enforce that. First, the Senate committee of relevant jurisdiction—in this case it would be the Commerce Committee—under section 423 of the Budget Act, submits a request for an assessment, identification, and description of any unfunded Federal mandate.

That was done. The Commerce Committee asked the Congressional Budget Office: Is this ban on Internet access taxation an unfunded Federal mandate?

And the Congressional Budget Office said: Yes.

I ask unanimous consent that a report by the Congressional Research Service be printed in the RECORD.

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

(CRS Report for Congress—Received Through the CRS Web)

UNFUNDED MANDATES REFORM ACT SUMMARIZED

(By Keith Bea and Richard S. Beth, Specialist, American National Government, Government Division)

SUMMARY

This summary of the Unfunded Mandates Reform Act (UMRA) of 1995 will assist Members of Congress and staff seeking succinct information on the statute. The term ''unfunded mandates'' generally refers to requirements that a unit of government imposes without providing funds to pay for costs of compliance. UMRA establishes mechanisms to limit federal imposition of unfunded mandates on other levels of government (intergovernmental mandates) and on the private sector. The act establishes points of order against proposed legislation containing an unfunded intergovernmental mandates, requires executive agencies to seek comment on regulations that would constitute a mandate, and establishes a means for judicial enforcement. This report will be updated during the 106th Congress if the act is amended.

OVERVIEW OF UMRA

History of the Act. Enactment of the Unfunded Mandates Reform Act of 1995 (UMRA) culminated years of effort by nonfederal government officials and their advocates to control, if not eliminate, the federal imposition of unfunded mandates. Supporters contend that the statute is needed to forestall federal legislation and regulations that impose questionable or unnecessary burdens and have resulted in high costs and inefficiencies. Opponents argue that mandates may be necessary to achieve results in areas in which voluntary action may be insufficient or state actions have not achieved intended goals.

Since the mid-1980s, Congress debated legislation to slow or prohibit the enactment of unfunded federal manages. The inclusion of the issue in the Contract with America, the blueprint of legislation action developed by the House Republican leadership when it gained the majority practically guaranteed that action would be taken. UMRA was signed into law early in the 104th Congress, on March 22, 1995.

Coverage of the Act. Under UMRA, Federal mandates include provisions of law or regulation that impose enforceable duties, including taxes. They also include provisions that reduce or eliminate Federal financial assistance available for carrying out an existing duty. UMRA distinguishes between ''intergovernmental mandates,'' imposed on state, local, or tribal governments, and ''private sector mandates.'' Intergovernmental mandates include legislation or regulations that would: (1) reduce certain Federal services to State, local, and tribal governments (such as border control or reimbursement for services to illegal aliens); and (2) tighten conditions of assistance or reduce federal funding for existing intergovernmental assistance programs with entitlement authority of $550 million or more. Exclusions and exemptions outside the reach of the statute are discussed later in this report.

Under UMRA, an intergovernmental mandate is considered unfunded unless the legislation authorizing the mandate meets its costs by either (1) providing new budget authority (direct spending authority or entitlement authority) or (2) authorizing appropriations. If appropriations are authorized, the mandate is considered unfunded unless the legislation ensures that in any fiscal year: (1) the actual costs of the mandate will not exceed the appropriations actually provided; (2) the terms of the mandate will be revised so that it can be carried out with the funds appropriated; (3) the mandate will be abolished; or (4) Congress will enact new legislation to continue the mandate as an unfunded mandate.

Contents of the Act. The act consists of five prefatory sections and four titles. The prefatory sections address matters such as the purpose, short title, and exclusions from coverage of the act. Title I amends the Congressional Budget and Impoundment Control Act, as amended, to permit Congress to (1) identify legislation proposing mandates, and (2) decline to consider legislation proposing unfunded intergovernmental mandates. Title I also sets forth thresholds for action, authorizations, and definitions. Title II requires that Federal agencies assess the financial impact of proposed rules on nonfederal entities, determine whether federal resources exist to pay those costs, solicit and consider input from affected entities, and generally select the least costly or burdensome regulatory option.Title III called for a review of Federal mandates to be completed within 18 months of enactment. This statutory requirement was not completed. UMRA assigned the study to the Advisory Commission on Intergovernmental Relations (ACIR), which no longer exists. The ACIR completed a preliminary report in January, 1996, but the final report was not released. Title IV authorizes judicial review of federal agency compliance with Title II provisions.The remainder of this report summarizes the requirements set forth in Titles I, II, and IV of the act.

REVIEW OF PROPOSED LEGISLATION (TITLE I)

Referred to as ''Legislative Accountability and Reform,'' Title I establishes requirements for committees and the Congressional Budget Office (CBO) to study and report on the magnitude and impact of mandates in proposed legislation. Title I also creates point-of-order procedures through which these requirements can be enforced and the consideration of measures containing unfunded intergovernmental mandates can be blocked.

Information Requirements. Under UMRA, congressional committees have the initial responsibility to identify Federal mandates in measures under consideration. Committees may have CBO study whether proposed legislation could have a significant budgetary impact on nonfederal governments, or a financial or employment impact on the private sector. Also, committee chairs and ranking minority members may have CBO study any legislation containing a Federal mandate.

When an authorizing committee orders reported a public bill or joint resolution containing a Federal mandate, it must provide the measure to CBO. CBO must report an estimate of mandate costs to the committee. The office must prepare full quantitative estimates if costs are estimated to exceed $50

million (for intergovernmental mandates) or $100 million (for private sector mandates), adjusted for inflation, in any of the first five fiscal years the legislation would be in effect. Below these thresholds, CBO must prepare brief statements of cost estimates. For each reported measure with costs over the thresholds, CBO is to submit to the committee an estimate of:

The direct costs of Federal mandates contained in it, or in any necessary implementing regulations; and

The amount of new or existing Federal funding the legislation authorizes to pay these costs.

If reported legislation authorizes appropriations to meet the estimated costs of an intergovernmental mandate, the CBO report must include a statement on the new budget authority needed, for up to 10 year, to meet these costs. For a measure that reauthorizes or amends an existing statute, the direct costs of any mandate it contains are to be measured by the projected increase over those costs required by existing law. The calculation of increased costs must include any projected decrease in existing Federal aid that provides assistance to nonfederal entities.

The committee is to include the CBO estimate in its report or publish it in the CONGRESSIONAL RECORD. The committee's report on the measure must also:

Identify the direct costs to the entities that must carry out the mandate;

Assess likely costs and benefits;

Describe how the mandate affects the ''competitive balance'' between the public and private sectors; and

State the extent to which the legislation would preempt state, local, or tribal law, and explain the effect of any preemption.

These requirements apply to all proposed mandates, both intergovernmental and private sector. For intergovernmental mandates alone, the committee is to describe in its report the extent to which the legislation authorizes federal funding for the direct costs, and details on whether and how funding is to be provided.

Points of Order for Initial Consideration. UMRA establishes that when any measure is taken up for consideration in either house, a point of order may be raised that the measure contains unfunded intergovernmental mandates exceeding the $50 million threshold. This point of order applies to the measure as reported, including, for example, a committee amendment in the nature of a substitute. For any measure reported from committee, a point of order against consideration may also be raised for either intergovernmental or private sector mandates, if the committee has not published a CBO estimate, or if CBO reported that no reasonable estimate was feasible.

In the Senate, if either point of order is sustained, the measure may not be considered. Otherwise, in ruling on the point of order, the chair is to consult with the Committee on Governmental Affairs on whether the measure contains intergovernmental mandates. Also, the unfunded costs of the mandate are to be determined based on estimates by the Committee on the Budget (which may draw for this purpose on the CBO estimate).

In the House, the chair does not rule on these points of order. Instead, under UMRA, the House votes on whether to consider the measure despite the point of order. To prevent dilatory use of the point of order, the chair need not put the question of consideration to a vote unless the point of order identifies specific language containing the unfunded mandate. Also, if several points of order could be raised against the same measure, House practices under UMRA afford means for all to be consolidated in a single vote. If the Committee on Rules proposes a special rule for considering the measure that waives the point of order, UMRA subjects the special rule itself to a point of order, which is disposed of by the same mechanism.

These procedures are intended to insure that the House, like the Senate, will always have an opportunity to determine, by vote, whether to consider a measure that may contain an unfunded mandate. Also, if the House votes to consider a measure in spite of the point of order, UMRA protects the ability of Members to offer amendments in the Committee of the Whole to strike out unfunded intergovernmental mandates, unless the special rule specifically prohibits such amendments.

Additional Enforcement Mechanisms. A point of order under the UMRA mechanism may be raised not only against initial consideration of a bill or resolution, but also against consideration of an amendment, conference report, or motion (e.g., a motion to recommit with instructions or a motion to concur in an amendment of the other house with an amendment) that would cause the unfunded costs of intergovernmental mandates in a measure to exceed the specified threshold. UMRA does not require amendments or motions to be accompanied by CBO mandate cost estimates, but a Senator may request CBO to estimate the costs of mandates in an amendment he or she prepares. If an amended bill or resolution or a conference report contains a new mandate or other new increases in mandate costs, the conferees are to request a supplemental estimate, which CBO is to attempt to provide. UMRA requires no publication of these supplemental estimates.

The UMRA points of order are not applicable against consideration of appropriations bills. However, if an appropriation bill contains legislative provisions that would create unfunded intergovernmental mandates in excess of the threshold, the UMRA point of order may be raised against the provisions themselves. In the Senate, if this point of order is sustained, the provisions are stricken from the bill.

Exclusions and Exemptions. Legislation pertinent to the following subject matters remains exempt from the UMRA point-of-order procedures: individual constitutional rights, discrimination prohibitions, auditing compliance, emergency assistance requested by nonfederal government officials, national security or treaty obligations, emergencies as designated by the President and the Congress, and Social Security. The provisions of Title I pertinent to Federal agencies (for example, the requirement that agencies determine whether sufficient appropriations exist to provide for proposed costs) do not apply to federal regulatory agencies. Also, provisions establishing conditions of Federal assistance or duties stemming from participation in voluntary Federal programs are not mandates.

ASSESSMENT OF MANDATES IN REGULATIONS (TITLE II)

Title II requires that Federal agencies prepare written statements that identify costs and benefits of a Federal mandate to be imposed through the rulemaking process. The requirement applies to regulatory actions determined to result in costs of $100 million or more in any one year. The written assessments to be prepared by Federal agencies must identify the law authorizing the rule, anticipated costs and benefits, the share of costs to be borne by the Federal Government, and the disproportionate costs on individual regions or components of the private sector. Assessments must also include estimates of the effect on the national economy, descriptions of consultations with nonfederal government officials, and a summary of the evaluation of comments and concerns obtained throughout the promulgation process. Impacts of ''any regulatory requirements'' on small governments must be identified; notice must be given to those governments; and technical assistance must be provided. Also, UMRA requires that Federal agencies consider ''a reasonable number'' of policy options and select the most cost-effective or least burdensome alternative.

JUDICIAL REVIEW (TITLE IV)

The requirements in Title II pertaining to the preparation of a mandate assessment statement and notification of impact on small governments remain subject to judicial review. A Federal court may compel a Federal agency to comply with these requirements, but such a court order cannot be used to stay or invalidate the rule.

Mr. ALEXANDER. Then there are some other steps that have to be taken. Not only is it defined as an unfunded intergovernmental mandate, there has to be a certain threshold of spending, $50 million adjusted by inflation, which today would be $64 million.

So the Congressional Budget Office has given its opinion on that, and they have said yes; it is an unfunded Federal mandate. So what the legislation provides, and what I plan to do when this comes up on Thursday, is as the law says. That it is not in order for this body to pass an unfunded Federal intergovernmental mandate, and that a point of order may be raised against its consideration. I plan to raise such a point of order.

The point of order may be waived by this body by 51 votes, which I hope it does not do because this body told the world in 1995 that it was through with this business of unfunded mandates. But we will see. We will see.

I will agree that it sounds good to say we are not going to tax Internet access. I will agree that there may be a Federal interest in not taxing Internet access. I agreed when the issue first came up in the 1990s that while the Internet was still an infant, maybe for the first 3 years a moratorium would be in order.

But if we think it is so important, then we should pay the bill. We should pay the bill. We should not fall into this bad habit that existed before the Republican revolution of 1994 of assuming that just because we were elected to come to Washington, suddenly we are all wise and that the Governors and mayors and legislators are not quite as wise and that we, therefore, ought to tell them what to do and that we ought to restrict their ability to do it or not do it based upon what their tax base is. Let them do their job and we can do ours.

I want to end where I began. It is a privilege to be in this body. One of the greatest privileges is to stand up here and say, on the floor of the Senate, something I used to think about as Governor time after time: Why are those Senators and those Congressmen assuming I can't do my job here? Why are they passing rules and then telling me to pay the bill, especially when they are printing money and we are balancing budgets?

I think we should draw the line. If we really believe that a ban on Internet access in a segment of the telecommunications interest is so overwhelmingly in the Federal interest, then let's pass an unfunded Federal

mandate reimbursement bill and send a check to the States, to Minneapolis, Nashville, Tennessee, every year, for whatever the cost of that is.

I remind my colleagues, and I intend to do so as long as I am here, that they were right in 1994 about the Contract With America. They were right when they stood on the steps of the Capitol and promised: No more unfunded mandates. If we break our contract, throw us out. And they were right when they passed by 91 to 9 in 1995 the ban against unfunded Federal mandates.

I hope the 64 of my colleagues who are still here remember that vote.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, to comment on the legislation the Senator from Tennessee was discussing, I have some concerns about the Internet and taxation of the Internet. I listened with great interest to the arguments the Senator from Tennessee has made. I think they are very good arguments.

I have another argument that causes pause for me and that is that, while, yes, everybody is talking about all the commerce that occurs on the Internet, there is a lot more depravity that occurs on the Internet than commerce.

The top Web sites visited on the Internet are Web sites having to do with pornography. As the father of six young kids, I have to tell you that continuing in the sense of subsidies by not allowing taxation concerns me. It seems to me these Internet IFCs and others who are so concerned in coming up here saying don't tax us and don't hold back the potential of the Internet seem to be a heck of a lot less concerned about the impact of culture debasement that is going on as a result of the exposure of pornography and violence and what I would consider antisocial activities that occur with frequency and that are even more harmfully imposed on young kids in popup ads, through e-mail and spam and through other vehicles that these lecherous members of the international community—it is not just in this country—use to try to sell their wares on the Internet.

I am speaking not as a Senator but as a father who is very disturbed about people coming here and crying, Don't tax us, at the same time they are doing very little to stop what I think is one of the scourges that attacks the decency of our society.

As someone who has been a supporter of the moratorium, as someone who has never seen a tax cut I didn't like and never saw a tax I did like, I don't like what I see going on on the Internet. This whole comment about it is commerce, if you look at where the commerce is, it is not the kind of commerce I think we want to be supporting.

THE CARE ACT

Mr. SANTORUM. Mr. President, I will not take any more time than necessary because I know the Senator from Nevada, who has spent countless hours here on the floor, would like to leave, like so many others here, but I raise again the issue of H.R. 7.

H.R. 7 is the charitable giving act, the CARE Act, that passed both the House and the Senate. I want to state again for the RECORD this is a bipartisan bill. This is a bill that was worked out in the Senate by Senator LIEBERMAN and myself. I worked with Senators DURBIN and REED of Rhode Island and others when they brought up concerns about this bill. We wanted to have a balanced bill, a bipartisan bill, one that could pass here with the kind of support for a bill which encourages charitable giving and individual development accounts for low-income individuals and social services block grants to help those organizations that meet the needs of people who are hurting in our communities. It should pass on a bipartisan basis. We were able to work that out. I even worked out something I wasn't sure I could work out, which is a commitment to try to work with the House to make sure they didn't include language which Senator REED of Rhode Island requested and Senator DURBIN requested; that it not include language having to do with faith-based organizations and expanding charitable choice.

Charitable choice is a provision in the law that was passed here three times and signed by the President three times to allow faith-based organizations to participate in social service funding programs the Federal Government implements. I said I would do my best to make sure that it was not in the House bill, and lo and behold, I was successful and it is not in the House bill. It is not a conferenceable issue. The biggest concern by about government and faith being mixed together is not in this bill. It is not a conferenceable item. There is no poison pill that can come back in this bill because it is not a conferenceable item. I kept the commitment on a bipartisan basis to keep this bill clean.

There are controversies between the House and Senate bills. The Senate bill is paid for. We have offsets in the bill. The House bill is not paid for. The social services block grant, which is a very important component of this mix, is in the Senate bill and is not in the House bill. There are a variety of different tax provisions that are treated differently in the House and Senate.

This isn't going to necessarily be an easy conference. There will have to be a lot of give and take, as in most conferences, when we are dealing with taxes and spending.

I think it is important that we sit down with the House and have a conference. I will tell you that I fully anticipate needing and wanting support from my colleagues here in the Senate on both sides of the aisle to get this bill done. We are going to need that kind of leverage to go to the House and be able to work out this compromise. I will need their support because I want to pass this bill. It is a bill that is on the President's agenda. This is one of the bills he really wants to accomplish.

I fully anticipate that if this bill comes back in the form that is not acceptable to the minority, there is probably very little chance they are going to give us the votes to be able to pass it.

To be crass about it, we have to work together. But to be honest about it, I want to work together. I think I have shown throughout the entire legislative history of this act that I have done so, and I have done so honestly and straightforwardly. We have produced a bill that has gotten overwhelming support. Actually a higher percentage of Democrats voted for this bill than Republicans.

I am concerned. I understand the minority has said and the Senator from Nevada has said with frequency they are not being treated fairly in conference. I understand that, and I don't necessarily want to get into that issue. They may have points, and they can take them up with the committee chairman and with the leader. I am talking about this bill. This is the first bill on which this charge has been leveled. We are not going to conference on this bill because of those reasons. I think it is not the best bill to pass. There may be other bills that have not been worked on on a bipartisan basis. But the prospect of having a bipartisan compromise is less likely than with this bill. This is a bill that helps poor kids. This is a bill that is going to provide social services funding to make sure people do not go homeless or hungry. This is a bill that we need to finish before the holiday season.

It makes no sense for us to use this vehicle as sort of the line in the sand that the minority is going to draw to say we are not happy with the way we are being treated. Fine. You are not happy with the way you are being treated, I understand that. But you certainly haven't been treated poorly on this bill. On this bill, you have been treated, I hope, as good as on any bill that has been passed through this Chamber. I anticipate that continuing. I anticipate—in fact, solicit and expect—full participation from Senator BAUCUS, with whom I have talked on this issue, and Senator GRASSLEY, with whom I have talked. Senator GRASSLEY came to the floor yesterday and said he anticipates, as he does with most if not all of the conferences he has been involved with, working on a bipartisan basis as is the custom in the Finance Committee.

I say in conclusion, before I enter into the unanimous consent request, to please look at what this bill has the potential of doing—2 billion pounds of food and more will be donated as a result of this bill passing over the next few years, 2 billion pounds of food that will be donated so people in America who are hungry and people who will be homeless will no longer be hungry and homeless; people who want quality education will have a better opportunity

to get that education; people who want to save and invest and start a small business or to go to school or to buy a home will have the opportunity to do that which they don't have today.

That is what this is all about. This should not be about disappointment over past practices. I hope we can focus on the goodness of this legislation and not take something that is accepted by both sides as a desirable and good thing for those who need help in America and use that as the point of departure of a new idea that says we are not going to go to conference because we have not been treated fairly.

I just hope in searching yourselves on the minority side that you will grab another piece of legislation and use that as the starting point. I don't think this legislation deserves it. I don't think the people who will benefit from it deserve it. I hope after further consideration we can have a reasonable conference and get this accomplished.

UNANIMOUS CONSENT REQUEST—H.R. 7

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, the charitable giving bill. I further ask unanimous consent that all after the enacting clause be stricken; the Snowe amendment and the Grassley-Baucus amendment at the desk be agreed to en bloc; that the substitute amendment, which is the text of S. 476, the Senate-passed version of the charitable giving bill, as amended by the Snowe-Grassley-Baucus amendments, be agreed to; that the bill, as amended, be read the third time and passed and 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 the ratio of 3 to 2 and any statements relating to the bill be printed in the RECORD.

Mr. REID. I object. To say going to a conference is the only way to legislate between the House and the Senate is not a valid argument. I personally favor this legislation. I voted for it and I think it is something that is needed. As everyone knows, I am not a cheerleader for the budget but I think this legislation is important for our country. I commend the President for moving forward on it.

As I indicated, saying that a conference is the only way to legislate between the House and the Senate is not a valid argument. Almost every day, both Houses pass legislation for which a conference is not appointed.

Last night, the Senate passed the Fallen Patriots Tax Relief Act. We amended this piece of legislation, then sent it back to the House without asking for a conference.

We have done this lots of times. Here are bills that are now public laws. These pieces of legislation are now public laws. That is how they became public laws. We bundled them up, sent them to the House. On some of the occasions they accepted them, other times they sent them back with an amendment with which we dealt. H.R. 1584, H.R. 1298, H.R. 733, H.R. 13, H.R. 3146, H.R. 659 are extremely important pieces of legislation that we thought at the time were important. They are now law.

It is my understanding that the Senate, because of the majority, is not willing to deal with the CARE Act, as has been so forcibly announced here today by the distinguished Senator from Pennsylvania.

I suggest and, in the form of a unanimous consent, request that we treat this legislation as we treat lots of legislation: Send it to the House; they might accept it. If they do not, they can send it back with an amendment or amendments on it. They may like our bill. They may want to amend our bill. They may want to send it back. At least we should give the House this opportunity rather than holding the bill hostage.

Therefore, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, which is at the desk; that all after the enacting clause be stricken; the Snowe amendment and the Grassley-Baucus amendment be agreed to en bloc; that the substitute amendment, which is the text of S. 476, as passed by the Senate and amended by the Snowe and Grassley-Baucus amendments, be agreed to; the bill, as amended, be read the third time and passed; and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. The objection is heard of the request of the Senator from Pennsylvania.

Is there objection to the request of the Senator from Nevada?

Mr. SANTORUM. I object.

Mr. President, I understand the Senator from Nevada has suggested we simply amend the bill we passed earlier this year and send it back to the House.

I respectfully suggest to the Senator from Nevada, through the Presiding Officer, we did that once. We passed this bill once and sent it to the House, and the House struck that bill and sent their version back. I don't think we gain anything by then taking the very bill they rejected and sending it back to them and expecting them to pass it. That is what I would call ping-pong. That is back and forth with nobody getting anywhere. That is why there are things such as conferences, where we actually sit down and try to work out differences.

I am not familiar with the list of bills the Senator from Nevada laid out when he said we have been able to accomplish passing of legislation without having a conference. And that is true. We are going to do one, hopefully, tomorrow, the Syria Accountability Act. But the changes between what the House wanted and what the Senate wanted were very minor changes, a couple of finding changes and basically a change in the waiver status. We talked to the House and they were willing to accept it because they were minor changes. That is an important piece of legislation. I would consider that a major piece of legislation, but it is not a particularly complex piece of legislation as we are dealing with—with a lot of the moving parts—as we have in the charitable giving act, the CARE Act. This is a rather complex piece of legislation, complex tax law.

There is a whole issue of $10 billion that is not paid for in one bill, in the House bill, and it is paid for here. How are we going to tell what, if anything, will be paid for and how much; what vehicles, what measures, we will use to offset this? This is a very complicated issue that has not just one—as the Syria Accountability bill—issue. There are many issues. There is the food donation provision. There are provisions on IRA rollovers. There are provisions on people who do not file long forms, people who do not itemize being able to deduct charitable giving. That is just three of probably a dozen issues we are going to have to deal with on this bill.

To suggest we can do so by ping-ponging the bill back and forth and trying to find some equilibrium—I suggest the people who have been in this Chamber for a lot longer than I have would recognize that a bill of this complexity does not get handled that way.

I hope we will recognize we have an obligation to try to finish this legislation. I hope we can do so in a way that will do well by the Senate. We have my commitment, the commitment of the Senator from Pennsylvania, to be inclusive, not just because that is the way we have done it but that is the way we need to do it in order to be successful and get a compromise that will pass both the House and the Senate.

I respectfully have to object to the unanimous consent request of the Senator from Nevada and hope we can continue to think of this and work on it and get to a successful conclusion.

Mr. REID. Mr. President, as my friend has said, we do not want to prolong this, but I make another suggestion that may work. That would be that the two amendments, the Snowe amendment which deals with the child tax credit and the other amendment that deals with tax extenders, really have nothing to do with charitable choice. I suggest those be taken from the bill and the pure bill that passed the Senate be sent to the House forthwith. That may make it easier for the House to deal with—I would hope so—and the other issues which I know are very important, we could deal with at a later time.

That is just a suggestion. I am not asking unanimous consent; I am just saying to my friend who has devoted so much of his time to this bill, which I know he believes in very sincerely, that might be a suggestion that is taken up with the majority leader and

others who have some persuasive powers in their ability to move this matter.

For clarification with respect to my colloguy with the distinguished Senator from Pennsylvania, we are ready to send to the House all three components of the Senate amendment to H.R. 7, the version of S. 476, as passed the Senate, the Snowe-Lincoln child tax credit piece, and the Grassley-Baucus tax extenders piece. We are supportive of all these items. In order to help the Senator from Pennsylvania, we are ready to send all of them over separately, and of course, we are ready to go forward sending them over bundled just without the necessity of a conference.

Mr. SANTORUM. I appreciate the suggestion of the Senator from Nevada.

I suggest in response to that, again, this bill is the bill that has already passed the Senate. We already sent it over to the House. The House has already looked at the Senate bill and said: We have a better way. We do not want to have offsets to this bill; we do not want to have social service block grant funds; we do not want to have as generous a food donation provision. We want to have some other provisions that you do not have in this legislation. They sent it back.

Now when you have such differing viewpoints on how to solve this problem, the tradition in this body, and out of necessity, is to convene a conference and get that done. Sending different versions back and forth does not make progress and, with all due respect, I do not believe will solve the problem.

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

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

MORNING BUSINESS

Mr. SANTORUM. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

HONORING OUR ARMED FORCES

Mr. DODD. Mr. President, I rise to honor the memory of Pfc. Anthony D'Agostino, of Waterbury, CT, who was killed in Iraq this past Sunday. He was just 4 days short of his 21st birthday.

Private D'Agostino was part of the U.S. Army's 16th Signal Brigade, based in Fort Hood, TX. He was one of 15 soldiers killed when a missile struck a Chinook helicopter that was carrying American troops to Baghdad International Airport for a trip home to spend 2 weeks with family and friends. I join all of America in mourning each and every one of these brave soldiers, and in praying for the recovery of the 20 soldiers who were injured in the attack.

It's a sad fact of war that as the death toll mounts, the daily casualty reports can become almost routine. But each time I read the story of a Connecticut soldier who has perished overseas and this is the sixth such story in this war I'm reminded of how many lives are touched by every single man or woman who makes the ultimate sacrifice so that all of us can live in peace, freedom, and security.

Anthony was a true Connecticut son, spending virtually his entire life in our State. He grew up in Middlebury, attending Middlebury Elementary School and Memorial Middle School, and in 2001, he graduated from the W.F. Kaynor Regional Vocational-Technical High School, specializing in electricity. After graduating, he lived in Waterbury until he enlisted in the Army 2 years ago.

Men and women across America who make the decision to join our Armed Forces do so for a variety of reasons. For Anthony D'Agostino, it was a decision that was forged in the fire of the attacks of September 11, 2001. Like so many Americans, in the aftermath of those terrible attacks, Anthony decided that he wanted to contribute something to his country. Tragically, he and his family would ultimately make the most painful contribution of all.

Joining the Army was a homecoming of sorts for Anthony. He was born in Georgia while his father Steven was stationed at Fort Benning. And when it was time for Anthony to enter basic training 19 years later, he returned to the same base where his father once served.

Those who knew Anthony say he had a tremendous work ethic, whether that meant giving his all on high school sports teams, or mowing his grandparents' lawn with a stand-up mower. Even while he was in Iraq, he asked his family to send over Spanish books so he could use what little spare time he had to better himself. He had dreams of returning home and attending the U.S. Military Academy in West Point.

Anthony D'Agostino knew he was facing serious danger when he left for Iraq 8 months ago. But it was a danger he was prepared and proud to accept as a soldier in the United States Army.

Anthony had a sense of responsibility, dedication, and commitment well beyond his years. And Connecticut will never forget him.

My heart goes out to Anthony's father Steven, his mother Deb, his stepfather Paul, and to his entire family.

Mr. DURBIN. Mr. President, I would like to take a few minutes to pay tribute to a truly remarkable individual whom I have had the privilege to know and work with, U.S. Army Lt. Colonel Patrick Sargent. Pat Sargent worked in my office for a year as a Congressional Fellow in 2001. He is a helicopter pilot and is currently the commander of the 421st Medical Battalion stationed in Germany. Lt. Colonel Sargent served in Operation Iraqi Freedom and is scheduled to return for a second deployment shortly.

This past August, Pat received the General Benjamin O. Davis Jr. Award by the Tuskegee Airmen Inc., an organization dedicated to preserving the amazing legacy of the World War II Tuskegee Airmen. This award is conferred annually to ''a field grade officer who has exhibited outstanding performance in both professional and community service.'' It is the highest award given by this organization, and this year was the first time this honor has gone to an Army aviator.

Who were the Tuskegee Airmen? They were a group of American heroes who every American should know about. In recent years we have seen a surge in interest in World War II and the experiences of American servicemen who served in the worst conflict humanity has ever seen. Movies such as ''Saving Private Ryan'' have done much to illustrate the sacrifices of our World War II veterans, and we have begun construction of a World War II Memorial on the Mall here in Washington. All of these veterans sacrificed for the allied cause against totalitarianism.

But the Tuskegee Airmen faced an additional struggle on top of the war against the Axis Powers. They fought prejudice here at home, and they succeeded on both fronts. During World War II, the U.S. military began an experiment to determine whether African Americans were capable of successfully piloting combat aircraft. This ''experiment'' eventually evolved into the 332nd Fighter Group, consisting of four squadrons of fighter aircraft piloted entirely by African Americans. Under the command of then-Colonel Benjamin O. Davis, the 332nd flew 200 missions escorting U.S. bombers over Europe. It was the only U.S. fighter group of the war that never lost a bomber under its protection.

Pat Sargent is a modern-day descendent of those brave men. As I noted, he commands the 421st Medical Battalion. With 45 Black Hawk helicopters, 40 ground ambulances, 118 wheeled vehicles, and 591 personnel, it is the U.S. Army's largest medical evacuation battalion. Serving in Operation Iraqi Freedom, Pat became the first African American to command a medical evacuation battalion in combat in our Nation's history. The motto of the 421st is ''Anyone, Anywhere, Anytime.'' It is only three words in length, but it is telling nonetheless. The battalion's men and women are deployed to sites across the globe, including the Balkans, Iraq, Afghanistan, and Africa. They perform medical evacuations not only for American soldiers but for allied troops, wounded enemy soldiers that have been taken prisoner, and injured civilians. In Iraq, helicopters

from the 421st on MedEvac missions are routinely fired upon. Think about that. The crews of these helicopters, these amazing men and women, are being shot at as they strive to bring life-saving medical care to Iraqis and Americans alike. Anyone, anywhere, anytime.

Colonel Donald Gagliano, commander of the 30th Medical Brigade of which the 421st Battalion is a part, commented on Pat's recent award: ''This exemplary senior Army aviator is the quintessence of excellence. He is the epitome of the Tuskegee Airman, and his character, demeanor and professionalism are reflective and very similar to that of Gen. Benjamin O. Davis Jr.''

I cannot adequately pay tribute to Pat without also discussing his wife Sherry. She is also a Lt. Colonel in the Army and is currently stationed in Iraq as part of the 1st Armored Division. She and Pat met early in their careers, while they were both in training to become officers. Together they have a lovely daughter Samantha. Sherry has been in Iraq since the spring and is not scheduled to leave until spring, 2004.

As Pat and Sherry have found themselves both deployed overseas, they have had to make arrangements for someone to look after Samantha. Fortunately, Sherry's parents have been able to relocate to Germany indefinitely to help care for Samantha.

The Sargent family illustrates the fact that when our Nation calls upon our military to deploy, be it for peacekeeping, for combat, or for another type of operation, the sacrifices are borne by more than just those individuals who wear a military uniform.

September 11, 2001, was, of course, a tragic day for all Americans. Some of us were touched more directly than others. As I stated, Pat Sargent spent 2001 as a Congressional Fellow in my Washington, DC office. During that time, his wife was working at the Pentagon. On that terrible morning of September 11, Sherry Sargent learned that two aircraft had struck the World Trade Center. She walked down the hall to an office with a TV in order to learn what was going on. At 9:40 AM, American Airlines Flight 77 crashed into the portion of the Pentagon where Sherry Sargent's office was located. She lost many friends and coworkers that day. Had she been in her office she would almost certainly have been among those who were killed or injured. As soon as he learned of the attack on the Pentagon, Pat rushed to the scene to locate Sherry. He caught the last shuttle bus from Capitol Hill to the Pentagon before the area was sealed off. After a long search on the crowded Pentagon grounds, Pat was able to find Sherry and learn that she had, fortunately, survived the attack.

In an e-mail to my office a few months ago, Pat noted that ''High-tech weapons played a part in the success of this war; but, it was won with human capital—America's sons and daughters.'' He expressed his thanks for all that Congress has done to support our men and women in uniform.

Well, Pat, I want to thank you—and all of our dedicated service men and women—for your sacrifices, your commitment, and your bravery. And I congratulate you for your receipt of the General Benjamin O. Davis Award, an honor you richly deserve.

Mr. WARNER. Mr. President, I seek recognition to honor a Virginia soldier, Captain John Robert Teal, who was tragically killed in action in Iraq on Thursday, October 23, 2003. I want to express gratitude, on behalf of the Senate, for his service to our Nation. The American people, I am certain, join me in expressing their prayers and compassion to his family.

Captain John Robert Teal followed his father Joseph, a retired firefighter, into public service. He understood the importance of his present assignment and despite the personal risk, wanted to serve the United States and the people of Iraq during this critical time.

A medical officer attached to the Army's 4th Infantry Division, he was a dedicated and compassionate young man who, according to news reports, spent his final days helping sick children.

Captain Teal leaves behind his father Joseph; his mother Emmie; and his sister Elizabeth Kormanyos.

His parents, Joseph and Emmie, with whom I have had the pleasure to speak, albeit under tragic circumstances, are brave souls who have sacrificed so much for this Nation. We owe them and the other families who have lost their loved ones a debt of gratitude.

John was a 1990 graduate of Benedictine High School. Upon graduating from Benedictine, he attended the Virginia Military Institute from which he graduated in 1994 and received a commission in the United States Army.

He was an exceptional young man with a bright future in front of him. He was known as a wonderful person and according to friends, the kind of individual that no one could say anything bad about. The Commonwealth of Virginia and the entire Nation shall mourn his loss.

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Daniel Bader, a fellow Nebraskan and staff sergeant in the United States Army. Staff Sergeant Bader was killed on November 2 near Fallujah, Iraq when the Chinook helicopter he was aboard was shot down. Staff Sergeant Bader was one of 16 soldiers killed and 20 wounded en route to the United States for 2 weeks of leave. He was 28 years old.

Staff Sergeant Bader served in the 3rd Armored Cavalry, Tiger Squadron, based on Fort Carson, CO. He was deployed to Iraq on April 4, 2003.

A York, NE native, Staff Sergeant Bader was a dedicated soldier who was committed to his family and country. He joined the military shortly after graduating from high school and ''absolutely loved'' his career in the Army, said his wife Tiffany. In addition to his wife, Staff Sergeant Bader leaves behind a 14-month-old daughter, Taryn Makenzie. Our thoughts and prayers are with them both at this difficult time.

Staff Sergeant Bader and thousands of brave American service men and women confront danger every day in Iraq—their tremendous risks and sacrifices must never be taken for granted. For his service, bravery, and sacrifice, I ask my colleagues to join me and all Americans in honoring Staff Sergeant Daniel Bader.

MOVING TO SUSPEND PARAGRAPH 4 OF RULE XVI

Mr. CRAPO. Mr. President, I submit the following notice in writing: ''In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the Committee Amendment to the bill (H.R. 2673), Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes, with respect to amendment No. 2068.

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.

Mr. Robert Maricle, a bisexual man from Salinas, CA, disappeared from his community on December 14, 2002. Almost 4 months later, his body was discovered in a shallow grave. Mr. Maricle was reported missing after going out for drinks with three strangers. Police allege that those three strangers are responsible for Mr. Maricle's death, and committed the crime in part because of his sexual orientation.

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.

BUDGET SCOREKEEPING REPORT

Mr. NICKLES. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974,

as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2004 budget through October 31, 2003. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2004 Concurrent Resolution on the Budget, H. Con. Res. 95, as adjusted.

The estimates show that current level spending is below the budget resolution by $14.6 billion in budget authority and by $14 billion in outlays in 2004. Current level for revenues is $108 million above the budget resolution in 2004.

Since my last report, dated October 14, 2003, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues for 2004: An act making further continuing appropriations for fiscal year 2004 (H.J. Res. 75); Check Clearing Act for the 21st Century (P.L. 108–100); and, an act to amend Title 44, U.S.C. (P.L. 108–102). In addition the Congress has cleared for the President's signature the following acts: Partial Birth Abortion Act of 2003 (S. 3); and, an act to amend Title XXI, of the Social Security Act (H.R. 3288).

I ask unanimous consent that a transmittal letter from CBO and report be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 3, 2003.

Hon. DON NICKLES,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached tables show the effects of Congressional action on the 2004 budget and are current through October 31, 2003. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, as adjusted.

Since my last report dated October 10, 2003, the Congress has cleared and the President has signed the following acts which changed budget authority, outlays, and revenues for 2004: An act making further continuing appropriations for Fiscal Year 2004 (H.J. Res. 75); Check Clearing Act for the 21st Century (P.L. 108–100); and an act to amend Title 44, United States Code (P.L. 108–102).

In addition the Congress has cleared for the President's signature the following acts: Partial-Birth Abortion Act of 2003 (S.3); and an act to amend Title XXI, of the Social Security Act, (H.R. 3288).

The effects of these actions are detailed on Table 2.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Attachments.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF OCTOBER 31, 2003

[In billions of dollars]

	Budget resolution	Current level [1]	Current level over/ under (−) resolution
On-Budget:			
Budget Authority	1,873.5	1,858.9	−14.6
Outlays	1,897.0	1,883.0	−14.0
Revenues	1,331.0	1,331.1	0.1
Off-Budget:			
Social Security Outlays	380.4	380.4	0
Social Security Revenues	557.8	557.8	0

[1] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF OCTOBER 31, 2003

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a	n.a	1,466,370
Permanents and other spending legislation [1]	1,081,649	1,054,550	n.a.
Appropriation legislation	0	345,754	n.a.
Offsetting receipts	−366,436	−366,436	n.a.
Total, enacted in previous sessions	715,213	1,033,868	1,466,370
Enacted this session:			
Authorizing Legislation:			
American 5-Cent Coin Design Continuity Act of 2003 (P.L. 108–15)	−1	−1	0
Postal Civil Service Retirement System Funding Reform Act of 2003 (P.L. 108–18)	2,746	2,746	0
Clean Diamond Trade Act (P.L. 108–19)	0	0	(*)
Prosecutorial Remedies and Other Tools to End Exploitation of Children Today Act (P.L. 108–21)	0	0	(*)
Unemployment Compensation Amendments of 2003 (P.L. 108–26)	4,730	4,730	145
Jobs and Growth Tax Relief Reconciliation Act of 2003 (P.L. 108–27)	13,313	13,312	−135,370
Veterans' Memorial Preservation and Recognition Act of 2003 (P.L. 108–29)	0	0	(*)
Welfare Reform Extension Act of 2033 (P.L. 108–40)	99	108	0
Burmese Freedom and Democracy Act (P.L. 108–61)	0	0	−10
Smithsonian Facilities Authorization Act (P.L. 108–72)	1	1	0
Family Farmer Bankruptcy Relief Act of 2003 (P.L. 108–73)	0	0	(*)
An act to amend Title XXI of the Social Security Act (P.L. 108–74)	1,325	100	0
Chile Free Trade Agreement Implementation Act (P.L. 108–77)	0	0	−5
Singapore Free Trade Agreement Implementation Act (P.L. 108–78)	0	0	−55
First Continuing Resolution, 2004 (P.L. 108–84)	−2,222	1	−2
Surface Transportation Extension Act of 2003 (P.L. 108–88)	6,405	0	0
An act to extend the Temporary Assistance for Needy Families block grant program (P.L. 108–89)	15	−36	33
An act to amend chapter 84 of title 5 of the United States Code (P.L. 108–92)	1	1	0
An act to amend the Immigration and Nationality Act (P.L. 108–99)	0	0	2
Second Continuing Resolution, 2004 (H.J. Res. 75)	1	0	(*)
The Check Clearing Act for the 21st Century (P.L. 108–100)	0	0	(*)
An act to amend Title 44 of the United States Code (P.L. 108–102)	0	0	(*)
Total, authorizing legislation	26,412	20,962	−135,262
Appropriations Acts:			
Emergency Wartime Supplemental Appropriations Act, 2003 (P.L. 108–11)	215	27,349	0
Legislative Branch Appropriations (P.L. 108–83)	3,539	3,066	0
Defense Appropriations (P.L. 108–87)	368,694	251,486	0
Homeland Security Appropriations (P.L. 108–90)	30,216	18,192	0
Total, appropriation acts	402,664	300,093	0
Passed Pending Signature:			
Partial-Birth Abortion Act of 2003 (S.3)	0	0	(*)
An act to amend Title XXI of the Social Security Act (H.R. 3288)	0	9	0
Total, passed pending signature	0	9	0
Continuing Resolution Authority: Second Continuing Resolution, 2004 (H.J. Res. 75)	356,166	189,919	0
Entitlements and mandatories: Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	358,447	333,124	n.a.
Total Current Level [1 2]	1,858,902	1,882,975	1,331,108
Total Budget Resolution	1,873,459	1,896,973	1,331,000
Current Level Over Budget Resolution	n.a.	n.a.	108
Current Level Under Budget Resolution	14,557	13,998	n.a.

[1] Per section 502 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, provisions designated as an emergency are exempt from enforcement of the budget resolution. As a result, the current level excludes prior-year outlays of $262 million from funds provided in the Emergency Supplemental Appropriations for Disaster Relief Act of 2003 (P.L. 108–69), and $456 million from funds provided in the Legislative Branch Appropriations Act, 2004 (P.L. 108–83).

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

Source: Congressional Budget Office.

Notes: n.a.=not applicable; P.L.=Public Law; *=less than $500,000.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, available for brief debate and confirmation votes by the United States Senate are several of the President's judicial nominees. Roger W. Titus of Maryland was unanimously reported by the Judiciary Committee to the Senate more than a month ago. This nomination was greeted with universal acclaim. He is an outstanding Maryland lawyer and leader of the bar, an active litigator in Maryland for over 37 years, a partner at the Venable law firm, a former President of the Maryland Bar Association. He has also served as an Adjunct Professor at the Georgetown University Law Center. Mr. Titus earned a unanimous ''Well-Qualified'' rating from the ABA, and an AV rating from Martindale-Hubbell.

In 2001, Mr. Titus was honored with The Baltimore Daily Record's first Leadership in the Law Award, which recognizes members of the legal community for their devotion to the betterment of the profession and their communities. In 1999, Mr. Titus received the Century of Service Award from the Montgomery County Bar Association for his outstanding contributions to the legal profession and community during the twentieth century.

According to an article in The Baltimore Sun, Mr. Titus was apparently in the running to be nominated for a seat on the U.S. Court of Appeals for the Fourth Circuit. In light of his stellar qualifications, deep roots in his legal community and ability to garner the bipartisan support of his elected officials he would have been a consensus choice for this important appellate seat. This White House was not interested in appointing a consensus nominee to the Fourth Circuit. It wanted to pick a fight. So it did. It nominated someone from Virginia to the Maryland vacancy on the Fourth Circuit and precipitated a controversy. There are reportedly 30,000 practicing attorneys in the State of Maryland. Instead of nominating a well qualified Marylander like Mr. Titus to Judge Murnahan's vacant seat on the Fourth Circuit, the President selected a controversial nominee with very little litigation experience from another jurisdiction. That nominee, Claude Allen, received a partial ''not qualified'' rating by the American Bar Association and his selection has engendered significant opposition from concerned citizens groups and understandably from the Maryland Senators.

It is regrettable that this President has again chosen the course of confrontation and conflict for his appellate court nominations. Mr. Titus, with his many years of litigation experience and his well-deserved reputation as a leader among lawyers in Maryland is the type of person who should have been chosen for Judge Murnahan's vacant seat on the Fourth Circuit. His nomination stands in sharp contrast to the inexperienced and divisive candidates chosen by the White House for too many appellate judgeships in what appear to be an effort to pack the court with ideological nominees and tilt these courts.

There is no doubt that Mr. Titus is a Republican, yet he has the support of both of his home-state Senators, both Democrats, and has earned the unanimous support of the Members of the Judiciary Committee. I would have supported his nomination to the Fourth Circuit vacancy. I continue to support his nomination to the District Court. The month-long delay the Republican leadership has already caused in his consideration for the District Court position reminds me of their delay in scheduling a vote on the Fifth Circuit nomination of Judge Edward Prado earlier this year. Then they did not want to allow Democratic Senators to vote for a conservative Hispanic nominee when they were trying desperately to mischaracterize Senate Democrats as anti-Hispanic. Now it seems we are making too much progress on too many judicial nominees to suit their partisan interests in mischaracterizing Senate Democrats as blockading Bush nominee's to the courts.

The truth is that in less than three years' time, President George W. Bush exceeded the number of judicial nominees confirmed for President Reagan in all four years of his first term in office. Senate Democrats have cooperated so that this President already surpassed the record of the President Republicans acknowledge to be the ''all time champ'' at appointing Federal judges. Since July, 2001, despite the fact that the Senate majority has shifted twice, a total of 167 judicial nominations have already been confirmed, including 29 circuit court appointments. One hundred judges were confirmed in the 17 months of the Democratic Senate majority and the Senate has proceeded to confirm another 67 judges during the comparative time of the Republican majority for a total of 167 judges.

One would think that the White House and the Republicans in the Senate would be heralding this landmark. One would think they would be congratulating themselves for putting more lifetime appointed judges on the federal bench than President Reagan did in his entire first term and doing it in three-quarters the time. One would think that they would be building upon that success by scheduling prompt votes on noncontroversial nominees like Roger Titus. But Republicans have a different partisan message and this truth is not consistent with their efforts to mislead the American people into thinking that Democrats have obstructed judicial nominations. That is why the President chose to criticize the Senate from the Rose Garden again last week and in campaign appearances around the country last weekend and earlier this week rather than work with us and recognize what we can accomplish together.

Not only has this President been accorded more Senate confirmations than President Reagan achieved during his entire first term, but he has also achieved more confirmations this year than in any of the six years that Republicans controlled the Senate when President Clinton was in office. Not once was President Clinton allowed 67 confirmations in a year when Republicans controlled the pace of confirmations. Despite the high numbers of vacancies and availability of highly qualified nominees, Republicans never cooperated with President Clinton to the extent Senate Democrats have. President Bush has appointed more lifetime circuit and district court judges in 10 months this year than President Clinton was allowed in 1995, 1996, 1997, 1998, 1999, or 2000.

Last year alone, the Democratic majority in the Senate proceeded to confirm 72 of President Bush's judicial nominees and was savagely attacked nonetheless. With a little cooperation from Senate Republicans we might match that record before adjournment this year, as well.

In fact, President Bush has now already appointed more judges in his third year in office than in the third year of the last five presidential terms, including the most recent term when Republicans controlled the Senate and President Clinton was leading the country to historic economic achievements. That year, in 1999, Republicans allowed only 34 judicial nominees of President Clinton's to be confirmed all year, including only 7 circuit court nominees. Those are close to the average totals for the six years 1995–2000 when a Republican Senate majority was determining how quickly to consider the judicial nominees of a Democratic President. By contrast, the Senate this year has already confirmed 67 judicial nominees, including 12 circuit court nominees, almost double the totals for 1999.

We have worked hard and bent over backwards cooperating with a very uncooperative White House and Senate Republican majority. In spite of their false charges and partisanship, Senate Democrats have continued working to make progress in filling judicial vacancies. According to the website of the Republican Chairman of the Judiciary Committee we have reduced the number of judicial vacancies below 40. Had the Senate Democratic majority not acted last year to authorize between 15 and 20 additional judgeships, the vacancies total might well be in the low 20's. After inheriting 110 vacancies when the Senate Judiciary Committee reorganized under Democratic control in 2001, I helped move through and confirm 100 of the President's judicial nominees in just 17 months. Through hard work we have proceeded to reduce vacancies to the lowest number in 13 years and arguably the lowest level since President Reagan. There are more Federal judges on the bench today than at any time in American history. These facts stand in stark contrast to the false partisan rhetoric that

demonize the Senate for having blocked all of this President's judicial nominations. The reality is that the Senate is proceeding at a record pace and achieving record numbers.

Also on the Senate calendar awaiting action is the nomination of Gary Sharpe of New York. That nomination was reported unanimously by the Judiciary Committee two weeks ago. He remains on the Senate Executive Calendar because the Senate Republican leadership has no interest in scheduling this noncontroversial judicial nominee for a vote.

Also on the Senate Executive Calendar awaiting scheduling of debate and a final vote are the nominations of Judge Dora Irizarry of New York and J. Leon Holmes of Arkansas. Mr. Holmes nomination has been awaiting debate since May, more than six months. Let us be clear. There is no Democratic hold preventing debate and votes on either of these nominees. They merit debate. There was debate in the Judiciary Committee. There should be debate on the Senate floor. And then the Senate will vote.

Indeed, following the debate on Judge Irizarry more than half of the Republican Members indicated that they opposed the President's nomination. I respect and understand their concern. I have had similar concerns about a number of this President's nominees. More than two dozen have received ratings or partial ratings of ''not qualified'' by the ABA. Some, like Timothy Hardiman of Pennsylvania and Dora Irizarry of New York, do not have the support of their local bar association either.

Unlike the way Republicans treated the nomination of Justice Ronnie White of Missouri when he was ambushed on the Senate floor and defeated in a party line vote. I do not expect that to happen with Judge Irizarry. Those with concerns have been forthright in coming forward. I do not expect Democratic Senators to do what Republicans did in 1999 to Ronnie White when they switch their votes and voted lockstep in a partisan effort to defeat his nomination on the floor.

With these four nominees for additional lifetime appointments to the federal bench, the Senate has the chance to reach a total of more than 170 judicial confirmations for the President in less than three years. Maybe that is why the Republican leadership has chosen not to go forward. Could it be that they do not want the American people to know that we have cooperating in filing 170 judicial vacancies in less than three years? That would not be consistent with the talking points the Administration is peddling to friendly media outlets all over town and around the country.

Over the last several days more than 200 people have been killed or wounded in Baghdad. The number of unemployed Americans has been at or near levels not seen in years, poverty is on the rise in our country, and the current Administration seems intent on saddling our children and grandchildren with trillions in deficits and debt. For the first time in a dozen years, charitable giving in this country is down.

While negative indicators are spiking, the Republican leadership of the Congress would rather demonize Democrats, engage in name calling and charge obstruction where the facts are historic levels of cooperation. The Senate wheel-spinning exercises involving the most controversial judicial nominees and the Republican leadership's insistence on unsuccessful cloture votes are unhelpful to the Senate or the courts. Despite the heated rhetoric on the other side of the aisle, we have made progress on judicial vacancies when and where the Administration has been willing to work with the Senate.

Only a handful of the President's most extreme and controversial nominations have been denied consent by the Senate. Up to today only four have failed. That record is in stark contrast to the more than 60 judicial nominees from President Clinton who were blocked by a Republican-led Senate. One-hundred sixty-seven to four, but as I have said, that total could be 170 to four if the Republican leadership would work with us and schedule voted and debate on the four nominees I have identified.

But despite this record of progress, made possible only through good faith effort by Democrats on behalf of a Republican President's nominees, and in the wake of the years of unfairness shown the nominees of a Democratic President, the Republican leadership has decided to use partisan plays out of its playbook as this year winds down.

Instead of putting partisanship aside and bridging our differences for the sake of accomplishing what we can for the American people, we are asked to participate in a transparently political exercise initiated by a President. With respect to his extreme judicial nominations, President George W. Bush is the most divisive President in modern times. Through his extreme judicial nominations, he is dividing the American people and he is dividing the Senate. Far from a uniter, on judicial nominations he has chosen to be a divider.

IN RECOGNITION OF TWO U.S. ARMY CIVILIANS RECEIVING AWARDS FOR OUTSTANDING SERVICE ON CAPITOL HILL

Mr. INOUYE. Mr. President, I would like to bring my colleagues' attention to two civil servants whose exemplary work in the U.S. Senate Army Congressional Liaison office has been formally recognized by the U.S. Army at a recent awards ceremony. For many years, my constituents have benefitted from their outstanding, timely, and compassionate service. It is my honor to also recognize their service, and to bring to your attention the nature of the awards given to Ms. Margaret Tyler and Mrs. Trulesta Pauling.

Ms. Tyler and Mrs. Pauling, both assigned to the Office of the Chief, Legislative Liaison, Headquarters, Department of the Army, were recognized in a ceremony held on October 23, 2003.

Ms. Tyler and Mrs. Pauling, Congressional Liaison Representatives for the U.S. Army's Senate Liaison Division on Capitol Hill, were each awarded the Army Staff Identification Badge and the Commander's Award for Civilian Service for exceptionally meritorious achievement. Both women were recognized for their work in support of Operations Enduring Freedom and Iraqi Freedom.

According to the award citations, Ms. Tyler and Mrs. Pauling managed their increased caseload with calm, grace, professionalism, and efficiency. Their commitment to excellence and devotion to duty has had a significant and long-lasting, positive impact on soldiers and their families.

The Commander's Award for Civilian Service is the fourth highest Department of the Army award for civilians. All Army civilian employees are eligible for consideration to receive this award for service, achievement and heroism. It is equivalent to the Army Commendation Medal awarded to soldiers.

The Army Staff Identification Badge was first proposed by General Douglas MacArthur while he was Chief of Staff of the U.S. Army, on December 28, 1931. The award of the lapel button for civilian personnel in the grade of GS–11 and higher was authorized in 1982 and is a symbol of exemplary service.

Once again, I extend my sincere congratulations to these two outstanding civil servants.

NOMINATION OF JOSEPH TIMOTHY KELLIHER

Mr. GRASSLEY. Mr. President, I rise today to state that I object to proceeding to the consideration of an executive nominee to the Federal Energy Regulatory Commission. The nominee is Joseph Timothy Kelliher, who is listed as a ''senior policy advisor'' to the Secretary of the Energy Department.

I have an outstanding document request at the Energy Department, and I must be certain that it will be answered in a timely and complete manner. I am also concerned that some Department of Energy officials are, among other things, misconstruing an amendment that I offered to H.R. 2754. My amendment is section 316 of the Energy and Water Appropriations Act, H.R. 2754, and it transfers claims processing responsibilities for ''Subtitle D'' of the Energy Employees Occupational Illness Compensation Program Act of 2000, EEOICPA, from the Department of Energy to the Department of Labor. I am trying to get some answers and straighten that out as well.

PROFESSOR GEOFFREY STONE'S SPEECH, ''CIVIL LIBERTIES IN WARTIME''

Mr. DURBIN. Mr. President, I ask unanimous consent to print in the RECORD a speech by University of Chicago Law Professor Geoffrey Stone on ''Civil Liberties in Wartime,'' delivered at the annual luncheon of the Chicago Council of Lawyers on July 23. Professor Stone thoughtfully reviews America's history of restricting civil liberties during times of war and our subsequent regret for those decisions. His speech invites reflection by the Members of this Senate as we debate important issues of national security and civil rights, and counsels us to ''value not only [our] own liberties but the liberties of others . . . and to have the wisdom to know excess when it exists and the courage to preserve liberty when it is imperiled.''

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

CIVIL LIBERTIES IN WARTIME

(By Geoffrey R. Stone)

We live in perilous times. This is true along several dimensions, but I focus this afternoon on only one of them: Civil Liberties in Wartime. Or, more precisely, how are we, as a nation, responding to the threat of terrorism?

Since September 11th, our government, in our name, has secretly arrested and detained more than a thousand non-citizens; it has deported hundreds of non-citizens in secret proceedings; it has eviscerated long-standing Justice Department restrictions on FBI surveillance of political and religious activities; it has vastly expanded the power of federal officials to invade the privacy of our libraries and our e-mails; it has incarcerated an American citizen, arrested on American soil, for almost a year—incommunicado, with no access to a lawyer, and with no effective judicial review; it has sharply restricted the protections of the Freedom of Information Act; it has proposed a TIPS program to encourage American citizens to spy on one another; it has laid the groundwork for a Department of Defense Total Information Awareness program to enable the government to engage in massive and unprecedented data collection on American citizens; it has detained a thousand prisoners of war in Guantanamo Bay in cynical disregard of the laws of war; and it has established military tribunals without due process protections. We live in perilous times.

Of course, we have lived in perilous times before. What I want to discuss this afternoon is how we have responded to such peril in the past, what we can learn from those experiences, and what our responsibilities are as lawyers.

I have a simple thesis: In time of war, we respond too harshly in our restriction of civil liberties, and then, later, regret our behavior. To test this thesis, I will review, very briefly, our experiences in 1798, the Civil War, World War I, World War II, the Cold War and the Viet Nam War. I will then offer some observations.

To begin, at the beginning. In 1798, the United States found itself embroiled in a European war that then raged between France and England. A bitter political and philosophical debate divided the Federalists, who favored the English, and the Republicans, who favored the French. The Federalists were then in power, and the administration of President John Adams initiated thus a dramatic series of defense measures that brought the United States into a state of undeclared war with France.

The Republicans fiercely opposed these measures, leading the Federalists to accuse them of disloyalty. President Adams, for example, declared that the Republicans ''would sink the glory of our country and prostrate her liberties at the feet of France.'' Against this backdrop, the Federalists enacted the Alien and Sedition Acts of 1798. The Alien Act empowered the President to deport any non-citizen he judged to be dangerous to the peace and safety of the United States. The Act accorded the non-citizen no right to a hearing, no right to present evidence and no right to judicial review.

The Sedition Act prohibited criticism of the government, the Congress or the President, with the intent to bring them into contempt or disrepute. The Act was vigorously enforced, but only against supporters of the Republican Party. Prosecutions were brought against every Republican newspaper and against the most vocal critics of the Adams administration.

The Sedition Act expired on the last day of Adams's term of office. The new President, Thomas Jefferson, promptly pardoned all those who had been convicted under the Act, and forty years later Congress repaid all the fines. The Sedition Act was a critical factor in the demise of the Federalist Party, and the Supreme Court has never missed an opportunity in the years since to remind us that the Sedition Act of 1798 has been judged unconstitutional in the ''court of history.''

During the Civil War, the nation faced its most serious challenge. There were sharply divided loyalties, fluid military and political boundaries, easy opportunities for espionage and sabotage, and more than 600,000 combat fatalities. In such circumstances, and in the face of widespread and often bitter opposition to the war, the draft and the Emancipation Proclamation, President Lincoln had to balance the conflicting interests of military necessity and individual liberty.

During the course of the Civil War, Lincoln suspended the writ of habeas corpus on eight separate occasions. The most extreme of these suspensions, which applied throughout the entire nation, declared that ''all persons . . . guilty of any disloyal practice . . . shall be subject to court martial.'' Under this authority, military officers arrested and imprisoned 38,000 civilians, with no judicial proceedings and no judicial review.

In 1866, a year after the war ended, the Supreme Court ruled in Ex parte Milligan that Lincoln had exceeded his constitutional authority, holding that the President could not constitutionally suspend the writ of habeas corpus, even in time of war, if the ordinary civil courts were open and functioning.

The story of civil liberties during World War I is, in many ways, even more disturbing. When the United States entered the war in April 1917, there was strong opposition to both the war and the draft. Many citizens vehemently argued that our goal was not to ''make the world safe for democracy,'' but to protect the investments of the wealthy, and that this cause was not worth the life of one American soldier, let alone ten or hundreds of thousands.

President Wilson had little patience for such dissent. He warned that disloyalty ''must be crushed out'' of existence and that disloyalty ''was . . . not a subject on which there was room for . . . debate.'' Disloyal individuals, he explained, ''had sacrificed their right to civil liberties.''

Shortly after the United States entered the war, Congress enacted the Espionage Act of 1917. Although the Act was not directed at dissent generally, aggressive federal prosecutors and compliant Federal judges soon transformed it into a blanket prohibition of seditious utterance. The administration's intent in this regard was made evident in November 1917 when Attorney General Charles Gregory, referring to war dissenters, declared: ''May God have mercy on them, for they need expect none from an outraged people and an avenging government.''

In fact, the government worked hard to create an ''outraged people.'' Because there had been no direct attack on the United States, and no direct threat to our national security, the Wilson administration had to generate a sense of urgency and anger in order to exhort Americans to enlist, to contribute money and to make the many sacrifices that war demands. To this end, Wilson established the Committee for Public Information, which produced a flood of inflammatory and often misleading pamphlets, news releases, speeches, editorials and motion pictures, all designed to instill a hatred of all things German and of all persons whose ''loyalty'' might be open to doubt.

During World War I, the government prosecuted more than 2,000 dissenters for opposing the war or the draft, and in an atmosphere of fear, hysteria and clamor, most judges were quick to mete out severe punishment—often 10 to 20 years in prison—to those deemed disloyal. The result was the suppression all genuine debate about the merits, the morality and the progress of the war.

But even this was not enough. A year later, Congress enacted the Sedition Act of 1918, which expressly prohibited any disloyal, scurrilous, or abusive language about the form of government, the Constitution, the flag, the uniform, or the military forces of the United States. Even the Armistice didn't bring this era to a close, for the Russian Revolution triggered a period of intense public paranoia in the United States, known to us today as the ''Red Scare'' of 1919–1920. Attorney General A. Mitchell Palmer unleashed a horde of undercover agents to infiltrate so-called radical organizations, and in a period of only two months the government arrested more than 5,000 American citizens and summarily deported more than a thousand aliens on ''suspicion'' of radicalism.

The story of the Supreme Court in this era is too familiar, and too painful, to bear repeating in detail. In a series of decisions in 1919 and 1920—most notably Schenck, Debs, and Abrams—the Court consistently upheld the convictions of individuals who had agitated against the war and the draft—individuals as obscure as Mollie Steimer, a twenty-year-old Russian-Jewish émigré who had thrown anti-war leaftlets in Yiddish from a rooftop on the lower East Side of New York, and as prominent as Eugene Debs, who had received almost a million votes in 1912 as the Socialist Party candidate for President.

As Harry Kalven has observed, these decisions left no doubt of the Court's position: ''While the nation is at war, serious, abrasive criticism . . . is beyond constitutional protection.'' These decisions, he added, ''are dismal evidence of the degree to which the mood of society can penetrate judicial chambers.'' The Court's performance was ''simply wretched.''

In December 1920, after all the dust had settled, Congress quietly repealed the Sedition Act of 1918. Between 1919 and 1923, the government released from prison every individual who had been convicted under the Espionage and Sedition Acts. A decade later, President Roosevelt granted amnesty to all of these individuals, restoring their full political and civil rights. Over the next half-century, the Supreme Court overruled every one of its World War I decisions, holding in effect that every one of the individuals who

had been imprisoned or deported in this era for his or her dissent had been punished for speech that should have been protected by the First Amendment.

On December 7, 1941, Japan attacked Pearl Harbor. Two months later, on February 19, 1942, President Roosevelt signed Executive Order 9066, which authorized the Army to ''designate military areas'' from which ''any persons may be excluded.'' Although the words ''Japanese'' or ''Japanese American'' never appeared in the Order, it was understood to apply only to persons of Japanese ancestry.

Over the next eight months, 120,000 individuals of Japanese descent were forced to leave their homes in California, Washington, Oregon and Arizona. Two-thirds of these individuals were American citizens, representing almost 90% of all Japanese-Americans. No charges were brought against these individuals; there were no hearings; they did not know where they were going, how long they would be detained, what conditions they would face, or what fate would await them. Many families lost everything.

On the orders of military police, these individuals were transported to one of ten internment camps, which were located in isolated areas in wind-swept deserts or vast swamp lands. Men, women and children were placed in overcrowded rooms with no furniture other than cots. They found themselves surrounded by barbed wire and military police, and there they remained for three years.

In Korematsu v. United States, decided in 1944, the Supreme Court, in a six-to- three decision, upheld the President's action. The Court offered the following explanation:

We are not unmindful of the hardships imposed upon a large group of American citizens. But hardships are part of war, and war is an aggregation of hardships. Korematsu was not excluded from the West Coast because of hostility to his race, but because the military authorities decided that the urgency of the situation demanded that all citizens of Japanese ancestry be segregated from the area. We cannot—by availing ourselves of the calm perspective of hindsight—say that these actions were unjustified.

In 1980, a congressional commission declared that the Japanese internment had been based, not on considerations of military necessity, but on crass racial prejudice and political expediency. Eight years later, President Reagan signed the Civil Liberties Restoration Act of 1988, which offered an official Presidential apology and reparations to each of the Japanese-American internees who had suffered discrimination, loss of liberty, loss of property and personal humiliation because of the actions of the United States government.

As World War II drew to a close, the nation moved almost seamlessly into the Cold War. As the glow of our wartime alliance with the Soviet Union evaporated, President Truman came under increasing attack from a coalition of Southern Democrats and anti-New Deal Republicans who sought to exploit fears of Communist aggression. As House Republican leader Joe Martin declared on the eve of the 1946 election, ''the people will choose tomorrow 'between communism and the preservation of our American life.''' The next day, the Democrats lost 56 seats in the House.

Thereafter, the issue of loyalty became a shuttlecock of party politics. By 1948, President Truman was boasting on the stump that he had imposed on the federal civil service the most extreme loyalty program in the entire ''Free World,'' and he had. But there were limits to Truman's anti-communism. In 1950, he vetoed the McCarren Act, which required the registration of all Communists. Truman explained that the Act was the product of ''public hysteria'' and would lead to ''witch hunts.'' Congress passed the Act over Truman's veto.

In 1954, Congress enacted the Communist Control Act, which stripped the Communist Party of ''all rights, privileges, and immunities.'' Only one Senator, Estes Kefauver, dared to vote against it. Irving Howe lamented ''this Congressional stampede to . . . trample . . . liberty in the name of destroying its enemy.''

Hysteria over the Red Menace swept the nation and produced a wide-range of federal, state and local restrictions on free expression and free association, including extensive loyalty programs for government employees; emergency detention plans for alleged ''subversives''; abusive legislative investigations designed to punish by exposure; public and private blacklists of those alleged ''pinkos'' who had been ''exposed''; and criminal prosecution of the leaders and members of the Communist Party of the United States.

The Supreme Court's response was mixed. The key decision, however, was Dennis v. United States, which involved the direct prosecution under the Smith Act of the leaders of the American Communist Party. In a six-to-two decision, the Court held in 1951 that the defendants could constitutionally be punished for their speech under the clear and present danger test even though the Court readily conceded that the danger was neither clear nor present. It was a memorable stroke of judicial legerdemain.

Over the next several years, the Court upheld far-reaching legislative investigations of ''subversive'' organizations and individuals and the exclusion of members of the Communist Party from the bar, the ballot and public employment. In so doing, the Court clearly put its stamp of approval on an array of actions we look back on today as models of McCarthyism.

In the Vietnam War, as in the Civil War and World War I, there was substantial opposition both to the war and the draft. Lest we forget the stresses of those years, let me quote briefly from Theodore White's eyewitness account of the 1968 Democratic Convention:

The demonstrators chant ''Peace Now'' as they approach the Chicago police picketlines. Then, like a fist, comes a hurtling column of police. It is a scene from the Russian revolution. Gas grenades explode. Demonstrators kneel and begin singing America the Beautiful. Clubs come down. ''The Whole World is Watching.''

Over the next several years, the nation entered a period of intense and often violent struggle. After President Nixon announced the American ''incursion'' into Cambodia, student strikes closed a hundred campuses. Governor Ronald Reagan, asked about campus militants, replied: ''If it takes a bloodbath, let's get it over with.'' On May 4, National Guardsmen at Kent State University responded to taunts and rocks by firing their M–1 rifles into a crowd of students, killing four and wounding nine others. Protests and strikes exploded at more than twelve hundred of the nation's colleges and universities. Thirty ROTC buildings were burned or bombed in the first week of May. The National Guard was mobilized in sixteen states. As Henry Kissinger put it later, ''The very fabric of government was falling apart.''

Despite all this, there was no systematic effort during the Vietnam War to prosecute individuals for their opposition to the war. As Todd Gitlin has rightly observed, in comparison to World War I, ''the repression of the late sixties and early seventies was mild.'' There are many reasons for this, including, of course, the rather compelling fact that most of the dissenters in this era were the sons and daughters of the middle class, and thus could not so easily be targeted as the ''other.'' But the courts, and especially the Supreme Court, played a key role in this period. In 1969, the Court, in Brandenburg, overruled Dennis and held that even advocacy of unlawful conduct cannot be punished unless it is likely to incite ''imminent lawless action.'' The Court had come a long way in the fifty years since World War I.

But the Court did not rest there. In other decisions it held that the Georgia House of Representatives could not deny Julian Bond his seat because of his express opposition to the draft; that a public university could not deny recognition to the SDS because it advocated a philosophy of violence; that the government could not conduct national security wiretaps without prior judicial approval; and, of course, that the government could not constitutionally enjoin the publication of the Pentagon Papers, even though the Defense Department claimed that publication would endanger national security.

This is not to say that the government did not find other ways to impede dissent. The most significant of these was the FBI's extensive effort to ''expose, disrupt and otherwise neutralize'' allegedly ''subversive'' organizations, ranging from civil rights groups to the various factions of the anti-war movement. In this COINTELPRO operation, the FBI compiled political dossiers on more than half-a-million Americans.

When these activities came to light they were sharply condemned by congressional committees, and Attorney General Edward Levi declared such practices incompatible with our national values. In 1976, he instituted a series of guidelines designed to restrict the political surveillance activities of the Federal Bureau of Investigation.

What can we learn from this history? I would like to offer at least a dozen observations. But time limits me to only six.

First, we have a long and unfortunate history of overreacting to the perceived dangers of wartime. Time after time, we have allowed our fears to get the better of us.

Second, it is often argued that given the sacrifices we ask citizens (especially soldiers) to make in time of war, it is small price to ask others to surrender some of their peacetime freedoms to help the war effort. As the Supreme Court argued in Korematsu, ''hardships are part of war, and war is an aggregation of hardships.''

This is a seductive, but dangerous argument. To fight a war successfully, it is necessary for soldiers to risk their lives. But it is not necessarily ''necessary'' for others to surrender their freedoms. That necessity must be convincingly demonstrated, not merely presumed. And this is especially true when, as is usually the case, the individuals whose rights are sacrificed are not those who make the laws, but minorities, dissidents and non-citizens. In those circumstances, ''we'' are making a decision to sacrifice ''their'' rights—not a very prudent way to balance the competing interests.

Third, the Supreme Court matters. It's often said that presidents do what they please in wartime. Attorney General Biddle once observed that ''the Constitution has not greatly bothered any wartime President,'' and Chief Justice Rehnquist recently argued that ''there is no reason to think that future wartime presidents will act differently from Lincoln, Wilson, or Roosevelt.''

In fact, however, the record is more complex than this suggests. Although presidents may think of themselves as bound more by political than by constitutional constraints in time of war, the two are linked. Lincoln did not propose a Sedition Act, Wilson rejected calls to suspend the writ of habeas

corpus and Bush has not advocated loyalty oaths. The fact is that even during wartime, presidents have not attempted to restrict civil liberties in the face of settled Supreme Court precedent. Although presidents often will push the envelope where the law is unclear, they do not defy established constitutional doctrine.

Fourth, it is often said that the Supreme Court will not decide a case against the government on an issue of military security during a period of national emergency. The decisions most often cited in support of this proposition are, of course, Korematsu and Dennis. In fact, however, there are many counter-examples.

During World War II, the Court upheld the constitutional rights of American fascists in a series of criminal prosecutions and denaturalization proceedings, effectively putting a halt to government efforts to punish such individuals. During the Cold War, the Court rejected President Truman's effort to seize the steel industry and eventually helped put an end to the era of McCarthyism. And during Vietnam, the Court repeatedly rejected national security claims by the Executive. So, although it is true that the Court tends to be wary not to ''hinder'' an ongoing war unnecessarily, it is also true that the Court has a significant record of fulfilling its constitutional responsibility to protect individual liberties—even in time of war.

Fifth, it is useful to note the circumstances that have tended to produce these abuses. They invariably arise out of the combination of a national perception of peril and a concerted campaign by government to promote a sense of national hysteria by exaggeration, manipulation and distortion. The goal of the government in fostering such public anxiety may be either to make it easier for it to gain public acceptance of the measures it seeks to impose or to gain partisan political advantage, or, of course, both. If all that sounds familiar, it should.

Finally, I want to say a word about our responsibilities as lawyers. In each of these episodes, lawyers played an important role, both in imposing the restrictions on civil liberties, and in opposing them. At the moment, I'm more interested in the latter. Albert Gallatin offered brilliant arguments in opposition to the Alien and Sedition Acts. Gilbert Roe defended the free speech rights of dissenters in World War I. Professors Ernst Freund and Felix Frankfurter, of the Chicago and Harvard law schools, played a critical role in illuminating the civil rights violations of the Red Scare and bringing that era to a close. Francis Biddle played a courageous role within the Roosevelt administration during World War II in opposing both the Japanese internment and the prosecution of American fascists. Joseph Welsch, a Boston lawyer, publicly humiliated Senator Joseph McCarthy hearings with his blistering questions ''Have you no sense of decency, sir, at long last? Have you left no sense of decency?'' And a group of lawyers here in Chicago from such organizations as BPI, the ACLU, the Better Government Association and the Alliance to End Repression helped put an end to end COINTELPRO and to the City of Chicago's Red Squad during the Vietnam War.

Now, to return to our own perilous time. The threat of terrorism is real, and we expect our government to protect us. But we have seen disturbing, and all-too-familiar, patterns in our government's activities. To strike the right balance in our time, we need judges who will stand fast against the furies of the age; members of the academy who will help us see ourselves clearly; an informed and tolerant public who will value not only their own liberties, but the liberties of others; and, perhaps most of all, lawyers with the wisdom to know excess when it exists and the courage to preserve liberty when it is imperiled.

Thank you.

ADDITIONAL STATEMENTS

CABOT TEACHES THE VALUE OF DAIRY

● Mr. LEAHY. Mr. President, I am pleased to take this opportunity to commend one of Vermont's most successful farmer-owned enterprises, the world-renowned Cabot Creamery of Vermont. Since its founding by 94 farmers in 1919, Cabot's farm families have preserved the heritage and proud agrarian traditions of the State of Vermont and our great nation.

Cabot has an 80-year history of doing what they do best, making the world's best cheddar cheeses. When Cabot Creamery earned the title of ''Best Cheddar in the World'' and ''Best Flavored Cheddar'' at the 22nd Biennial World Championship Cheese Contest, they did it as a team, steeped in family traditions and pride and with skill and expertise that has been painstakingly built over the generations. That same teamwork goes into every aspect of their business.

In 1992 Cabot joined forces with another New England farmer-owned cooperative, Agri-Mark Inc, to open new markets for Vermont dairy farmers. Today the cheese made by Cabot is from the milk of more than 1,450 Agri-Mark dairy producers throughout Vermont, New England and New York. The Cabot Creamery of Vermont combines the best aspects of both cooperative farming and value-added agricultural products to provide much-needed price premiums to Vermont dairy farmers.

The dairy farmers of Cabot Creamery also have a rich history in teaching their communities about the importance of dairy to the economy and to nutrition and health. Dairy products pack a powerful punch of eight additional nutrients needed for stronger bones and healthier bodies. Throughout New England, Cabot runs the Ag in the Classroom program, an educational program for elementary students that teaches them about agriculture. This program has been recognized by educators as a valuable resource that helps connect students to their communities, raises self-awareness and fosters creativity.

Cabot also has sponsored Calcium Crisis Challenge, a program for 6th—8th-grade students that helps them learn about calcium and its importance for stronger bones and healthy living. The program brings attention to the fact that more than 75 percent of Americans do not get enough calcium in their diets.

This week in Washington, D.C., the dairy farmers of Cabot Creamery will host a reception to highlight the national 3–A–Day education campaign. The 3–A–Day campaign is simple—three servings of milk, cheese or yogurt is a deliciously easy way to help build stronger bones and better bodies. Most Americans are eating only half the daily recommended servings of dairy each day, resulting in loss of bone density and in related health problems. Eating 3–A–Day of dairy is an easy and wholesome way for families to help meet their calcium needs.

Along with Senator JEFFORDS and Congressman SANDERS, I am pleased to join Cabot's involvement with this important education campaign to highlight the importance of dairy products to healthy diets.●

IN HONOR OF NATIONAL BIBLE WEEK

● Mr. MILLER. Mr. President, I am honored and humbled to serve as the Senate Co-chairman of the 2003 National Bible Week. During the week of November 23 to 30, communities and churches across this Nation will participate in this fine tradition by reading and reflecting on the teachings of the Bible. I am very proud to be a part of this celebration and I salute the National Bible Association for its sponsorship of this annual event.

The very first National Bible Week was organized in 1941, during World War II. Organizers created National Bible Week as a way to extend comfort and hope to our Nation during a troubled time. Today, in 2003, we are facing another troubled time when our country could use a dose of comfort and hope. The Holy Bible is our richest source of great inspiration, spiritual guidance and strength. That is why so many refer to it as their solid rock, their foundation.

During National Bible Week, I encourage everyone to read the Bible every day and to pledge to continue to turn to this Good Book throughout the year. Reflecting on Scripture, using the Bible's stories to teach our children right from wrong, and seeking to appreciate the literature on which our great United States of America was established is always time well spent. I congratulate the National Bible Association for its dedication to the celebration of God's word, the Holy Bible.●

MESSAGES FROM THE HOUSE

At 10:44 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 291. Concurrent resolution 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; to the Committee on the Judiciary.

H. Con. Res. 302. Concurrent resolution expressing the sense of Congress welcoming

President Chen Shui-bian of Taiwan to the United States on October 31, 2003; to the Committee on Foreign Relations.

The message also announced that pursuant to section 1 of the Library of Congress Trust Fund Board Act (2 U.S.C. 154 note), and the order of the House of January 8, 2003, the Speaker appoints the following member on the part of the House of Representatives to the Library of Congress Trust Fund Board for a 5-year term to fill the existing vacancy thereon: Mrs. Elisabeth Devos of Grand Rapids, Michigan.

At 6:38 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker of the House has signed the following enrolled bills:

H.R. 2691. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes;

H.R. 3288. An act to amend title XXI of the Social Security Act to make technical corrections with respect to the definition of qualifying State; and

H.R. 3289. An act making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

The enrolled bills, previously signed by the Speaker of the House, were signed on today, November 4, 2003, by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 291. Concurrent resolution 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; to the Committee on the Judiciary.

H. Con. Res. 302. Concurrent resolution expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on October 31, 2003; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4984. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of the Commission's Rules to Establish New Personal Communications Services, Narrowband PCS; Implementation of Section 309(i) of the Communications Act—Competitive Bidding, Narrowband PCS, GEN Doc. No. 90–314'' (FCC01–135) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4985. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''2000 Biennial Regulatory Review—Spectrum Aggregation Limits for Commercial Mobile Radio Services'' (FCC01–328) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4986. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico'' (FCC01–387) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4987. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Competitive Bidding Rules to License Certain Rural Service Areas'' (FCC02–09) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4988. A communication from the Attorney Advisor, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Sections 309(i) and 337 of the Communications Act of 1934 as Amended'' (FCC02–82) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4989. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''The 4.9 GHz Band Transferred from Federal Government Use'' (FCC02–41) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4990. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''The Development of Operational, Technical, and Spectrum Requirements for Meeting Federal, State, and Local Public Safety Agency Communication Requirements Through the Year 2010'' (FCC02–216) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4991. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''1998 Biennial Regulatory Review—Private Land Mobile Radio Services'' (FCC02–139) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4992. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended'' (FCC00–403) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4993. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''The Development of Operational, Technical, and Spectrum Regulrements for Meeting Federal, State, and Local Public Safety Communication Requirements Through the Year 2010'' (FCC01–10) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4994. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service'' (FCC02–286) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4995. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Charles Town, West Virginia, and Stephens City, Virginia)'' (MB Doc. No. 03–12) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4996. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ehrenberg, Arizona)'' (MB Doc. No. 03–174) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4997. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wright City, OK)'' (MM Doc. No. 01–255) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4998. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Crowell, TX and Florien, LA)'' (MB Doc. No. 02–168, –169) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4999. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dickens, Floydada, Rankin, San Diego, and Westbrook, TX)'' (MB Doc. No. 02–258, –259, –262, –264, –265) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5000. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cobleskill and Saint Johnsville, NY)'' (MM Doc. No. 00–40) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5001. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cambria, CA)'' (MB Doc. No. 03–182) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5002. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lamont and McFarland, CA)'' (MB Doc. No. 03–64) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5003. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' (RIN2120–AA65) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5004. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Jet Route J–147 Doc. No 03–AEA–3'' (RIN2120–AA66) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5005. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC–8–102, 103, 106, 201, 202, 301, 311, and 315 Airplanes'' (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5006. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Goodrich Avionics Systems, Inc. TAWS8000 Terrain Awareness Warning System'' (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5007. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: MD Helicopters, Inc. Model 369A,D ,e<h<HE, HM, HS, F, and FF Helicopter'' (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5008. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt and Whitney PW 4074, PW4074D, PW4077D, PW4090, and PW4090–3 Turbofan Engines'' (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5009. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Short Brothers and Harland Ltd. Models SC–7 Series 2 and SC–7 Airplanes'' (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5010. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Augusta Model A109K2 Helicopters'' (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5011. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 Series Airplanes'' (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5012. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Aerospatiale Model ATR42–200, 300, 320, and 500 Series Airplanes and Model ATR72 Series Airplanes'' (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5013. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL–600–2B19 Regional Jet Series 100 and 440 Airplanes'' (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5014. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Textron Lycoming Fuel Injected Reciprocating Engines'' (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5015. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company 90, 100, and 200 Series Airplanes'' (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5016. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Point Pilot, AK'' (RIN2120–AA66) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5017. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Fairchild Aircraft Inc., SA226 Series and SA227 Airplanes'' (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5018. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities'' (FCC03–190) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5019. A communication from the Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities'' (FCC02–121) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5020. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems'' (FCC02–120) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5021. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 90.20(e)(6) of the Commission's Rules to Revise the Authorized Duty Cycle on 173.075 MHz'' (FCC02–232) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5022. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of the Commission's Rules Regarding Multiple Address Systems'' (FCC01–171) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5023. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Parts 2, 73, 74, 80, 90, and 97 of the Commission's Rules to Implement Decisions from World Radiocommunication Conferences Concerning Frequency Bands Below 28000 kHz'' (FCC03–39) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5024. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Amendment of Part 1 of the Commission's Rules—Competitive Bidding Procedures'' (FCC01–270) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5025. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of Directed Fishing for Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area'' received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5026. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of Directed Fishing for Pacific Cod by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area to Prevent Exceeding the 2003 Halibut Bycatch Allowance'' received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5027. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of Fishing for Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5028. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure; Prohibiting Directed Fishing for Groundfish by Vessels Using Hook-and-Line Gear in the Gulf of Alaska, Except for Demersal Shelf Rockfish in the Southeast outside District or Sablefish'' received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5029. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: [CGD05–03–050], Great Channel Between Stone Harbor and Nummy Island, NJ'' (RIN1625–AA09) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5030. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone

Regulations: [COTP Los Angeles-Long Beach 03–011], [COTP Prince William Sound 03–002]'' (RIN1625–AA00) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5031. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: [COTP Mobile 03–022], Bayou Castle, Chevron Pascagoula Refinery, Pascagoula, MS'' (RIN1625–AA00) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5032. A communication from the Attorney, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Time Zone Boundary in the State of South Dakota: Relocation of Jones, Mellette, and Todd Counties'' (RIN2105–AD30) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5033. A communication from the Attorney, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Policy Statement on Airline Preemption'' (RIN2105–AA46) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

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. BENNETT (for himself and Mr. HATCH):

S. 1815. A bill to designate the Department of Veterans Affairs Medical Center in Salt Lake City, Utah; to the Committee on Veterans' Affairs.

By Mr. SCHUMER:

S. 1816. A bill to designate the building located at 15 Henry Street in Binghamton, New York, as the ''Kevin J. Tarsia Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

By Mr. SANTORUM:

S. 1817. A bill to amend the Internal Revenue Code of 1986 to include influenza vaccines in the Vaccine Injury Compensation Program; to the Committee on Finance.

By Mr. GRAHAM of South Carolina:

S. 1818. A bill to provide grants to law enforcement agencies that ensure that law enforcement officers employed by such agency are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. ENSIGN):

S. 1819. A bill to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself and Mr. BIDEN):

S. Res. 258. A resolution expressing the sense of the Senate on the arrest of Mikhail B. Khodorkovsky by the Russian Federation; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 68

At the request of Mr. EDWARDS, his name was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 249

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 249, a bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse.

S. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 557

At the request of Ms. COLLINS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 722

At the request of Mr. DURBIN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 722, a bill to amend the Federal Food, Drug, and Cosmetic Act to require that manufacturers of dietary supplements submit to the Food and Drug Administration reports on adverse experiences with dietary supplements, and for other purposes.

S. 863

At the request of Mr. EDWARDS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 863, a bill to amend the Higher Education Act of 1965 to allow soldiers to serve their country without being disadvantaged financially by Federal student aid programs.

S. 884

At the request of Ms. LANDRIEU, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1035

At the request of Mr. CORZINE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1035, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

S. 1091

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1091, a bill to provide funding for student loan repayment for public attorneys.

S. 1217

At the request of Mr. ENZI, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1217, a bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 1304

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1304, a bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services.

S. 1419

At the request of Ms. LANDRIEU, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1419, a bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

S. 1545

At the request of Mr. HATCH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1619

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1619, a bill to amend the Individuals With Disabilities Education Act to ensure that children with disabilities who are homeless or are wards of the State have access to special education services, and for other purposes.

S. 1700

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1700, a bill to eliminate the substantial backlog of DNA samples

collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 1730

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1730, a bill to require the health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 1807

At the request of Mr. MCCAIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1807, a bill to require criminal background checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms, and for other purposes.

S. 1813

At the request of Mr. LEAHY, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1813, a bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq, and for other purposes.

S. CON. RES. 33

At the request of Mr. CRAIG, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution expressing the sense of the Congress regarding scleroderma.

S. CON. RES. 56

At the request of Mr. CORZINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. Con. Res. 56, a concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring Gunnery Sergeant John Basilone, a great American hero.

S. CON. RES. 73

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Con. Res. 73, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. CON. RES. 75

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. Con. Res. 75, a concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932-33.

S. RES. 244

At the request of Mrs. BOXER, the name of the Senator from Wisconsin (Mr. FEINGOLD) 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. ENSIGN):

S. 1819. A bill to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today for myself and Senator ENSIGN to introduce this bill, which will address important public land issues in central Nevada. As you might know, the Federal Government controls over 87 percent of the State of Nevada. Many of our colleagues from other States may not understand the challenge this presents for communities in Nevada. With such large tracts of land controlled by Federal agencies, it can be difficult to acquire land for vital efforts in both the public and private sectors.

This bill will convey two cemeteries in central Nevada from the Federal Government back to the local communities. Kingston is a small town in southern Lander County, and Beowawe is a small community located in Eureka County. The original communities were home to pioneers and immigrants who settled the isolated high desert valleys of the central Great Basin. In the late 1800s, the pioneers established and managed the cemeteries to provide a final resting place for friends and family. Much of the original Kingston Cemetery is on land now managed by the U.S. Forest Service. The Maiden's Grave Cemetery in Beowawe is on land currently managed by the Bureau of Land Management.

Under current law, these agencies must sell the cemeteries back to the communities at fair market value. However, these historic cemeteries were established prior to the designation of the Federal agencies that now manage them. For over 2 years, Lander County has been required to lease much of the Kingston Cemetery from the Forest Service. The Forest Service recently sold approximately 1 acre to the Town of Kingston, but this conveyance did not allow for the protection of uncharted graves, nor for the implementation of the community's original site plan.

It is wrong that Beowawe and Kingston should have to buy or lease cemeteries from Federal agencies that did not even exist at the time that the cemeteries were established. Our bill simply provides for the conveyance of the Maiden's Grave Cemetery to Eureka County and the balance of the original location of the Kingston Cemetery to Lander County, Nevada.

The conveyances provided by this bill will benefit our Federal land managers as well as our rural communities. The disposal of these small parcels of land for no consideration will benefit the United States because they represent isolated tracts that prove difficult to manage for public use. I sincerely hope that my colleagues recognize the benefit that the conveyances would provide to the local communities and support passage of this legislation.

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. 1819

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 ''Central Nevada Rural Cemeteries Act''.

SEC. 2. CONVEYANCE TO LANDER COUNTY, NEVADA.

(a) FINDINGS.—Congress finds that—

(1) the historical use by settlers and travelers since the late 1800's of the cemetery known as ''Kingston Cemetery'' in Kingston, Nevada, predates incorporation of the land within the jurisdiction of the Forest Service on which the cemetery is situated;

(2) it is appropriate that that use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency;

(3) in accordance with Public Law 85–569 (commonly known as the ''Townsite Act'') (16 U.S.C. 478a), the Forest Service has conveyed to the Town of Kingston 1.25 acres of the land on which historic gravesites have been identified; and

(4) to ensure that all areas that may have unmarked gravesites are included, and to ensure the availability of adequate gravesite space in future years, an additional parcel consisting of approximately 8.75 acres should be conveyed to the county so as to include the total amount of the acreage included in the original permit issued by the Forest Service for the cemetery.

(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the ''Secretary''), not later than 90 days after the date of enactment of this Act, shall convey to Lander County, Nevada (referred to in this section as the ''county''), for no consideration, all right, title, and interest of the United States in

and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of National Forest System land (including any improvements on the land) known as ''Kingston Cemetery'', consisting of approximately 10 acres and more particularly described as SW1/4SE1/4SE1/4 of section 36, T. 16N., R. 43E., Mount Diablo Meridian.

(d) EASEMENT.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over Forest Development Road #20307B, notwithstanding any future closing of the road for other use.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the Secretary, to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) WAIVER.—The Secretary may waive the application of subparagraph (A) or (B) of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

SEC. 3. CONVEYANCE TO EUREKA COUNTY, NEVADA.

(a) FINDINGS.—Congress finds that—

(1) the historical use by settlers and travelers since the late 1800's of the cemetery known as ''Maiden's Grave Cemetery'' in Beowawe, Nevada, predates incorporation of the land within the jurisdiction of the Bureau of Land Management on which the cemetery is situated; and

(2) it is appropriate that that use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency.

(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the ''Secretary''), not later than 90 days after the date of enactment of this Act, shall convey to Eureka County, Nevada (referred to in this section as the ''county''), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of public land (including any improvements on the land) known as ''Maiden's Grave Cemetery'', consisting of approximately 10 acres and more particularly described as S1/2NE1/4SW1/4SW1/4, N1/2SE1/4SW1/4SW1/4 of section 10, T.31N., R.49E., Mount Diablo Meridian.

(d) EASEMENT.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over an appropriate access route consistent with current access.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the Secretary, to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) WAIVER.—The Secretary may waive the application of subparagraph (A) or (B) of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 258—EXPRESSING THE SENSE OF THE SENATE ON THE ARREST OF MIKHAIL B. KHODORKOVSKY BY THE RUSSIAN FEDERATION

Mr. LUGAR (for himself and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 258

Whereas the Russian Federation is now a member of the family of democratic countries;

Whereas the United States supports the development of democracy, free markets, and civil society in the Russian Federation and in other states of the former Soviet Union;

Whereas the rule of law, the impartial application of the law, and equal justice for all in courts of law are pillars of all democratic societies;

Whereas investment, both foreign and domestic, in the economy of Russia is necessary for the growth of the economy and raising the standard of living of the citizens of the Russian Federation;

Whereas property rights are a bulwark of civil society against encroachment by the state, and a fundamental building block of democracy; and

Whereas reports of the arrest of Mikhail B. Khodorkovsky and the freezing of shares of the oil conglomerate YUKOS have raised questions about the possible selective application of the law in the Russian Federation and may have compromised investor confidence in business conditions there: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the law enforcement and judicial authorities of the Russian Federation should ensure that Mikhail B. Khodorkovsky is accorded the full measure of his rights under the Russian Constitution to defend himself against any and all charges that may be brought against him, in a fair and transparent process, so that individual justice may be done, but also so that the efforts the Russian Federation has been making to reform its system of justice may be seen to be moving forward; and

(2) such authorities of the Russian Federation should make every effort to dispel growing international concerns that—

(A) the cases against Mikhail B. Khodorkovsky and other business leaders are politically motivated; and

(B) the potential remains for misuse of the justice system in the Russian Federation.

AMENDMENTS SUBMITTED & PROPOSED

SA 2053. Mr. SHELBY (for himself and Mr. SARBANES) proposed an amendment to the bill 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, and for other purposes.

SA 2054. Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. HARKIN, Mr. FEINGOLD, Mr. DURBIN, Mr. LAUTENBERG, and Mr. NELSON of Florida) proposed an amendment to the bill S. 1753, supra.

SA 2055. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1585, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 2056. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1585, supra; which was ordered to lie on the table.

SA 2057. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1585, supra; which was ordered to lie on the table.

SA 2058. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1585, supra; which was ordered to lie on the table.

SA 2059. Ms. CANTWELL (for herself, Mr. ENZI, and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill 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, and for other purposes.

SA 2060. Mrs. BOXER (for herself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 1753, supra.

SA 2061. Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. KENNEDY) proposed an amendment to the bill S. 1753, supra.

SA 2062. Mr. DURBIN proposed an amendment to the bill S. 1753, supra.

SA 2063. Mr. LAUTENBERG (for himself, Ms. MIKULSKI, Mr. JEFFORDS, Mrs. BOXER, Mr. CORZINE, Mr. SCHUMER, Mr. LEAHY, Mr. LIEBERMAN, Mr. KERRY, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 2861, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 2064. Mr. CORZINE proposed an amendment to the bill 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, and for other purposes.

SA 2065. Mr. FEINGOLD proposed an amendment to the bill S. 1753, supra.

SA 2066. Mr. FEINGOLD proposed an amendment to the bill S. 1753, supra.

SA 2067. Mr. SHELBY (for Mr. NELSON of Florida) proposed an amendment to the bill S. 1753, supra.

SA 2068. Mr. CRAPO (for himself and Mr. SMITH) submitted an amendment intended to

be proposed by him to the bill H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 2069. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill 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 , and for other purposes; which was ordered to lie on the table.

SA 2070. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table.

SA 2071. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2053. Mr. SHELBY (for himself and Mr. SARBANES) proposed an amendment to the bill 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, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Consumer Credit Reporting System Improvement Act of 2003''.

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

Sec. 1. Short title; table of contents.
TITLE I—IDENTITY THEFT PREVENTION AND CREDIT HISTORY RESTORATION
Subtitle A—Identity Theft Prevention
Sec. 111. Definitions.
Sec. 112. Fraud alerts and active duty alerts.
Sec. 113. Truncation of credit card and debit card account numbers.
Sec. 114. Establishment of procedures for the identification of possible instances of identity theft.
Sec. 115. Amendments to existing identity theft prohibition.
Sec. 116. Authority to truncate social security numbers.
Subtitle B—Protection and Restoration of Identity Theft Victim Credit History
Sec. 151. Summary of rights of identity theft victims.
Sec. 152. Blocking of information resulting from identity theft.
Sec. 153. Coordination of identity theft complaint investigations.
Sec. 154. Prevention of repollution of consumer reports.
Sec. 155. Notice by debt collectors with respect to fraudulent information.
Sec. 156. Statute of limitations.
TITLE II—IMPROVEMENTS IN USE OF AND CONSUMER ACCESS TO CREDIT INFORMATION
Sec. 211. Free credit reports.
Sec. 212. Credit scores.
Sec. 213. Enhanced disclosure of the means available to opt out of prescreened lists.
Sec. 214. Affiliate sharing.
Sec. 215. Study of effects of credit scores and credit-based insurance scores on availability and affordability of financial products.
TITLE III—ENHANCING THE ACCURACY OF CONSUMER REPORT INFORMATION
Sec. 311. Risk-based pricing notice.
Sec. 312. Procedures to enhance the accuracy and completeness of information furnished to consumer reporting agencies.
Sec. 313. Federal Trade Commission and consumer reporting agency action concerning complaints.
Sec. 314. Ongoing audits of the accuracy of consumer reports.
Sec. 315. Improved disclosure of the results of reinvestigation.
Sec. 316. Reconciling addresses.
Sec. 317. FTC study of issues relating to the Fair Credit Reporting Act.
TITLE IV—LIMITING THE USE AND SHARING OF MEDICAL INFORMATION IN THE FINANCIAL SYSTEM
Sec. 411. Protection of medical information in the financial system.
Sec. 412. Confidentiality of medical contact information in consumer reports.
TITLE V—FINANCIAL LITERACY AND EDUCATION IMPROVEMENT
Sec. 511. Short title.
Sec. 512. Definitions.
Sec. 513. Establishment of Financial Literacy and Education Commission.
Sec. 514. Duties of the Commission.
Sec. 515. Powers of the Commission.
Sec. 516. Commission personnel matters.
Sec. 517. Study by the Comptroller General.
Sec. 518. Authorization of appropriations.
TITLE VI—RELATION TO STATE LAW
Sec. 611. Relation to State law.
TITLE VII—MISCELLANEOUS
Sec. 711. Clerical amendments.

TITLE I—IDENTITY THEFT PREVENTION AND CREDIT HISTORY RESTORATION

Subtitle A—Identity Theft Prevention

SEC. 111. DEFINITIONS.

Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following:

''(q) DEFINITIONS RELATING TO FRAUD ALERTS.—

''(1) ACTIVE DUTY MILITARY CONSUMER.—The term 'active duty military consumer' means a consumer in military service who—

''(A) is on active duty (as defined in section 101(d)(1) of title 10, United States Code) or is a reservist performing duty under a call or order to active duty under a provision of law referred to in section 101(a)(13) of title 10, United States Code; and

''(B) is assigned to service away from the usual duty station of the consumer.

''(2) FRAUD ALERT; ACTIVE DUTY ALERT.—The terms 'fraud alert' and 'active duty alert' mean a statement in the file of a consumer that—

''(A) notifies all prospective users of a consumer report relating to the consumer that the consumer may be a victim of fraud, including identity theft, or is an active duty military consumer, as applicable;

''(B) provides to all prospective users of a consumer report relating to the consumer, a telephone number or other reasonable contact method designated by the consumer for the user to obtain authorization from the consumer before establishing new credit (including providing any increase in a credit limit with respect to an existing credit account) in the name of the consumer; and

''(C) is presented in a manner that facilitates a clear and conspicuous view of the statement described in subparagraph (A) or (B) by any person requesting such consumer report.

''(r) CREDIT CARD.—The term 'credit card' has the same meaning as in section 103 of the Truth in Lending Act.

''(s) DEBIT CARD.—The term 'debit card' means any card issued by a financial institution to a consumer for use in initiating an electronic fund transfer from the account of the consumer at such financial institution, for the purpose of transferring money between accounts or obtaining money, property, labor, or services.

''(t) ACCOUNT AND ELECTRONIC FUND TRANSFER.—The terms 'account' and 'electronic fund transfer' have the same meanings as in section 903 of the Electronic Fund Transfer Act.

''(u) CREDIT AND CREDITOR—The terms 'credit' and 'creditor' have the same meanings as in section 702 of the Equal Credit Opportunity Act.

''(v) FEDERAL BANKING AGENCIES.—The term 'Federal banking agencies' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

''(w) FINANCIAL INSTITUTION.—The term 'financial institution' means a State or National bank, a State or Federal savings and loan association, a mutual savings bank, a State or Federal credit union, or any other person that, directly or indirectly, holds an account belonging to a consumer.

''(x) RESELLER.—The term 'reseller' means a consumer reporting agency that—

''(1) assembles and merges information contained in the database of another consumer reporting agency or multiple consumer reporting agencies concerning any consumer for purposes of furnishing such information to any third party, to the extent of such activities; and

''(2) does not maintain a database of the assembled or merged information from which new consumer reports are produced.

''(y) DEFINITIONS RELATING TO CREDIT SCORES.—

''(1) CREDIT SCORE AND KEY FACTORS.—When used in connection with an application for an extension of credit for a consumer purpose that is to be secured by a dwelling—

''(A) the term 'credit score'—

''(i) means a numerical value or categorization derived from a statistical tool or modeling system used to predict the likelihood of certain credit behaviors, including default; and

''(ii) does not include—

''(I) any mortgage score or rating of an automated underwriting system that considers 1 or more factors in addition to credit information, including the loan-to-value ratio, the amount of down payment, or the financial assets of a consumer; or

''(II) other elements of the underwriting process or underwriting decision; and

''(B) the term 'key factors' means all relevant elements or reasons affecting the credit score for a consumer, listed in the order of their importance, based on their respective effects on the credit score.

''(2) DWELLING.—The term 'dwelling' has the same meaning as in section 103 of the Truth in Lending Act.

''(z) IDENTITY THEFT REPORT.—The term 'identity theft report' means a report—

''(1) that alleges an identity theft;

''(2) that is filed by a consumer with an appropriate Federal, State, or local government agency, including the United States Postal Inspection Service and any law enforcement agency; and

''(3) the filing of which subjects the person filing the report to criminal penalties relating to the filing of false information if, in fact, the information in the report is false.''.

SEC. 112. FRAUD ALERTS AND ACTIVE DUTY ALERTS.

The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by inserting after section 605 the following:

''§ 605A. Identity theft prevention; fraud alerts and active duty alerts

''(a) ONE-CALL FRAUD ALERTS.—

''(1) INITIAL ALERTS.—Upon the request of a consumer who asserts in good faith a suspicion that the consumer has been or is about to become a victim of fraud or related crime, including identity theft, a consumer reporting agency described in section 603(p) that maintains a file on the consumer and has received appropriate proof of the identity of the requester shall—

''(A) include a fraud alert in the file of that consumer for a period of not less than 90 days, beginning on the date of such request, unless the consumer requests that such fraud alert be removed before the end of such period, and the agency has received appropriate proof of the identity of the requester for such purpose; and

''(B) refer the information regarding the fraud alert under this paragraph to each of the other consumer reporting agencies described in section 603(p), in accordance with procedures developed under section 621(f).

''(2) ACCESS TO FREE REPORTS.—In any case in which a consumer reporting agency includes a fraud alert in the file of a consumer pursuant to this subsection, the consumer reporting agency shall—

''(A) disclose to the consumer that the consumer may request a free copy of the file of the consumer pursuant to section 612(d); and

''(B) provide to the consumer all disclosures required to be made under section 609, without charge to the consumer, not later than 3 business days after any request described in subparagraph (A).

''(b) EXTENDED ALERTS.—

''(1) IN GENERAL.—Upon the request of a consumer who submits an identity theft report to a consumer reporting agency described in section 603(p) that maintains a file on the consumer, if the agency has received appropriate proof of the identity of the requester, the agency shall—

''(A) include a fraud alert in the file of that consumer during the 7-year period beginning on the date of such request, unless the consumer requests that such fraud alert be removed before the end of such period and the agency has received appropriate proof of the identity of the requester for such purpose;

''(B) during the 7-year period beginning on the date of such request, exclude the consumer from any list of consumers prepared by the consumer reporting agency and provided to any third party to offer credit or insurance to the consumer as part of a transaction that was not initiated by the consumer, unless the consumer requests that such exclusion be rescinded before the end of such period; and

''(C) refer the information regarding the extended fraud alert under this paragraph to each of the other consumer reporting agencies described in section 603(p), in accordance with procedures developed under section 621(f).

''(2) VERIFICATION OF IDENTITY THEFT CLAIM.—For purposes of paragraph (1), a consumer reporting agency shall accept as proof of a claim of identity theft, in lieu of an identity theft report—

''(A) a properly completed copy of a standardized affidavit of identity theft developed and made available by the Federal Trade Commission; or

''(B) any affidavit of fact that is acceptable to the consumer reporting agency for that purpose.

''(3) ACCESS TO FREE REPORTS.—In any case in which a consumer reporting agency includes a fraud alert in the file of a consumer pursuant to this subsection, the consumer reporting agency shall—

''(A) disclose to the consumer that the consumer may request 2 free copies of the file of the consumer pursuant to section 612(d) during the 12-month period beginning on the date on which the fraud alert was included in the file; and

''(B) provide to the consumer all disclosures required to be made under section 609, without charge to the consumer, not later than 3 business days after any request described in subparagraph (A).

''(c) ACTIVE DUTY ALERTS.—Upon the request of an active duty military consumer, a consumer reporting agency described in section 603(p) that maintains a file on the active duty military consumer and has received appropriate proof of the identity of the requester shall—

''(1) include an active duty alert in the file of that active duty military consumer during a period of not less than 12 months, beginning on the date of the request, unless the active duty military consumer requests that such fraud alert be removed before the end of such period, and the agency has received appropriate proof of the identity of the requester for such purpose;

''(2) during the 12-month period beginning on the date of such request, exclude the active duty military consumer from any list of consumers prepared by the consumer reporting agency and provided to any third party to offer credit or insurance to the consumer as part of a transaction that was not initiated by the consumer, unless the consumer requests that such exclusion be rescinded before the end of such period; and

''(3) refer the information regarding the active duty alert to each of the other consumer reporting agencies described in section 603(p), in accordance with procedures developed under section 621(f).

''(d) PROCEDURES.—Each consumer reporting agency described in section 603(p) shall establish policies and procedures to comply with this section, including procedures that allow consumers and active duty military consumers to request temporary, extended, or active duty alerts (as applicable) in a simple and easy manner, including by telephone.

''(e) REFERRALS OF FRAUD ALERTS.—Each consumer reporting agency described in section 603(p) that receives a referral of a fraud alert or active duty alert from another consumer reporting agency pursuant to this section shall, as though the agency received the request from the consumer directly, follow the procedures required under—

''(1) paragraphs (1)(A) and (2) of subsection (a), in the case of a referral under subsection (a)(1)(B);

''(2) paragraphs (1)(A), (1)(B), and (3) of subsection (b), in the case of a referral under subsection (b)(1)(C); and

''(3) paragraphs (1) and (2) of subsection (c), in the case of a referral under subsection (c)(3).

''(f) DUTY OF RESELLER TO RECONVEY ALERT.—A reseller shall include in its report any fraud alert or active duty alert placed in the file of a consumer pursuant to this section by another consumer reporting agency.

''(g) DUTY OF OTHER CONSUMER REPORTING AGENCIES TO PROVIDE CONTACT INFORMATION.—If a consumer contacts any consumer reporting agency that is not described in section 603(p) to communicate a suspicion that the consumer has been or is about to become a victim of fraud or related crime, including identity theft, the agency shall provide information to the consumer on how to contact the Federal Trade Commission and the consumer reporting agencies described in section 603(p) to obtain more detailed information and request alerts under this section.''.

SEC. 113. TRUNCATION OF CREDIT CARD AND DEBIT CARD ACCOUNT NUMBERS.

Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by adding at the end the following:

''(g) TRUNCATION OF CREDIT CARD AND DEBIT CARD NUMBERS.—

''(1) IN GENERAL.—Except as otherwise specifically provided in this subsection, no person that accepts credit cards or debit cards for the transaction of business shall print more than the last 5 digits of the card account number or the expiration date upon any receipt provided to the cardholder at the point of the sale or transaction.

''(2) LIMITATION.—This subsection applies only to receipts that are electronically printed, and does not apply to transactions in which the sole means of recording a credit card or debit card account number is by handwriting or by an imprint or copy of the card.

''(3) EFFECTIVE DATE.—This subsection shall become effective—

''(A) 3 years after the date of enactment of this subsection, with respect to any cash register or other machine or device that electronically prints receipts for credit card or debit card transactions that is in use before January 1, 2005; and

''(B) 1 year after the date of enactment of this subsection, with respect to any cash register or other machine or device that electronically prints receipts for credit card or debit card transactions that is first put into use on or after January 1, 2005.''.

SEC. 114. ESTABLISHMENT OF PROCEDURES FOR THE IDENTIFICATION OF POSSIBLE INSTANCES OF IDENTITY THEFT.

(a) IN GENERAL.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended—

(1) by striking ''(e)'' at the end; and

(2) by adding at the end the following:

''(e) RED FLAG GUIDELINES AND REGULATIONS REQUIRED.—

''(1) GUIDELINES.—The Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission shall, with respect to the entities that are subject to their respective enforcement authority under section 621, and in coordination as described in paragraph (2)—

''(A) establish and maintain guidelines for use by each financial institution and each other person that is a creditor or other user of a consumer report regarding identity theft with respect to account holders at, or customers of, such entities, and update such guidelines as often as necessary; and

''(B) prescribe regulations requiring each financial institution and each other person that is a creditor or other user of a consumer report to establish reasonable policies and procedures for implementing the guidelines established pursuant to paragraph (1), to identify possible risks to account holders or to the safety and soundness of the institution or customers.

''(2) COORDINATION.—Each agency required to prescribe regulations under paragraph (1) shall consult and coordinate with each other such agency so that, to the extent possible, the regulations prescribed by each such entity are consistent and comparable with the regulations prescribed by each other such agency.

''(3) CRITERIA.—In developing the guidelines required by paragraph (1)(A), the agencies described in paragraph (1) shall identify patterns, practices, and specific forms of activity that indicate the possible existence of identity theft.

''(4) CONSISTENCY WITH VERIFICATION REQUIREMENTS.—Policies and procedures established pursuant to paragraph (1) shall not be inconsistent with, or duplicative of, the policies and procedures required under section 5318(l) of title 31, United States Code.

''(f) INVESTIGATION OF CHANGES OF ADDRESS.—

''(1) IN GENERAL.—The Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission, in carrying out the responsibilities of such agencies under subsection (e) shall, with respect to the entities that are subject to their respective enforcement authority under section 621, and in coordination as described in paragraph (2), prescribe regulations applicable to card issuers to ensure that, if any such card issuer receives a request for an additional or replacement card for an existing account not later than 30 days after the card issuer has received notification of a change of address for the same account, the card issuer will follow reasonable policies and procedures that prohibit, as appropriate, the card issuer from issuing the additional or replacement card, unless the card issuer—

''(A) notifies the cardholder of the request at the former address of the cardholder and provides to the cardholder a means of promptly reporting incorrect address changes;

''(B) notifies the cardholder of the request by such other means of communication as the cardholder and the card issuer previously agreed to; or

''(C) uses other means of assessing the validity of the change of address, in accordance with reasonable policies and procedures established by the card issuer in accordance with the regulations prescribed under subsection (e).

''(2) COORDINATION.—Each agency required to prescribe regulations under paragraph (1) shall consult and coordinate with each other such agency so that, to the extent possible, the regulations prescribed by each such entity are consistent and comparable with the regulations prescribed by each other such agency.

''(3) DEFINITION OF CARD ISSUER.—For purposes of this subsection, the term 'card issuer' means—

''(A) any person who issues a credit card, or the agent of such person with respect to such card; and

''(B) any person who issues a debit card.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 1 year after the date of enactment of this Act.

SEC. 115. AMENDMENTS TO EXISTING IDENTITY THEFT PROHIBITION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(7)—

(A) by striking ''transfers'' and inserting ''transfers, possesses,''; and

(B) by striking ''abet,'' and inserting ''abet, or in connection with,'';

(2) in subsection (b)(1)(D), by striking ''transfer'' and inserting ''transfer, possession,''; and

(3) in subsection (b)(2), by striking ''three years'' and inserting ''5 years''.

SEC. 116. AUTHORITY TO TRUNCATE SOCIAL SECURITY NUMBERS.

Section 609(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)) is amended by striking ''except that nothing'' and inserting the following: ''except that—

''(A) if the consumer to whom the file relates requests that the first 5 digits of the social security number (or similar identification number) of the consumer not be included in the disclosure and the consumer reporting agency has received appropriate proof of the identity of the requester, the consumer reporting agency shall so truncate such number in such disclosure; and

''(B) nothing''.

Subtitle B—Protection and Restoration of Identity Theft Victim Credit History

SEC. 151. SUMMARY OF RIGHTS OF IDENTITY THEFT VICTIMS.

(a) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following:

''(d) SUMMARY OF RIGHTS OF IDENTITY THEFT VICTIMS.—

''(1) IN GENERAL.—The Federal Trade Commission, in consultation with the Federal banking agencies and the National Credit Union Administration, shall prescribe the form and content of a summary of the rights of consumers under this title with respect to the procedures for remedying the effects of fraud or identity theft involving credit, electronic fund transfers, or accounts or transactions at or with a financial institution.

''(2) SUMMARY OF RIGHTS AND CONTACT INFORMATION.—If any consumer contacts a consumer reporting agency and expresses a belief that the consumer is a victim of fraud or identity theft involving credit, an electronic fund transfer, or an account or transaction at or with a financial institution, the consumer reporting agency shall, in addition to any other action that the agency may take, provide the consumer with the model summary of rights prepared by the Federal Trade Commission under paragraph (1) and information on how to contact the Commission to obtain more detailed information.''.

(b) PUBLIC CAMPAIGN TO PREVENT IDENTITY THEFT.—Not later than 2 years after the date of enactment of this Act, the Federal Trade Commission shall establish and implement a media and distribution campaign to teach the public how to prevent identity theft. Such campaign shall include existing Federal Trade Commission education materials, as well as radio, television, and print public service announcements, video cassettes, interactive digital video discs (DVD's) or compact audio discs (CD's), and Internet resources.

(c) CONFORMING AMENDMENT.—Section 624(b)(3) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(3), regarding relation to State laws) is amended by striking ''section 609(c)'' and inserting ''subsection (c) or (d) of section 609''.

SEC. 152. BLOCKING OF INFORMATION RESULTING FROM IDENTITY THEFT.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by inserting after section 605A, as added by this Act, the following:

''§ 605B. Block of information resulting from identity theft

''(a) BLOCK.—Except as otherwise provided in this section, a consumer reporting agency shall block the reporting of any information in the file of a consumer that the consumer identifies as information that resulted from an alleged identity theft, not later than 3 business days after the date of receipt by such agency of—

''(1) appropriate proof of the identity of the consumer;

''(2) a copy of an identity theft report; and

''(3) the identification of such information by the consumer.

''(b) NOTIFICATION.—A consumer reporting agency shall promptly notify the furnisher of information identified by the consumer under subsection (a)—

''(1) that the information may be a result of identity theft;

''(2) that an identity theft report has been filed;

''(3) that a block has been requested under this section; and

''(4) of the effective dates of the block.

''(c) AUTHORITY TO DECLINE OR RESCIND.—

''(1) IN GENERAL.—A consumer reporting agency may decline to block, or may rescind any block, of information relating to a consumer under this section, if the consumer reporting agency reasonably determines that—

''(A) the information was blocked in error or a block was requested by the consumer in error;

''(B) the information was blocked, or a block was requested by the consumer, on the basis of a material misrepresentation of fact relevant to the request to block; or

''(C) the consumer obtained possession of goods, services, or money as a result of the blocked transaction or transactions.

''(2) NOTIFICATION TO CONSUMER.—If a block of information is declined or rescinded under this subsection, the affected consumer shall be notified promptly, in the same manner as consumers are notified of the reinsertion of information under section 611(a)(5)(B).

''(3) SIGNIFICANCE OF BLOCK.—For purposes of this subsection, if a consumer reporting agency rescinds a block, the presence of information in the file of a consumer prior to the blocking of such information is not evidence of whether the consumer knew or should have known that the consumer obtained possession of any goods, services, or money as a result of the block.

''(d) EXCEPTION FOR RESELLERS.—

''(1) NO RESELLER FILE.—This section shall not apply to a consumer reporting agency, if the consumer reporting agency—

''(A) is a reseller;

''(B) is not, at the time of the request of the consumer under subsection (a), otherwise furnishing or reselling a consumer report concerning the information identified by the consumer; and

''(C) informs the consumer, by any means, that the consumer may report the identity theft to the Federal Trade Commission to obtain consumer information regarding identity theft.

''(2) RESELLER WITH FILE.—The sole obligation of the consumer reporting agency under this section, with regard to any request of a consumer under this section, shall be to block the consumer report maintained by the consumer reporting agency from any subsequent use, if—

''(A) the consumer, in accordance with the provisions of subsection (a), identifies, to a consumer reporting agency, information in the file of the consumer that resulted from identity theft; and

''(B) the consumer reporting agency is a reseller of the identified information.

''(3) NOTICE.—In carrying out its obligation under paragraph (2), the reseller shall promptly provide a notice to the consumer of the decision to block the file. Such notice shall contain the name, address, and telephone number of each consumer reporting agency from which the consumer information was obtained for resale.

''(e) EXCEPTION FOR VERIFICATION COMPANIES.—The provisions of this section do not apply to a check services company, acting as such, which issues authorizations for the purpose of approving or processing negotiable instruments, electronic fund transfers, or similar methods of payments, except that, beginning 3 business days after receipt of information described in paragraphs (1) through (3) of subsection (a), a check services company shall not report to a national consumer reporting agency described in section 603(p), any information identified in the

subject identity theft report as resulting from identity theft.

''(f) ACCESS TO BLOCKED INFORMATION BY LAW ENFORCEMENT AGENCIES.—No provision of this section shall be construed as requiring a consumer reporting agency to prevent a Federal, State, or local law enforcement agency from accessing blocked information in a consumer file to which the agency could otherwise obtain access under this title.''.

(b) CLERICAL AMENDMENT.—The table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by inserting after the item relating to section 605 the following new items:

''605A. Identity theft prevention; fraud alerts and active duty alerts.

''605B. Block of information resulting from identity theft.''.

SEC. 153. COORDINATION OF IDENTITY THEFT COMPLAINT INVESTIGATIONS.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by adding at the end the following:

''(f) COORDINATION OF CONSUMER COMPLAINT INVESTIGATIONS.—

''(1) IN GENERAL.—Each consumer reporting agency described in section 603(p) shall develop and maintain procedures for the referral to each other such agency of any consumer complaint received by the agency alleging identity theft, or requesting a fraud alert under section 605A or a block under section 605B.

''(2) MODEL FORM AND PROCEDURE FOR REPORTING IDENTITY THEFT.—The Federal Trade Commission, in consultation with the Federal banking agencies and the National Credit Union Administration, shall develop a model form and model procedures to be used by consumers who are victims of identity theft for contacting and informing creditors and consumer reporting agencies of the fraud.

''(3) ANNUAL SUMMARY REPORTS.—Each consumer reporting agency described in section 603(p) shall submit an annual summary report to the Federal Trade Commission on consumer complaints received by the agency on identity theft or fraud alerts.''.

SEC. 154. PREVENTION OF REPOLLUTION OF CONSUMER REPORTS.

(a) PREVENTION OF REINSERTION OF ERRONEOUS INFORMATION.—

(1) DUTIES OF FURNISHERS UPON NOTICE OF IDENTITY THEFT-RELATED DISPUTES.—Section 623(b) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(b)) is amended—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following:

''(2) DUTIES OF FURNISHERS UPON NOTICE OF IDENTITY THEFT-RELATED DISPUTES.—A person that furnishes information to any consumer reporting agency shall—

''(A) have in place reasonable procedures to respond to any notification that it receives from a consumer reporting agency under section 605B relating to information resulting from identity theft, to prevent that person from refurnishing such blocked information; and

''(B) take the actions described in subparagraphs (A) through (D) of paragraph (1), if such person receives directly from a consumer, an identity theft report or a properly completed copy of a standardized affidavit of identity theft developed and made available by the Federal Trade Commission.''; and

(C) in paragraph (3), as redesignated, by striking ''paragraph (1)'' and inserting ''this subsection''.

(2) CONFORMING AMENDMENTS RELATING TO NOTICE OF IDENTITY THEFT DIRECTLY FROM CONSUMERS.—Section 623(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(b)(1)) is amended—

(A) in the matter preceding subparagraph (A), by inserting ''or as described in paragraph (2)(B),'' after ''agency,'';

(B) subparagraph (B), by inserting before the semicolon the following: '', and by the consumer, and other documentation reasonably available to the person that is necessary to conduct a reasonable investigation''; and

(C) in subparagraph (C), by inserting before the semicolon at the end the following: '', and to the consumer, if notice of the dispute was received directly from the consumer, as described in paragraph (2)(B)''.

(b) PROHIBITION ON SALE OR TRANSFER OF DEBT CAUSED BY IDENTITY THEFT.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m), as amended by this Act, is amended by adding at the end the following:

''(g) PROHIBITION ON SALE OR TRANSFER OF DEBT CAUSED BY IDENTITY THEFT.—

''(1) IN GENERAL.—No person shall sell, transfer for consideration, or place for collection a debt that such person has been notified under section 605B has resulted from identity theft.

''(2) APPLICABILITY.—The prohibitions of this subsection shall apply to all persons collecting a debt described in paragraph (1) after the date of a notification under paragraph (1).

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit—

''(A) the repurchase of a debt in any case in which the assignee of the debt requires such repurchase because the debt has resulted from identity theft;

''(B) the securitization of a debt; or

''(C) the transfer of debt as a result of a merger, acquisition, purchase and assumption transaction, or transfer of substantially all of the assets of an entity.''.

SEC. 155. NOTICE BY DEBT COLLECTORS WITH RESPECT TO FRAUDULENT INFORMATION.

Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m), as amended by this Act, is amended by adding at the end the following:

''(h) DEBT COLLECTOR COMMUNICATIONS CONCERNING IDENTITY THEFT.—If a person acting as a debt collector (as that term is defined in title VIII) on behalf of a third party that is a creditor or other user of a consumer report is notified that any information relating to a debt that the person is attempting to collect may be fraudulent or may be the result of identity theft, that person shall—

''(1) notify the third party that the information may be fraudulent or may be the result of identity theft; and

''(2) upon request of the consumer to whom the debt purportedly relates, provide to the consumer all information to which the consumer would otherwise be entitled if the consumer were not a victim of identity theft, but wished to dispute the debt under provisions of law applicable to that person.''.

SEC. 156. STATUTE OF LIMITATIONS.

Section 618 of the Fair Credit Reporting Act (15 U.S.C. 1681p) is amended to read as follows:

''§ 618. Jurisdiction of courts; limitation of actions

''An action to enforce any liability created under this title may be brought in any appropriate United States district court, without regard to the amount in controversy, or in any other court of competent jurisdiction, not later than the earlier of—

''(1) 2 years after the date of discovery by the plaintiff of the violation that is the basis for such liability; or

''(2) 7 years after the date on which the violation that is the basis for such liability occurs.''.

TITLE II—IMPROVEMENTS IN USE OF AND CONSUMER ACCESS TO CREDIT INFORMATION

SEC. 211. FREE CREDIT REPORTS.

(a) IN GENERAL.—Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended—

(1) by redesignating subsection (a) as subsection (f), and transferring it to the end of the section;

(2) by inserting before subsection (b) the following:

''(a) FREE ANNUAL DISCLOSURE.—

''(1) IN GENERAL.—A consumer reporting agency described in section 603(p) shall make all disclosures pursuant to section 609 once during any 12-month period upon request of the consumer and without charge to the consumer, only if the request is made by mail or through an Internet website using the centralized system and the standardized form established for such requests in accordance with section 211(c) of the National Consumer Credit Reporting System Improvement Act of 2003.

''(2) TIMING.—A consumer reporting agency shall provide a consumer report under paragraph (1) not later than 15 days after the date on which the request is received under paragraph (1).

''(3) REINVESTIGATIONS.—Notwithstanding the time periods specified in section 611(a)(1), a reinvestigation under that section by a consumer reporting agency upon a request of a consumer that is made after receiving a consumer report under this subsection shall be completed not later than 45 days after the date on which the request is received.'';

(3) by redesignating subsection (d) as subsection (e);

(4) by inserting before subsection (e), as redesignated, the following:

''(d) FREE DISCLOSURES IN CONNECTION WITH FRAUD ALERTS.—Upon the request of a consumer, a consumer reporting agency described in section 603(p) shall make all disclosures pursuant to section 609 without charge to the consumer, as provided in subsections (a)(2) and (b)(3) of section 605A, as applicable.'';

(5) in subsection (e), as redesignated, by striking ''subsection (a)'' and inserting ''subsection (f)''; and

(6) in subsection (f), as redesignated, by striking ''Except as provided in subsections (b), (c), and (d), a'' and inserting ''In the case of a request from a consumer other than a request that is covered by any of subsections (a) through (d), a''.

(b) SUMMARY OF RIGHTS TO OBTAIN AND DISPUTE INFORMATION IN CONSUMER REPORTS AND TO OBTAIN CREDIT SCORES.—Section 609(c) of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended to read as follows:

''(c) SUMMARY OF RIGHTS TO OBTAIN AND DISPUTE INFORMATION IN CONSUMER REPORTS AND TO OBTAIN CREDIT SCORES.—

''(1) COMMISSION SUMMARY OF RIGHTS REQUIRED.—

''(A) IN GENERAL.—The Federal Trade Commission shall prepare a model summary of the rights of consumers under this title.

''(B) CONTENT OF SUMMARY.—The summary of rights prepared under subparagraph (A) shall include a description of—

''(i) the right of a consumer to obtain a copy of a consumer report under subsection (a) from each consumer reporting agency;

''(ii) the frequency and circumstances under which a consumer is entitled to receive a consumer report without charge under section 612;

''(iii) the right of a consumer to dispute information in the file of the consumer under section 611;

''(iv) the right of a consumer to obtain a credit score from a consumer reporting agency, and a description of how to obtain a credit score; and

''(v) the method by which a consumer can contact, and obtain a consumer report from, a consumer reporting agency without charge, as provided in the regulations of the Federal Trade Commission prescribed under section 211(c) of the National Consumer Credit Reporting System Improvement Act of 2003.

''(C) AVAILABILITY OF SUMMARY OF RIGHTS.—The Federal Trade Commission shall—

''(i) actively publicize the availability of the summary of rights prepared under this paragraph;

''(ii) conspicuously post on its Internet website the availability of such summary of rights; and

''(iii) promptly make such summary of rights available to consumers, on request.

''(2) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH AGENCY DISCLOSURES.—A consumer reporting agency shall provide to a consumer, with each written disclosure by the agency to the consumer under this section—

''(A) the summary of rights prepared by the Federal Trade Commission under paragraph (1);

''(B) in the case of a consumer reporting agency described in section 603(p), a toll-free telephone number established by the agency, at which personnel are accessible to consumers during normal business hours;

''(C) a list of all Federal agencies responsible for enforcing any provision of this title, and the address and any appropriate phone number of each such agency, in a form that will assist the consumer in selecting the appropriate agency;

''(D) a statement that the consumer may have additional rights under State law, and that the consumer may wish to contact a State or local consumer protection agency or a State attorney general (or the equivalent thereof) to learn of those rights; and

''(E) a statement that a consumer reporting agency is not required to remove accurate derogatory information from the file of a consumer, unless the information is outdated under section 605 or cannot be verified.''.

(c) RULEMAKING REQUIRED.—

(1) IN GENERAL.—The Federal Trade Commission shall prescribe regulations applicable to consumer reporting agencies described in section 603(p) of the Fair Credit Reporting Act to require the establishment of—

(A) a centralized source, through which consumers may obtain a consumer report from each consumer reporting agency described in that section 603(p) using a single request and without charge to the consumer, as provided in section 612(a) of the Fair Credit Reporting Act (as amended by this Act);

(B) a standardized form for a consumer to make such a request for a consumer report by mail or through an Internet website; and

(C) streamlined methods by which such a consumer reporting agency shall provide such consumer reports, after consideration of—

(i) the significant demands that may be placed on consumer reporting agencies in providing such consumer reports;

(ii) appropriate means to ensure that consumer reporting agencies can satisfactorily meet those demands, including the efficacy of a system of staggering the availability to consumers of such consumer reports using a quarterly method based on the birth month of the consumer; and

(iii) the ease by which consumers should be able to contact consumer reporting agencies with respect to access to such consumer reports.

(2) TIMING.—Regulations required by this subsection shall—

(A) be issued in final form not later than 6 months after the date of enactment of this Act; and

(B) become effective not later than 6 months after the date on which they are issued in final form.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall become effective on the effective date of the regulations prescribed by the Federal Trade Commission in accordance with subsection (c).

SEC. 212. CREDIT SCORES.

(a) DUTIES OF CONSUMER REPORTING AGENCIES TO DISCLOSE CREDIT SCORES.—

(1) IN GENERAL.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended by adding at the end the following:

''(6) In connection with an application for an extension of credit for a consumer purpose that is to be secured by a dwelling—

''(A) the current, or most recent, credit score of the consumer that was previously calculated by the agency;

''(B) the range of possible credit scores under the model used;

''(C) the key factors, if any, not to exceed 4, that adversely affected the credit score of the consumer in the model used;

''(D) the date on which the credit score was created; and

''(E) the name of the person or entity that provided the credit score or the credit file on the basis of which the credit score was created.''.

(2) LIMITATIONS ON REQUIRED PROVISION OF CREDIT SCORE.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g), as amended by this Act, is amended by adding at the end the following:

''(e) LIMITATIONS ON REQUIRED PROVISION OF CREDIT SCORE.—

''(1) IN GENERAL.—Subsection (a)(6) may not be construed—

''(A) to compel a consumer reporting agency to develop or disclose a credit score if the agency does not, in the ordinary course of its business—

''(i) distribute scores that are used in connection with extensions of credit secured by residential real property; or

''(ii) develop credit scores that assist creditors in understanding the general credit behavior of the consumer and predicting future credit behavior;

''(B) to require a consumer reporting agency that distributes credit scores developed by another person or entity to provide a further explanation of those scores, or to process a dispute arising pursuant to section 611(a), except that the consumer reporting agency shall be required to provide to the consumer the name and information for contacting the person or entity that developed the score;

''(C) to require a consumer reporting agency to maintain credit scores in its files; or

''(D) to compel disclosure of a credit score, except upon specific request of the consumer, except that if a consumer requests the credit file and not the credit score, then the consumer shall be provided with the credit file and a statement that the consumer may request and obtain a credit score.

''(2) PROVISION OF SCORING MODEL.—In complying with subsection (a)(6) and this subsection, a consumer reporting agency shall supply to the consumer—

''(A) a credit score that is derived from a credit scoring model that is widely distributed to users of credit scores by that consumer reporting agency in connection with any extension of credit secured by a dwelling; or

''(B) a credit score that assists the consumer in understanding the credit scoring assessment of the credit behavior of the consumer and predictions about future credit behavior.''.

(3) CONFORMING AMENDMENT.—Section 609(a)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)(B)), as so designated by section 116, is amended by inserting before the period '', other than as provided in paragraph (6)''.

(b) DUTIES OF USERS OF CREDIT SCORES.—

(1) IN GENERAL.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m), as amended by this Act, is amended by adding at the end the following:

''(i) DUTIES OF USERS OF CREDIT SCORES.—

''(1) DISCLOSURES.—Any person that makes or arranges extensions of credit for consumer purposes that are to be secured by a dwelling and that uses credit scores for that purpose, shall be required to provide to the consumer to whom the credit score relates, as soon as is reasonably practicable after such use—

''(A) a copy of the information described in section 609(a)(6) that was obtained from a consumer reporting agency or that was developed and used by that user of the credit score information; or

''(B) if the user of the credit score information obtained such information from a third party that developed such information (other than a consumer reporting agency or the user itself), only—

''(i) a copy of the information described in section 609(a)(6) provided to the user by the person or entity that developed the credit score; and

''(ii) a notice that generally describes credit scores, their use, and the sources and kinds of data used to generate credit scores.

''(2) RULE OF CONSTRUCTION.—This subsection may not be construed to require the user of a credit score described in paragraph (1)—

''(A) to explain to the consumer the information provided pursuant to section 609(a)(6), unless that information was developed by the user;

''(B) to disclose any information other than a credit score or the key factors required to be disclosed under section 609(a)(6)(C);

''(C) to disclose any credit score or related information obtained by the user after a transaction occurs; or

''(D) to provide more than 1 disclosure under this subsection to any 1 consumer per credit transaction.

''(3) LIMITATION.—Except as otherwise provided in this subsection, the obligation of a user of a credit score under this subsection shall be limited solely to providing a copy of the information that was received from the consumer reporting agency or other person. A user of a credit score has no liability under this subsection for the content of credit score information received from a consumer reporting agency or for the omission of any information within the report provided by the consumer reporting agency.''.

(2) CONFORMING AMENDMENT.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended in the section heading, by adding at the end the following: ''**and credit scores**''.

(c) CONTRACTUAL LIABILITY.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended by adding at the end the following:

''(d) USE OF CREDIT SCORES.—Any provision of any contract that prohibits the disclosure of a credit score by a consumer reporting agency or a person who makes or arranges extensions of credit to the consumer to whom the credit score relates is void. A user of a credit score shall not have liability

under any such contractual provision for disclosure of a credit score.''.

(d) RELATION TO STATE LAWS.—Section 624(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(1), regarding relation to State laws) is amended—

(1) in subparagraph (E), by striking ''or'' at the end; and

(2) by adding at the end the following:

''(G) subsections (a)(6) and (e) of section 609, relating to the disclosure of credit scores by consumer reporting agencies in connection with an application for an extension of credit that is to be secured by a dwelling;

''(H) section 615(i), relating to the duties of users of credit scores to disclose credit score information to consumers in connection with an application for an extension of credit that is to be secured by a dwelling; or''.

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective 180 days after the date of enactment of this Act.

SEC. 213. ENHANCED DISCLOSURE OF THE MEANS AVAILABLE TO OPT OUT OF PRESCREENED LISTS.

(a) NOTICE AND RESPONSE FORMAT FOR USERS OF REPORTS.—Section 615(d)(2) of the Fair Credit Reporting Act (15 U.S.C. 1681m(d)(2)) is amended to read as follows:

''(2) DISCLOSURE OF ADDRESS AND TELEPHONE NUMBER; FORMAT.—A statement under paragraph (1) shall—

''(A) include the address and toll-free telephone number of the appropriate notification system established under section 604(e); and

''(B) be presented in such format and in such type size and manner as is established by the Federal Trade Commission, by rule, in consultation with the Federal banking agencies and the National Credit Union Administration.''.

(b) RULEMAKING SCHEDULE.—Regulations required by section 615(d)(2) of the Fair Credit Reporting Act, as amended by this section, shall be issued in final form not later than 1 year after the date of enactment of this Act.

(c) DURATION OF ELECTIONS.—Section 604(e) of the Fair Credit Reporting Act (15 U.S.C. 1681b(e)) is amended in each of paragraphs (3)(A) and (4)(B)(i)), by striking ''2-year period'' each place that term appears and inserting ''7-year period''.

(d) PUBLIC AWARENESS CAMPAIGN.—The Federal Trade Commission shall actively publicize and conspicuously post on its website any address and the toll-free telephone number established as part of a notification system for opting out of prescreening under section 604(e), and otherwise take measures to increase public awareness regarding the availability of the right to opt out of prescreening.

SEC. 214. AFFILIATE SHARING.

(a) LIMITATION.—The Fair Credit Reporting Act (15 U.S.C. 1601 et seq.) is amended—

(1) by redesignating section 624 (regarding relation to State laws), as so designated by section 2413(b) of the Consumer Credit Reporting Reform Act of 1996 (110 Stat. 3009–447), as section 625;

(2) by redesignating section 624 (regarding disclosures to FBI for counterintelligence purposes), as added by section 601(a) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974) (15 U.S.C. 1681u)), as section 626; and

(3) by inserting after section 623 the following:

''SEC. 624. AFFILIATE SHARING.

''(a) SPECIAL RULE FOR SOLICITATION FOR PURPOSES OF MARKETING.—

''(1) NOTICE.—Any person that receives from another person related to it by common ownership or affiliated by corporate control a communication of information that would be a consumer report, except for clauses (i) through (iii) of section 603(d)(2)(A), may not use the information to make a solicitation for marketing purposes to a consumer about its products or services, unless—

''(A) it is clearly and conspicuously disclosed to the consumer that the information may be communicated among such persons for purposes of making such solicitations to the consumer; and

''(B) the consumer is provided an opportunity and a simple method to prohibit the making of such solicitations to the consumer by such person.

''(2) CONSUMER CHOICE.—

''(A) IN GENERAL.—The notice required under paragraph (1) shall allow the consumer the opportunity to prohibit all such solicitations, and may allow the consumer to choose from different options when electing to prohibit the sending of such solicitations, including options regarding the types of entities and information covered, and which methods of delivering solicitations the consumer elects to prohibit.

''(B) FORMAT.—Notwithstanding subparagraph (A), the notice required under paragraph (1) must be clear, conspicuous, and concise, and any method provided under paragraph (1)(B) must be simple. The regulations prescribed to implement this section shall provide specific guidance regarding how to comply with such standards.

''(3) DURATION.—The election of the consumer pursuant to paragraph (1)(B) to prohibit the sending of solicitations shall be effective for 5 years, beginning on the date on which the person receives the election of the consumer, unless the consumer requests that such election be revoked before the end of such period. At such time as the election of the consumer pursuant to paragraph (1)(B) is no longer effective, a person may not use information it receives as described in paragraph (1) to make a solicitation for marketing purposes to such consumer unless the consumer receives a notice and an opportunity to extend the opt out for another period of 5 years, pursuant to the procedure described in paragraph (1).

''(4) SCOPE.—This section shall not apply to a person—

''(A) using information to make a solicitation for marketing purposes to a consumer with whom the person has a pre-existing business relationship;

''(B) using information to perform services on behalf of another person related by common ownership or affiliated by corporate control, except that this subparagraph shall not permit a person to send solicitations on behalf of another person if such other person would not be permitted to send the solicitation on its own behalf as a result of the election of the consumer to prohibit solicitations under paragraph (1)(B);

''(C) using information in direct response to a communication initiated by the consumer in which the consumer has requested information about a product or service; or

''(D) using information to directly respond to solicitations authorized or requested by the consumer.

''(b) NOTICE FOR OTHER PURPOSES PERMISSIBLE.—A notice or other disclosure that is equivalent to the notice required by subsection (a), and that is provided by a person described in subsection (a) to a consumer together with disclosures required by any other provision of law shall satisfy the requirements of subsection (a).''.

(b) RULEMAKING REQUIRED.—

(1) IN GENERAL.—The Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission shall, with respect to the entities that are subject to their respective enforcement authority under section 621 of the Fair Credit Reporting Act, and in coordination as described in paragraph (2), prescribe regulations to implement section 624 of the Fair Credit Reporting Act, as added by this section.

(2) COORDINATION.—Each agency required to prescribe regulations under paragraph (1) shall consult and coordinate with each other such agency so that, to the extent possible, the regulations prescribed by each such entity are consistent and comparable with the regulations prescribed by each other such agency.

(3) CONSIDERATIONS.—In promulgating regulations under this subsection, the Federal Trade Commission shall—

(A) ensure that affiliate sharing notification methods provide a simple means for consumers to make determinations and choices under section 624 of the Fair Credit Reporting Act, as added by this section; and

(B) consider the affiliate sharing notification practices employed on the date of enactment of this Act by persons that will be subject to that section 624.

(4) TIMING.—Regulations required by this subsection shall—

(A) be issued in final form not later than 6 months after the date of enactment of this Act; and

(B) become effective not later than 3 months after the date on which they are issued in final form.

(c) CONFORMING AMENDMENT.—Section 603(d)(2)(A) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)(2)(A)) is amended by inserting ''subject to section 624,'' after ''(A)''.

(d) CLERICAL AMENDMENT.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended in the table of sections, by striking the items following the item relating to section 623 and inserting the following:

''624. Affiliate sharing.
''625. Relation to State laws.
''626. Disclosures to FBI for counterintelligence purposes.''.

(e) STUDIES OF INFORMATION SHARING PRACTICES.—

(1) IN GENERAL.—The Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission shall jointly conduct regular studies of the consumer information sharing practices by financial institutions and other persons that are creditors or users of consumer reports with their affiliates.

(2) MATTERS FOR STUDY.—In conducting the studies required by paragraph (1), the agencies described in paragraph (1) shall—

(A) identify—

(i) the purposes for which financial institutions and other creditors and users of consumer reports share consumer information;

(ii) the types of information shared by such entities with their affiliates;

(iii) the number of choices provided to consumers with respect to the control of such sharing, and the degree to and manner in which consumers exercise such choices, if at all; and

(iv) whether such entities share or may share personally identifiable transaction or experience information with affiliates for purposes—

(I) that are related to employment or hiring, including whether the person that is the subject of such information is given notice of such sharing, and the specific uses of such shared information; or

(II) of general publication of such information; and

(B) specifically examine the information sharing practices that financial institutions and other creditors and users of consumer reports and their affiliates employ for the purpose of making underwriting decisions or credit evaluations of consumers.

(3) REPORTS.—

(A) INITIAL REPORT.—Not later than 3 years after the date of enactment of this Act, the Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission shall jointly submit a report to the Congress on the results of the initial study conducted in accordance with this subsection, together with any recommendations for legislative or regulatory action.

(B) FOLLOWUP REPORTS.—The Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission shall, not less frequently than once every 3 years following the date of submission of the initial report under subparagraph (A), jointly submit a report to the Congress that, together with any recommendations for legislative or regulatory action—

(i) documents any changes in the areas of study referred to in paragraph (2)(A) occurring since the date of submission of the previous report;

(ii) identifies any changes in the practices of financial institutions and other creditors and users of consumer reports in sharing consumer information with their affiliates for the purpose of making underwriting decisions or credit evaluations of consumers occurring since the date of submission of the previous report; and

(iii) examines the effects that changes described in clause (ii) have had, if any, on the degree to which such affiliate sharing practices reduce the need for financial institutions, creditors, and other users of consumer reports to rely on credit reports for such decisions.

(f) DEFINITIONS.—As used in this section—

(1) the terms ''consumer'', ''consumer report'', ''consumer reporting agency'', ''creditor'', ''Federal banking agencies'', and ''financial institution'', have the same meanings as in section 603 of the Fair Credit Reporting Act, as amended by this Act; and

(2) the term ''affiliates'' means persons that are related by common ownership or affiliated by corporate control.

SEC. 215. STUDY OF EFFECTS OF CREDIT SCORES AND CREDIT-BASED INSURANCE SCORES ON AVAILABILITY AND AFFORDABILITY OF FINANCIAL PRODUCTS.

(a) DEFINED TERM.—As used in this section, the term ''credit score'' means a numerical value or a categorization derived from a statistical tool or modeling system used to predict the likelihood of certain credit or insurance behaviors, including default.

(b) STUDY REQUIRED.—The Federal Trade Commission shall conduct a study of—

(1) the effects of the use of credit scores and credit-based insurance scores on the availability and affordability of financial products and services, including credit cards, mortgages, auto loans, and property and casualty insurance;

(2) the degree of correlation between the factors considered by credit score systems and the quantifiable risks and actual losses experienced by businesses, including the extent to which each of the factors considered or otherwise taken into account by such systems correlated to risk or loss;

(3) the extent to which the use of credit scoring models, credit scores and credit-based insurance scores benefit or negatively impact persons based on geography, income, ethnicity, race, color, religion, national origin, age, sex, marital status, or creed; and

(4) the extent to which credit scoring systems are used by businesses, the factors considered by such systems, and the effects of variables which are not considered by such systems.

(c) PUBLIC PARTICIPATION.—The Federal Trade Commission shall seek public input about the prescribed methodology and research design of the study required by subsection (b).

(d) REPORT.—

(1) IN GENERAL.—Before the end of the 18-month period beginning on the date of enactment of this Act, the Federal Trade Commission shall submit a detailed report on the study conducted under this section to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) the findings and conclusions of the Commission;

(B) recommendations to address specific areas of concern that were identified in the study; and

(C) recommendations for legislative or administrative action that the Commission may determine to be necessary to ensure that credit and credit-based insurances score are used appropriately and fairly.

TITLE III—ENHANCING THE ACCURACY OF CONSUMER REPORT INFORMATION

SEC. 311. RISK-BASED PRICING NOTICE.

(a) DUTIES OF USERS.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m), as amended by this Act, is amended by adding at the end the following:

''(j) DUTIES OF USERS IN CERTAIN CREDIT TRANSACTIONS.—

''(1) IN GENERAL.—Subject to rules prescribed as provided in paragraph (5), if any person uses a consumer report in connection with a grant, extension, or other provision of credit on material terms that are materially less favorable than the most favorable terms available to a substantial proportion of consumers from or through that person, based in whole or in part on a consumer report, the person shall provide a notice to the consumer in the form and manner required by regulations prescribed in accordance with this subsection.

''(2) EXCEPTIONS.—No notice shall be required from a person under this subsection if—

''(A) the consumer applied for specific material terms and was granted those terms, unless those terms were initially specified by the person after the transaction was initiated by the consumer and after the person obtained a consumer report; or

''(B) the person has provided or will provide a notice to the consumer under subsection (a) in connection with the transaction.

''(3) OTHER NOTICE NOT SUFFICIENT.—A person that is required to provide a notice under subsection (a) cannot meet that requirement by providing a notice under this subsection.

''(4) CONTENT AND DELIVERY OF NOTICE.—A notice under this subsection shall include, at a minimum—

''(A) a statement informing the consumer that the terms offered to the consumer were set based on information from a consumer report;

''(B) identification of the consumer reporting agency that furnished that report;

''(C) a statement informing the consumer that the consumer may obtain a copy of a consumer report from that consumer reporting agency without charge; and

''(D) the contact information specified by that consumer reporting agency for obtaining such consumer reports (including a toll-free telephone number established by the agency in the case of a consumer reporting agency described in section 603(p)).

''(5) RULEMAKING.—

''(A) RULES REQUIRED.—The Federal Trade Commission and the Board of Governors of the Federal Reserve System shall jointly prescribe rules, in accordance with section 553 of title 5, United States Code, to carry out this subsection.

''(B) CONTENT.—Rules required by subparagraph (A) shall address, but are not limited to—

''(i) the form, content, time, and manner of delivery of any notice under this subsection;

''(ii) clarification of the meaning of terms used in this subsection, including what credit terms are material, and when credit terms are materially less favorable;

''(iii) exceptions to the notice requirement under this subsection for classes of persons or transactions regarding which the agencies determine that notice would not significantly benefit consumers; and

''(iv) a model notice that may be used to comply with this subsection.''.

(b) RELATION TO STATE LAWS.—Section 625(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(1), regarding relation to State laws), as so designated and amended by this Act, is amended by adding at the end the following:

''(I) section 615(j), relating to the duties of users of consumer reports to provide notice with respect to terms in certain credit transactions;''.

SEC. 312. PROCEDURES TO ENHANCE THE ACCURACY AND COMPLETENESS OF INFORMATION FURNISHED TO CONSUMER REPORTING AGENCIES.

(a) ACCURACY GUIDELINES AND REGULATIONS.—Section 623 of the Fair Credit Reporting Act (15 U.S.C. 15 U.S.C. 1681s–2) is amended by adding at the end the following:

''(e) ACCURACY GUIDELINES AND REGULATIONS REQUIRED.—

''(1) GUIDELINES.—The Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission shall, with respect to the entities that are subject to their respective enforcement authority under section 621, and in coordination as described in paragraph (2)—

''(A) establish and maintain guidelines for use by each person that furnishes information to a consumer reporting agency regarding the accuracy and completeness of the information relating to consumers that such entities furnish to consumer reporting agencies, and update such guidelines as often as necessary; and

''(B) prescribe regulations requiring each person that furnishes information to a consumer reporting agency to establish reasonable policies and procedures for implementing the guidelines established pursuant to subparagraph (A).

''(2) COORDINATION.—Each agency required to prescribe regulations under paragraph (1) shall consult and coordinate with each other such agency so that, to the extent possible, the regulations prescribed by each such entity are consistent and comparable with the regulations prescribed by each other such agency.

''(3) CRITERIA.—In developing the guidelines required by paragraph (1)(A), the agencies described in paragraph (1) shall—

''(A) identify patterns, practices, and specific forms of activity that can compromise the accuracy and completeness of information furnished to consumer reporting agencies;

''(B) review the methods (including technological means) used to furnish information relating to consumers to consumer reporting agencies;

''(C) determine whether persons that furnish information to consumer reporting agencies maintain and enforce policies to provide complete and accurate information to consumer reporting agencies; and

''(D) examine the policies and processes that persons that furnish information to consumer reporting agencies employ to conduct reinvestigations and correct inaccurate information relating to consumers that has

been furnished to consumer reporting agencies.''.

(b) FURNISHER LIABILITY EXCEPTION.—Section 623(a)(5) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)(5)) is amended—

(1) by striking ''A person'' and inserting the following:

''(A) IN GENERAL.—A person'';

(2) by inserting ''date of delinquency on the account, which shall be the'' before ''month'';

(3) by inserting ''on the account'' before ''that immediately preceded''; and

(4) by adding at the end the following:

''(B) RULE OF CONSTRUCTION.—For purposes of this paragraph only, and provided that the consumer does not dispute the information, a person that furnishes information on a delinquent account that is placed for collection, charged for profit or loss, or subjected to any similar action, complies with this paragraph, if—

''(i) the person reports the same date of delinquency as that provided by the creditor to which the account was owed at the time at which the commencement of the delinquency occurred, if the creditor previously reported that date of delinquency to a consumer reporting agency;

''(ii) the creditor did not previously report the date of delinquency to a consumer reporting agency, and the person establishes and follows reasonable procedures to obtain the date of delinquency from the creditor or another reliable source and reports that date as the date of delinquency; or

''(iii) the creditor did not previously report the date of delinquency to a consumer reporting agency and the date of delinquency cannot be reasonably obtained as provided in clause (ii), the person establishes and follows reasonable procedures to ensure the date reported as the date of delinquency precedes the date on which the account is placed for collection, charged to profit or loss, or subjected to any similar action, and reports such date to the credit reporting agency.''.

(c) LIABILITY AND ENFORCEMENT.—

(1) CIVIL LIABILITY.—Section 623 of the Fair Credit Reporting Act (15 U.S.C. 1681s–2) is amended by striking subsections (c) and (d) and inserting the following:

''(c) LIMITATION ON LIABILITY.—Except as provided in section 621(c)(1)(B), sections 616 and 617 do not apply to any violation of—

''(1) subsection (a) of this section;

''(2) subsection (e) of this section, except that nothing in this paragraph shall limit, expand, or otherwise affect liability under section 616 or 617, as applicable, for violations of subsection (b) of this section;

''(3) subsection (e) or (f) of section 615; or

''(4) subparagraph (A) of subsection (b)(2) of this section that is based on the development of procedures required by that subparagraph, except that refurnishing information otherwise in violation of subsection (b) shall be subject to liability under sections 616 and 617, as applicable, to the same extent as such a refurnishing violation was subject to such liability on the day before the date of enactment of the National Consumer Credit Reporting System Improvement Act of 2003.

''(d) LIMITATION ON ENFORCEMENT.—The provisions of law described in paragraphs (1) through (4) of subsection (c) (other than with respect to the exceptions described in paragraphs (2) and (4) of subsection (c)) shall be enforced exclusively as provided under section 621 by the Federal agencies and officials and the State officials identified in section 621.''.

(2) STATE ACTIONS.—Section 621(c) of the Fair Credit Reporting Act (15 U.S.C. 1681s(c)) is amended—

(A) in paragraph (1)(B)(ii), by striking ''of section 623(a)'' and inserting ''described in any of paragraphs (1) through (4) of section 623(c) (other than with respect to the exception described in paragraph (4) of section 623(c))''; and

(B) in paragraph (5)—

(i) in each of subparagraphs (A) and (B), by inserting after ''section 623(a)(1)'' each place that term appears the following: ''or a violation described in any of paragraphs (2) through (4) of section 623(c) (other than with respect to the exception described in paragraph (4) of section 623(c))''; and

(ii) by amending the paragraph heading to read as follows:

''(5) LIMITATIONS ON STATE ACTIONS FOR CERTAIN VIOLATIONS.—''.

(d) RULE OF CONSTRUCTION.—Nothing in this section, the amendments made by this section, or any other provision of this Act shall be construed to affect any liability under section 616 or 617 of the Fair Credit Reporting Act (15 U.S.C. 1681n, 1681o) that existed on the day before the date of enactment of this Act.

SEC. 313. FEDERAL TRADE COMMISSION AND CONSUMER REPORTING AGENCY ACTION CONCERNING COMPLAINTS.

Section 611 of the Fair Credit Reporting Act (15 U.S.C. 1681i) is amended by adding at the end the following:

''(e) TREATMENT OF COMPLAINTS AND REPORT TO CONGRESS.—

''(1) IN GENERAL.—The Federal Trade Commission shall—

''(A) compile all complaints that it receives that a file of a consumer that is maintained by a consumer reporting agency described in section 603(p) contains incomplete or inaccurate information, with respect to which, the consumer appears to have disputed the completeness or accuracy with the consumer reporting agency or otherwise utilized the procedures provided by subsection (a); and

''(B) transmit each such complaint to each consumer reporting agency involved.

''(2) EXCLUSION.—Complaints received or obtained by the Federal Trade Commission pursuant to its investigative authority under the Federal Trade Commission Act shall not be subject to this paragraph (1).

''(3) AGENCY RESPONSIBILITIES.—Each consumer reporting agency described in section 603(p) that receives a complaint transmitted by the Federal Trade Commission pursuant to paragraph (1) shall—

''(A) review each such complaint to determine whether all legal obligations imposed on the consumer reporting agency under this title (including any obligation imposed by an applicable court or administrative order) have been met with respect to the subject matter of the complaint;

''(B) provide reports on a regular basis to the Commission regarding the determinations of and actions taken by the consumer reporting agency, if any, in connection with its review of such complaints; and

''(C) maintain, for a reasonable time period, records regarding the disposition of each such complaint that is sufficient to demonstrate compliance with this subsection.

''(4) RULEMAKING AUTHORITY.—The Federal Trade Commission may prescribe regulations in accordance with the requirements of section 553 of title 5, United States Code, as appropriate to implement this subsection.

''(5) ANNUAL REPORT.—The Federal Trade Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives an annual report regarding information gathered by the Commission under this subsection.''.

SEC. 314. ONGOING AUDITS OF THE ACCURACY OF CONSUMER REPORTS.

(a) AUDITS REQUIRED.—The Board of Governors of the Federal Reserve System (in this section referred to as ''the Board'') shall conduct ongoing audits of the accuracy and completeness of information contained in consumer reports prepared or maintained by consumer reporting agencies. The Board shall independently verify the accuracy and completeness of information contained in consumer reports by evaluating information and data provided by consumer reporting agencies (as defined in section 603 of the Fair Credit Reporting Act).

(b) SUBJECT MATTERS.—In conducting audits under this section, the Board shall examine—

(1) the accuracy and completeness of information contained in consumer reports, including an analysis of the type of inaccurate or incomplete information, if any, that may have the most significant impact on the availability and terms of various credit products offered to borrowers; and

(2) the impact, if any, of incomplete and inaccurate information on the credit and credit-based insurance scores that are most widely used to determine borrower credit worthiness and to make insurance underwriting and rating decisions, including an analysis of how, if at all, changes to credit scores resulting from inaccurate or incomplete credit reporting information affect the availability and terms of various credit products offered to borrowers.

(c) BIENNIAL REPORTS REQUIRED.—

(1) IN GENERAL.—The Board shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives at the end of the 2-year period beginning on the date of enactment of this Act. Thereafter, the Board shall conduct additional audits and submit additional reports once every 2 years.

(2) CONTENTS.—Each report submitted under this subsection shall contain a detailed summary of the findings and conclusions of the Board with respect to the audits required by this section, and such recommendations for legislative and administrative action as the Board may determine to be appropriate.

(d) PROVISION OF REPORTS TO THE BOARD FOR PURPOSES OF ANALYSIS.—Section 604(d) of the Fair Credit Reporting Act (12 U.S.C. 1681b(d)) is amended to read as follows:

''(d) FURNISHING CONSUMER REPORTS FOR ACCURACY OR COMPLIANCE AUDITS.—A consumer reporting agency shall provide consumer reports to the Board of Governors of the Federal Reserve System, upon request, for the purpose of conducting an accuracy or compliance audit in accordance with section 314 of the National Consumer Credit Reporting System Improvement Act of 2003.''.

SEC. 315. IMPROVED DISCLOSURE OF THE RESULTS OF REINVESTIGATION.

(a) IN GENERAL.—Section 611(a)(5)(A) of the Fair Credit Reporting Act (15 U.S.C. 1681i) is amended by striking ''shall'' and all that follows through the end of the subparagraph, and inserting the following: ''shall—

''(i) promptly delete that item of information from the file of the consumer, or modify that item of information, as appropriate, based on the results of the reinvestigation; and

''(ii) promptly notify the furnisher of that information that the information has been modified or deleted from the file of the consumer.''.

(b) FURNISHER REQUIREMENTS RELATING TO INACCURATE, INCOMPLETE, OR UNVERIFIABLE INFORMATION.—Section 623(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(b)(1)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end; and

(2) in subparagraph (D), by striking the period at the end and inserting the following: ''; and

''(E) if an item of any information disputed by a consumer is found to be inaccurate or incomplete or cannot be verified after any reinvestigation under paragraph (1), promptly delete that item of information from the furnisher's records or modify that item of information, as appropriate, based on the results of the reinvestigation.''.

SEC. 316. RECONCILING ADDRESSES.

Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c), as amended by this Act, is amended by adding at the end the following:

''(h) NOTICE OF DISCREPANCY IN ADDRESS.—

''(1) IN GENERAL.—If a person has requested a consumer report relating to a consumer from a consumer reporting agency described in section 603(p), the request includes an address for the consumer that substantially differs from the addresses in the file of the consumer, and the agency provides a consumer report in response to the request, the consumer reporting agency shall notify the requester of the existence of the discrepancy.

''(2) REGULATIONS.—

''(A) REGULATIONS REQUIRED.—The Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission shall, with respect to the entities that are subject to their respective enforcement authority under section 621, and in coordination as described in subparagraph (B), prescribe regulations providing guidance regarding reasonable policies and procedures that a user of a consumer report should employ when such user has received a notice of discrepancy under paragraph (1).

''(B) COORDINATION.—Each agency required to prescribe regulations under subparagraph (A) shall consult and coordinate with each other such agency so that, to the extent possible, the regulations prescribed by each such entity are consistent and comparable with the regulations prescribed by each other such agency.

''(C) POLICIES AND PROCEDURES TO BE INCLUDED.—The regulations prescribed under subparagraph (A) shall describe reasonable policies and procedures for use by a user of a consumer report—

''(i) to form a reasonable belief that the user knows the identity of the person to whom the consumer report pertains; and

''(ii) if the user establishes a continuing relationship with the consumer, and the user regularly and in the ordinary course of business furnishes information to the consumer reporting agency from which the notice of discrepancy pertaining to the consumer was obtained, to reconcile the address of the consumer with the consumer reporting agency by furnishing such address to such consumer reporting agency as part of information regularly furnished by the user for the period in which the relationship is established.''.

SEC. 317. FTC STUDY OF ISSUES RELATING TO THE FAIR CREDIT REPORTING ACT.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Federal Trade Commission shall conduct a study on ways to improve the operation of the Fair Credit Reporting Act.

(2) AREAS FOR STUDY.—In conducting the study under paragraph (1), the Federal Trade Commission shall review—

(A) the efficacy of increasing the number of points of identifying information that a credit reporting agency is required to match to ensure that a consumer is the correct individual to whom a consumer report relates before releasing a consumer report to a user, including—

(i) the extent to which requiring additional points of such identifying information to match would—

(I) enhance the accuracy of credit reports; and

(II) combat the provision of incorrect consumer reports to users;

(ii) the extent to which requiring an exact match of the first and last name, social security number, and address and ZIP Code of the consumer would enhance the likelihood of increasing credit report accuracy; and

(iii) the effects of allowing consumer reporting agencies to use partial matches of social security numbers and name recognition software on the accuracy of credit reports;

(B) requiring notification to consumers when negative information has been added to their credit reports, including—

(i) the potential impact of such notification on the ability of consumers to identify errors on their credit reports; and

(ii) the potential impact of such notification on the ability of consumers to remove fraudulent information from their credit reports;

(C) the effects of requiring that a consumer who has experienced an adverse action based on a credit report receives a copy of the same credit report that the creditor relied on in taking the adverse action, including—

(i) the extent to which providing such reports to consumers would increase the ability of consumers to identify errors in their credit reports; and

(ii) the extent to which providing such reports to consumers would increase the ability of consumers to remove fraudulent information from their credit reports;

(D) any common financial transactions that are not generally reported to the consumer reporting agencies, but would provide useful information in determining the credit worthiness of consumers; and

(E) any actions that might be taken within a voluntary reporting system to encourage the reporting of the types of transactions described in subparagraph (D).

(3) COSTS AND BENEFITS.—With respect to each area of study described in paragraph (2), the Federal Trade Commission shall consider the extent to which such requirements would benefit consumers, balanced against the cost of implementing such provisions.

(b) REPORT REQUIRED.—Not later than 270 days after the date of enactment of this Act, the chairman of the Federal Trade Commission shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives containing a detailed summary of the findings and conclusions of the study under this section, together with such recommendations for legislative or administrative actions as may be appropriate.

TITLE IV—LIMITING THE USE AND SHARING OF MEDICAL INFORMATION IN THE FINANCIAL SYSTEM

SEC. 411. PROTECTION OF MEDICAL INFORMATION IN THE FINANCIAL SYSTEM.

(a) IN GENERAL.—Section 604(g) of the Fair Credit Reporting Act (15 U.S.C. 1681b(g)) is amended to read as follows:

''(g) PROTECTION OF MEDICAL INFORMATION.—

''(1) LIMITATION ON CONSUMER REPORTING AGENCIES.—A consumer reporting agency shall not furnish for employment purposes, or in connection with a credit or insurance transaction, a consumer report that contains medical information about a consumer, unless—

''(A) if furnished in connection with an insurance transaction, the consumer affirmatively consents to the furnishing of the report;

''(B) if furnished for employment purposes or in connection with a credit transaction—

''(i) the information to be furnished is relevant to process or effect the employment or credit transaction; and

''(ii) the consumer provides specific written consent for the furnishing of the report that describes in clear and conspicuous language the use for which the information will be furnished; or

''(C) such information is restricted or reported using codes that do not identify, or provide information sufficient to infer, the specific provider or the nature of such services, products, or devices to a person other than the consumer, unless the report is being provided to an insurance company for a purpose relating to engaging in the business of insurance, other than property and casualty insurance.

''(2) LIMITATION ON CREDITORS.—Except as permitted pursuant to paragraph (3)(C) or regulations prescribed under paragraph (5)(A), a creditor shall not obtain or use medical information pertaining to a consumer in connection with any determination of the consumer's eligibility, or continued eligibility, for credit.

''(3) ACTIONS AUTHORIZED BY FEDERAL LAW, INSURANCE ACTIVITIES AND REGULATORY DETERMINATIONS.—Section 603(d)(3) shall not be construed so as to treat information or any communication of information as a consumer report if the information or communication is disclosed—

''(A) in connection with the business of insurance or annuities, including the activities described in section 18B of the model Privacy of Consumer Financial and Health Information Regulation issued by the National Association of Insurance Commissioners (as in effect on January 1, 2003);

''(B) for any purpose permitted without authorization under the Standards for Individually Identifiable Health Information promulgated by the Department of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996, or referred to under section 1179 of such Act, or described in section 502(e) of Public Law 106–102; or

''(C) as otherwise determined to be necessary and appropriate, by regulation or order and subject to paragraph (6), by the Federal Trade Commission, any Federal banking agency or the National Credit Union Administration (with respect to any financial institution subject to the jurisdiction of such agency or Administration under paragraph (1), (2), or (3) of section 621(b), or the applicable State insurance authority (with respect to any person engaged in providing insurance or annuities).

''(4) LIMITATION ON REDISCLOSURE OF MEDICAL INFORMATION.—Any person that receives medical information pursuant to paragraph (1) or (3) shall not disclose such information to any other person, except as necessary to carry out the purpose for which the information was initially disclosed, or as otherwise permitted by statute, regulation, or order.

''(5) REGULATIONS AND EFFECTIVE DATE FOR PARAGRAPH (2).—

''(A) REGULATIONS REQUIRED.—Each Federal banking agency and the National Credit Union Administration shall, subject to paragraph (6) and after notice and opportunity for comment, prescribe regulations that permit transactions under paragraph (2) that are determined to be necessary and appropriate to protect legitimate operational, transactional, risk, consumer, and other needs, consistent with the intent of paragraph (2) to restrict the use of medical information for inappropriate purposes.

''(B) FINAL REGULATIONS REQUIRED.—The Federal banking agencies and the National Credit Union Administration shall issue the

regulations required under subparagraph (A) in final form before the end of the 6-month period beginning on the date of enactment of the National Consumer Credit Reporting System Improvement Act of 2003.

''(6) COORDINATION WITH OTHER LAWS.—No provision of this subsection shall be construed as altering, affecting, or superseding the applicability of any other provision of Federal law relating to medical confidentiality.''.

(b) RESTRICTION ON SHARING OF MEDICAL INFORMATION.—Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended—

(1) in paragraph (2), by striking ''The term'' and inserting ''Except as provided in paragraph (3), the term''; and

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

''(3) RESTRICTION ON SHARING OF MEDICAL INFORMATION.—Except for information or any communication of information disclosed as provided in section 604(g)(3), the exclusions in paragraph (2) shall not apply with respect to information disclosed to any person related by common ownership or affiliated by corporate control, if—

''(A) the information is medical information; or

''(B) the information is an individualized list or description based on a consumer's payment transactions for medical products or services, or an aggregate list of identified consumers based on payment transactions for medical products or services.''.

(c) EFFECTIVE DATES.—This section shall take effect at the end of the 180-day period beginning on the date of enactment of this Act, except that paragraph (2) of section 604(g) of the Fair Credit Reporting Act (as amended by subsection (a)) shall take effect on the later of—

(1) the end of the 90-day period beginning on the date on which the regulations required under paragraph (5)(B) of such section 604(g) (as added by subsection (a) of this section) are issued in final form; or

(2) the date specified in the regulations referred to in paragraph (1).

SEC. 412. CONFIDENTIALITY OF MEDICAL CONTACT INFORMATION IN CONSUMER REPORTS.

(a) DUTIES OF MEDICAL INFORMATION FURNISHERS.—Section 623(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)) is amended by adding at the end the following:

''(6) DUTY TO PROVIDE NOTICE OF STATUS AS MEDICAL INFORMATION FURNISHER.—A person whose primary business is providing medical services, products, or devices, or the person's agent or assignee, who furnishes information to a consumer reporting agency on a consumer shall be considered a medical information furnisher for purposes of this title, and shall notify the agency of such status.''.

(b) RESTRICTION OF DISSEMINATION OF MEDICAL CONTACT INFORMATION.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended by adding at the end the following:

''(6) The name, address, and telephone number of any medical information furnisher that has notified the agency of its status, unless—

''(A) such name, address, and telephone number are restricted or reported using codes that do not identify, or provide information sufficient to infer, the specific provider or the nature of such services, products, or devices to a person other than the consumer; or

''(B) the report is being provided to an insurance company for a purpose relating to engaging in the business of insurance other than property and casualty insurance.''.

(c) NO EXCEPTIONS ALLOWED FOR DOLLAR AMOUNTS.—Section 605(b) of the Fair Credit Reporting Act (15 U.S.C. 1681c(b)) is amended by striking ''The provisions of subsection (a)'' and inserting ''The provisions of paragraphs (1) through (5) of subsection (a)''.

(d) COORDINATION WITH OTHER LAWS.—No provision of any amendment made by this section shall be construed as altering, affecting, or superseding the applicability of any other provision of Federal law relating to medical confidentiality.

(e) FTC REGULATION OF CODING OF TRADE NAMES.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s), as amended by this Act, is amended by adding at the end the following:

''(g) FTC REGULATION OF CODING OF TRADE NAMES.—If the Federal Trade Commission determines that a person described in paragraph (6) of section 623(a) has not met the requirements of such paragraph, the Commission shall take action to ensure the person's compliance with such paragraph, which may include issuing model guidance or prescribing reasonable policies and procedures as necessary to ensure that such person complies with such paragraph.''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—Section 604(g) of the Fair Credit Reporting Act (15 U.S.C. 1681b(g)), as amended by section 411 of this Act, is amended—

(1) in paragraph (1), by inserting ''(other than medical contact information treated in the manner required under section 605(a)(6))'' after ''a consumer report that contains medical information''; and

(2) in paragraph (2), by inserting ''(other than medical information treated in the manner required under section 605(a)(6))'' after ''a creditor shall not obtain or use medical information''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect at the end of the 15-month period beginning on the date of enactment of this Act.

TITLE V—FINANCIAL LITERACY AND EDUCATION IMPROVEMENT

SEC. 511. SHORT TITLE.

This title may be cited as the ''Financial Literacy and Education Improvement Act''.

SEC. 512. DEFINITIONS.

As used in this title—

(1) the term ''Chairperson'' means the Chairperson of the Financial Literacy and Education Commission; and

(2) the term ''Commission'' means the Financial Literacy and Education Commission established under section 513.

SEC. 513. ESTABLISHMENT OF FINANCIAL LITERACY AND EDUCATION COMMISSION.

(a) IN GENERAL.—There is established a commission to be known as the ''Financial Literacy and Education Commission''.

(b) PURPOSE.—The Commission shall serve to improve the financial literacy and education of persons in the United States.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of—

(A) the Secretary of the Treasury;

(B) the respective head of each of the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration, the Securities and Exchange Commission, each of the Departments of Education, Agriculture, Defense, Health and Human Services, Housing and Urban Development, Labor, and Veterans Affairs, the Federal Trade Commission, the General Services Administration, the Small Business Administration, the Social Security Administration, the Commodity Futures Trading Commission, and the Office of Personnel Management; and

(C) at the discretion of the President, not more than 5 individuals appointed by the President from among the administrative heads of any other Federal agencies, departments, or other Government entities, whom the President determines to be engaged in a serious effort to improve financial literacy and education.

(2) ALTERNATES.—Each member of the Commission may designate an alternate if the member is unable to attend a meeting of the Commission. Such alternate shall be an individual who exercises significant decision-making authority.

(d) CHAIRPERSON.—The Secretary of the Treasury shall serve as the Chairperson.

(e) MEETINGS.—The Commission shall hold, at the call of the Chairperson, at least 1 meeting every 4 months. All such meetings shall be open to the public. The Commission may hold, at the call of the Chairperson, such other meetings as the Chairperson sees fit to carry out this title.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) INITIAL MEETING.—The Commission shall hold its first meeting not later than 60 days after the date of enactment of this Act.

SEC. 514. DUTIES OF THE COMMISSION.

(a) DUTIES.—

(1) IN GENERAL.—The Commission, through the authority of the members referred to in section 513(c), shall take such actions as it deems necessary to streamline, improve, or augment the financial literacy and education programs, grants, and materials of the Federal Government, including curricula for all Americans.

(2) AREAS OF EMPHASIS.—To improve financial literacy and education, the Commission shall emphasize, among other elements, basic personal income and household money management and planning skills, including how to—

(A) create household budgets, initiate savings plans, and make strategic investment decisions for education, retirement, home ownership, wealth building, or other savings goals;

(B) manage spending, credit, and debt, including credit card debt, effectively;

(C) increase awareness of the availability and significance of credit reports and credit scores in obtaining credit, the importance of their accuracy (and how to correct inaccuracies), their effect on credit terms, and the effect common financial decisions may have on credit scores;

(D) ascertain fair and favorable credit terms;

(E) avoid abusive, predatory, or deceptive credit offers and financial products;

(F) understand, evaluate, and compare financial products, services, and opportunities;

(G) understand resources that ought to be easily accessible and affordable, and that inform and educate investors as to their rights and avenues of recourse when an investor believes his or her rights have been violated by unprofessional conduct of market intermediaries; and

(H) improve financial literacy and education through all other related skills.

(b) WEBSITE.—

(1) IN GENERAL.—The Commission shall establish and maintain a website, such as the domain name ''FinancialLiteracy.gov'', or a similar domain name.

(2) PURPOSES.—The website established under paragraph (1) shall—

(A) serve as a clearinghouse of information about Federal financial literacy and education programs;

(B) provide a coordinated entry point for accessing information about all Federal publications, grants, and materials promoting enhanced financial literacy and education;

(C) offer information on all Federal grants to promote financial literacy and education, and on how to target, apply for, and receive a grant that is most appropriate under the circumstances;

(D) as the Commission considers appropriate, feature website links to efforts that have no commercial content and that feature information about financial literacy and education programs, materials, or campaigns; and

(E) offer such other information as the Commission finds appropriate to share with the public in the fulfillment of its purpose.

(c) TOLL-FREE HOTLINE.—The Commission shall establish a toll-free telephone number that shall be made available to members of the public seeking information about issues pertaining to financial literacy and education.

(d) DEVELOPMENT AND DISSEMINATION OF MATERIALS.—The Commission shall—

(1) develop materials to promote financial literacy and education; and

(2) disseminate such materials to the general public.

(e) COORDINATION OF EFFORTS.—The Commission shall take such steps as are necessary to coordinate and promote financial literacy and education efforts at the State and local level, including promoting partnerships among Federal, State, and local governments, nonprofit organizations, and private enterprises.

(f) NATIONAL STRATEGY.—

(1) IN GENERAL.—The Commission shall—

(A) not later than 18 months after the date of enactment of this Act, develop a national strategy to promote basic financial literacy and education among all American consumers; and

(B) coordinate Federal efforts to implement the strategy developed under subparagraph (A).

(2) STRATEGY.—The strategy to promote basic financial literacy and education required to be developed under paragraph (1) shall provide for—

(A) participation by State and local governments and private, nonprofit, and public institutions in the creation and implementation of such strategy;

(B) the development of methods—

(i) to increase the general financial education level of current and future consumers of financial services and products; and

(ii) to enhance the general understanding of financial services and products;

(C) review of Federal activities designed to promote financial literacy and education, and development of a plan to improve coordination of such activities; and

(D) the identification of areas of overlap and duplication among Federal financial literacy and education activities and proposed means of eliminating any such overlap and duplication.

(3) NATIONAL STRATEGY REVIEW.—The Commission shall, not less than annually, review the national strategy developed under this subsection and make such changes and recommendations as it deems necessary

(g) CONSULTATION.—The Commission shall actively consult with a variety of representatives from private and nonprofit organizations and State and local agencies, as determined appropriate by the Commission.

(h) REPORTS.—

(1) IN GENERAL.—Not later than 18 months after the date of the first meeting of the Commission, and annually thereafter, the Commission shall issue a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the progress of the Commission in carrying out this title.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) information concerning the implementation of the duties of the Commission under subsections (a) through (g);

(B) an assessment of the success of the Commission in implementing the national strategy developed under subsection (f);

(C) an assessment of the availability, utilization, and impact of Federal financial literacy and education materials;

(D) information concerning the content and public use of—

(i) the website established under subsection (b); and

(ii) the toll-free telephone number established under subsection (c);

(E) a brief survey of the financial literacy and education materials developed under subsection (d), and data regarding the dissemination and impact of such materials, as measured by improved financial decision making;

(F) a brief summary of any hearings conducted by the Commission, including a list of witnesses who testified at such hearings;

(G) information about the activities of the Commission planned for the next fiscal year;

(H) a summary of all Federal financial literacy and education activities targeted to communities that have historically lacked access to financial literacy materials and education, and have been underserved by the mainstream financial systems; and

(I) such other materials relating to the duties of the Commission as the Commission deems appropriate.

(3) INITIAL REPORT.—The initial report under paragraph (1) shall include information regarding all Federal programs, materials, and grants which seek to improve financial literacy, and assess the effectiveness of such programs.

(i) TESTIMONY.—The Commission shall provide, upon request, testimony by the Chairperson to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 515. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this title. Upon request of the Chairperson, the head of such department or agency shall furnish such information to the Commission.

(c) PERIODIC STUDIES.—The Commission may conduct periodic studies regarding the state of financial literacy and education in the United States, as the Commission determines appropriate.

SEC. 516. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall serve without compensation in addition to that received for their service as an officer or employee of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) ASSISTANCE.—

(1) IN GENERAL.—The Director of the Office of Financial Education of the Department of the Treasury shall provide assistance to the Commission, upon request of the Commission, without reimbursement.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

SEC. 517. STUDY BY THE COMPTROLLER GENERAL.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress assessing the effectiveness of the Commission in promoting financial literacy and education.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this title, including administrative expenses of the Commission.

TITLE VI—RELATION TO STATE LAW

SEC. 611. RELATION TO STATE LAW.

Section 625(d) of the Fair Credit Reporting Act (15 U.S.C. 1681t(d), regarding relation to State laws), as so designated by section 214 of this Act, is amended—

(1) by striking paragraph (2);

(2) by striking ''(c)—'' and all that follows through ''do not affect'' and inserting ''(c) do not affect''; and

(3) by striking ''1996; and'' and inserting ''1996.''.

TITLE VII—MISCELLANEOUS

SEC. 711. CLERICAL AMENDMENTS.

(a) SHORT TITLE.—Section 601 of the Fair Credit Reporting Act (15 U.S.C. 1601 note) is amended by striking ''the Fair Credit Reporting Act.'' and inserting ''the 'Fair Credit Reporting Act'.''.

(b) SECTION 604.—Section 604(a) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)) is amended in paragraphs (1) through (5), other than subparagraphs (E) and (F) of paragraph (3), by moving each margin 2 ems to the right.

(c) SECTION 605.—

(1) Section 605(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)(1)) is amended by striking ''(1) cases'' and inserting ''(1) Cases''.

(2)(A) Section 5(1) of Public Law 105–347 (112 Stat. 3211) is amended by striking ''Judgments which'' and inserting ''judgments which''.

(B) The amendment made by subparagraph (A) shall be deemed to have the same effective date as section 5(1) of Public Law 105–347 (112 Stat. 3211).

(d) SECTION 609.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended—

(1) in paragraph (2), by moving the margin 2 ems to the right; and

(2) in paragraph (3)(C), by moving the margins 2 ems to the left.

(e) SECTION 617.—Section 617(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681o(a)(1)) is amended by adding ''and'' at the end.

(f) SECTION 621.—Section 621(b)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681s(b)(1)(B)) is amended by striking ''25(a)'' and inserting ''25A''.

(g) TITLE 31.—Section 5318 of title 31, United States Code, is amended by redesignating the second item designated as subsection (l) (relating to applicability of rules) as subsection (m).

(h) CONFORMING AMENDMENT.—Section 2411(c) of Public Law 104–208 (110 Stat. 3009–445) is repealed.

SA 2054. Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. HARKIN, Mr. FEINGOLD, Mr. DURBIN, Mr. LAUTENBERG, and Mr. NELSON of Florida) proposed an amendment to the bill 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, and for other purposes; as follows:

Strike section 214 and insert the following:

SEC. 214. AFFILIATE SHARING.

(a) LIMITATION.—The Fair Credit Reporting Act (15 U.S.C. 1601 et seq.) is amended—

(1) by redesignating section 624, as so designated by section 2413(b) of the Consumer Credit Reporting Reform Act of 1996 (110 Stat. 3009–447), regarding relation to State laws, as section 625;

(2) by redesignating section 624, as added by section 601(a) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974) (15 U.S.C. 1681u)), regarding disclosures to FBI for counterintelligence purposes, as section 626; and

(3) by inserting after section 623 the following:

"SEC. 624. AFFILIATE SHARING.

''(a) OPT-OUT FOR AFFILIATE SHARING.—Any persons that are related by common ownership or affiliated by corporate control, and that share information that would be a consumer report except for clause (i) or (ii) of section 603(d)(2), shall provide to each consumer to which the information relates, a notice that—

''(1) clearly and conspicuously discloses to the consumer that the information may be shared among such persons for marketing or other purposes; and

''(2) provides an opportunity and a simple method for the consumer to prohibit the sharing of such information.

''(b) EXCEPTIONS.—Nothing in this section shall restrict or prohibit the sharing of the information described in subsection (a) between persons related by common ownership or affiliated by corporate control—

''(1) if—

''(A) the persons are regulated by the same functional regulator;

''(B) the affiliate disclosing such information and the affiliate receiving such information are both principally engaged in the same line of business;

''(C) the affiliate disclosing such information and the affiliate receiving such information share a common brand, excluding a brand consisting solely of a graphic element or symbol, within their trade mark, service mark, or trade name, which is used to identify the source of the products and services provided; and

''(D) the affiliate disclosing such information and the affiliate receiving such information are wholly owned subsidiaries, whether wholly owned directly or wholly owned indirectly in a chain of wholly owned subsidiaries, of the same person or holding company;

''(2) as necessary to effect, administer, or enforce a transaction requested or authorized by the consumer, or in connection with—

''(A) servicing or processing a financial product or service requested or authorized by the consumer;

''(B) maintaining or servicing the consumer's account with any such affiliate as part of a private label credit card program or other extension of credit on behalf of such entity; or

''(C) a proposed or actual securitization, secondary market sale (including sales of servicing rights), or similar transaction related to a transaction of the consumer;

''(3) with the consent or at the direction of the consumer;

''(4) to protect the confidentiality or security of an affiliate's records pertaining to the consumer, the service or product, or the transaction therein;

''(5) to protect against or prevent actual or potential fraud, identity theft, unauthorized transactions, claims, or other liability;

''(6) for required institutional risk control, or for resolving customer disputes or inquiries;

''(7) to persons holding a legal or beneficial interest relating to the consumer, including for purposes of debt collection;

''(8) to persons acting in a fiduciary or representative capacity on behalf of the consumer;

''(9) to provide information to insurance rate advisory organizations, guaranty funds or agencies, applicable rating agencies, persons assessing an affiliate's compliance with industry standards, and an affiliate's attorneys, accountants, and auditors;

''(10) to the extent specifically permitted or required under other provisions of law and in accordance with the Right to Financial Privacy Act of 1978, to law enforcement agencies (including a Federal functional regulator, the Secretary of the Treasury with respect to subchapter II of chapter 53 of title 31, United States Code, and chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951–1959), a State insurance authority, the Federal Trade Commission), a self-regulatory organization, as defined in section 3 of the Securities Exchange Act of 1934, or for an investigation on a matter related to public safety;

''(11) in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit if the disclosure of the information concerns solely consumers of such business or unit;

''(12) to comply with Federal, State, or local laws, rules, and other applicable legal requirements; to comply with a properly authorized civil, criminal, or regulatory investigation or subpoena or summons by Federal, State, or local authorities, or to respond to judicial process or government regulatory authorities having jurisdiction over the affiliate for examination, compliance, or other purposes as authorized by law;

''(13) if such information is released to an affiliate in order for the affiliate to perform business or professional services, such as printing, mailing services, data processing or analysis, or customer surveys, on behalf of another affiliate, if—

''(A) the services to be performed by the affiliate could lawfully be performed by the affiliate;

''(B) there is a written contract between the affiliates that prohibits the affiliate from disclosing or using such information other than to carry out the purpose for which the information is disclosed, as set forth in the written contract;

''(C) the information provided to the affiliate is limited to that which is necessary for an affiliate to perform the services contracted for on behalf of the other affiliate; and

''(D) the affiliate providing the information does not receive any payment from or through the affiliate receiving the information in connection with, or as a result of, the release of the information;

''(14) if the information is released to identify or locate missing and abducted children, witnesses, criminals and fugitives, parties to lawsuits, parents delinquent in child support payments, organ and bone marrow donors, pension fund beneficiaries, and missing heirs, or to report a known or suspected instance of elder or dependent adult financial abuse;

''(15) if the information is released to a real estate appraiser licensed or certified by a State for submission to central data repositories and the information is compiled strictly to complete other real estate appraisals and is not used for any other purpose;

''(16) if the information is released as required by title III of the Federal United and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (the USA PATRIOT ACT); or

''(17) if the information is released in connection with a written agreement between a consumer and a broker-dealer registered under the Securities Exchange Act of 1934, or an investment adviser registered under the Investment Advisers Act of 1940, to provide investment management services, portfolio advisory services, or financial planning, and the information is released for the sole purpose of providing the products and services covered by that agreement.

''(c) NO EFFECT ON EXISTING LAW.—Nothing in this section is intended to affect any provision of law in effect on the date of enactment of the National Consumer Credit Reporting System Improvement Act of 2003 relating to access by law enforcement agencies to information held by financial institutions.

''(d) LIMIT ON REUSE AND REDISCLOSURE.—A person that receives information pursuant to—

''(1) paragraph (1) of subsection (b) shall not directly or indirectly further disclose such information, except as permitted under subsection (b); and

''(2) any of paragraphs (2) through (17) of subsection (b) shall not use or disclose the information, except in the ordinary course of business to carry out the activity covered by the exception under which the information was received.

''(e) NOTICE FOR OTHER PURPOSES PERMISSIBLE.—A notice or other disclosure that is equivalent to the notice required by subsection (a), and that is provided by a person described in subsection (a) to a consumer, together with disclosures required by any other provision of law, shall satisfy the requirements of subsection (a).

''(f) RULE OF CONSTRUCTION.—For purposes of this section, a person does not disclose information to, or share information, with, its affiliate solely because information described in subsection (a) is maintained in a common information system or database, and employees of the person and its affiliate have access to that common information system or database, or a consumer accesses a website jointly operated or maintained under a common name by or on behalf of the person and its affiliate, provided that in any case in which a consumer has exercised his or her right to prohibit the sharing of information pursuant to this section, the information described in subsection (a) is not accessed, disclosed, or used by an affiliate, except as permitted by this section.

''(g) DEFINITIONS.—

''(1) FUNCTIONAL REGULATORS.—For purposes of subsection (b)(1)—

''(A) financial institutions regulated by the Office of the Comptroller of the Currency, Office of Thrift Supervision, National Credit Union Administration, or a State regulator of depository institutions shall be deemed to be regulated by the same functional regulator;

''(B) persons regulated by the Securities and Exchange Commission, the United States Department of Labor, or a State securities regulator shall be deemed to be regulated by the same functional regulator; and

''(C) insurers licensed by a State, or otherwise permitted by the State, to engage in the business of insurance shall be deemed to be in compliance with subsection (b)(2).

''(2) LINE OF BUSINESS.—As used in subsection (b)(2), the term 'same line of business' describes a condition where both affiliates are principally engaged in the business of—

''(A) insurance;

''(B) banking;

''(C) securities; or

''(D) any other distinct line of business identified, by rule, by the Federal Trade Commission.''.

(b) RULEMAKING REQUIRED.—

(1) IN GENERAL.—The Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration, and the Federal Trade Commission shall jointly promulgate regulations to implement section 624 of the Fair Credit Reporting Act, as amended by this section.

(2) CONSIDERATIONS.—In promulgating regulations under this subsection, the agencies referred to in paragraph (1) shall—

(A) ensure that affiliate sharing notification methods provide a simple means for consumers to make determinations and choices under section 624 of the Fair Credit Reporting Act as amended by this section; and

(B) consider the affiliate sharing notification practices employed on the date of enactment of this Act by persons that will be subject to that section 624.

(3) TIMING.—Regulations required by this subsection shall—

(A) be issued in final form not later than 6 months after the date of enactment of this Act; and

(B) become effective not later than 3 months after the date on which they are issued in final form.

(c) CONFORMING AMENDMENT.—Section 603(d)(2)(A) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)(2)(A)) is amended by inserting ''subject to section 624,'' after ''(A)''.

(d) CLERICAL AMENDMENT.—The Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended in the table of sections for title VI, by striking the items following the item relating to section 623 and inserting the following:

''624. Affiliate sharing.
''625. Relation to State laws.
''626. Disclosures to FBI for counterintelligence purposes.''.

(e) STUDIES OF INFORMATION SHARING PRACTICES.—

(1) IN GENERAL.—The Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission shall jointly conduct regular studies of the consumer information sharing practices by financial institutions and other persons that are creditors or users of consumer reports with their affiliates.

(2) MATTERS FOR STUDY.—In conducting the studies required by paragraph (1), the agencies described in paragraph (1) shall—

(A) identify—

(i) the purposes for which financial institutions and other creditors and users of consumer reports share consumer information;

(ii) the types of information shared by such entities with their affiliates;

(iii) the number of choices provided to consumers with respect to the control of such sharing, and the degree to and manner in which consumers exercise such choices, if at all; and

(iv) whether such entities share or may share personally identifiable transaction or experience information with affiliates for purposes—

(I) that are related to employment or hiring, including whether the person that is the subject of such information is given notice of such sharing, and the specific uses of such shared information; or

(II) of general publication of such information; and

(B) specifically examine the information sharing practices that financial institutions and other creditors and users of consumer reports and their affiliates employ for the purpose of making underwriting decisions or credit evaluations of consumers.

(3) REPORTS.—

(A) INITIAL REPORT.—Not later than 3 years after the date of enactment of this Act, the Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission shall jointly submit a report to the Congress on the results of the initial study conducted in accordance with this subsection, together with any recommendations for legislative or regulatory action.

(B) FOLLOWUP REPORTS.—The Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission shall, not less frequently than once every 3 years following the date of submission of the initial report under subparagraph (A), jointly submit a report to the Congress that, together with any recommendations for legislative or regulatory action—

(i) documents any changes in the areas of study referred to in paragraph (2)(A) occurring since the date of submission of the previous report;

(ii) identifies any changes in the practices of financial institutions and other creditors and users of consumer reports in sharing consumer information with their affiliates for the purpose of making underwriting decisions or credit evaluations of consumers occurring since the date of submission of the previous report; and

(iii) examines the effects that changes described in clause (ii) have had, if any, on the degree to which such affiliate sharing practices reduce the need for financial institutions, creditors, and other users of consumer reports to rely on credit reports for such decisions.

(f) DEFINITIONS.—As used in this section—

(1) the terms ''consumer'', ''consumer report'', ''consumer reporting agency'', ''creditor'', ''Federal banking agencies'', and ''financial institution'', have the same meanings as in section 603 of the Fair Credit Reporting Act, as amended by this Act; and

(2) the term ''affiliates'' means persons that are related by common ownership or affiliated by corporate control.

SA 2055. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1585, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 63, strike line 20, and all that follows through page 64, line 11, and insert the following:

In addition, for the costs of worldwide security upgrades, $644,373,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $157,000,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 shall not apply to funds available under this heading.

SA 2056. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1585, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike lines 1 through 22.

SA 2057. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1585, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 98, strike line 23 and all that follows through page 99, line 18.

On page 77, between lines 20 and 21, insert the following new section:

(TRANSFER OF FUNDS)

SEC. 413. The funds appropriated in title II under the heading ''INTERNATIONAL FISHERIES COMMISSIONS'' are hereby transferred to the Secretary of State for the purposes described, and may be advanced as provided, under such heading.

SA 2058. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1585, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 20 and 21, insert the following new section:

SEC. 413. It is the sense of Congress that the total amount requested by the President for the Congress-Bundestag youth exchange program, $2,994,000, should be made available for the program in fiscal year 2004.

SA 2059. Ms. CANTWELL (for herself, Mr. ENZI, and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill 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, and for other purposes; as follows:

On page 22, line 6, strike the quotation marks and the final period and insert the following:

''(e) INFORMATION AVAILABLE TO VICTIMS.—

''(1) IN GENERAL.—For the purpose of documenting fraudulent transactions resulting from identity theft, not later than 20 days after the date of receipt of a request from a victim in accordance with paragraph (3), and subject to verification of the identity of the victim and the claim of identity theft in accordance with paragraph (2), a business entity that has provided credit to, provided for consideration products, goods, or services to, accepted payment from, or otherwise entered into a commercial transaction for consideration with, a person who has allegedly made unauthorized use of the means of identification of the victim, shall provide a copy of application and business transaction records in the control of the business entity, whether maintained by the business entity or by another person on behalf of the business entity, evidencing any transaction alleged to be a result of identity theft to—

''(A) the victim;

''(B) any Federal, State, or local governing law enforcement agency or officer specified by the victim in such a request; or

''(C) any law enforcement agency investigating the identity theft and authorized by the victim to take receipt of records provided under this subsection.

''(2) VERIFICATION OF IDENTITY AND CLAIM.—Before a business entity provides any information under paragraph (1), unless the business entity, at its discretion, is otherwise able to verify the identity of the victim making a request under paragraph (1), the victim shall provide to the business entity—

''(A) as proof of positive identification of the victim, at the election of the business entity—

''(i) the presentation of a government-issued identification card;

''(ii) personally identifying information of the same type as was provided to the business entity by the unauthorized person; or

''(iii) personally identifying information that the business entity typically requests from new applicants or for new transactions, at the time of the victim's request for information, including any documentation described in clauses (i) and (ii); and

''(B) as proof of a claim of identity theft, at the election of the business entity—

''(i) a copy of a police report evidencing the claim of the victim of identity theft; and

''(ii) a properly completed—

''(I) copy of a standardized affidavit of identity theft developed and made available by the Federal Trade Commission; or

''(II) an affidavit of fact that is acceptable to the business entity for that purpose.

''(3) PROCEDURES.—The request of a victim under paragraph (1) shall—

''(A) be in writing; and

''(B) be mailed to an address specified by the business entity, if any.

''(4) NO CHARGE TO VICTIM.—Information required to be provided under paragraph (1) shall be so provided without charge.

''(5) AUTHORITY TO DECLINE TO PROVIDE INFORMATION.—A business entity may decline to provide information under paragraph (1) if, in the exercise of good faith, the business entity determines that—

''(A) this subsection does not require disclosure of the information;

''(B) the request for the information is based on a misrepresentation of fact by the individual requesting the information relevant to the request for information; or

''(C) the information requested is Internet navigational data or similar information about a person's visit to a website or online service.

''(6) LIMITATION ON LIABILITY.—Except as provided in section 621, sections 616 and 617 do not apply to any violation of this subsection.

''(7) NO NEW RECORDKEEPING OBLIGATION.—Nothing in this subsection creates an obligation on the part of a business entity to obtain, retain, or maintain information or records that are not otherwise required to be obtained, retained, or maintained in the ordinary course of its business or under other applicable law.

''(8) RULE OF CONSTRUCTION.—

''(A) IN GENERAL.—No provision of Federal or State law (except a law involving the nondisclosure of information related to a pending Federal criminal investigation) prohibiting the disclosure of financial information by a business entity to third parties shall be used to deny disclosure of information to the victim under this subsection.

''(B) LIMITATION.—Except as provided in subparagraph (A), nothing in this subsection permits a business entity to disclose information, including information to law enforcement under subparagraphs (B) and (C) of paragraph (1), that the business entity is otherwise prohibited from disclosing under any other applicable provision of Federal or State law.

''(9) AFFIRMATIVE DEFENSE.—In any civil action brought to enforce this subsection, it is an affirmative defense (which the defendant must establish by a preponderance of the evidence) for a business entity to file an affidavit or answer stating that—

''(A) the business entity has made a reasonably diligent search of its available business records; and

''(B) the records requested under this subsection do not exist or are not available.

''(10) DEFINITION OF VICTIM.—For purposes of this subsection, the term 'victim' means a consumer whose means of identification or financial information has been used or transferred (or has been alleged to have been used or transferred) without the authority of that consumer, with the intent to commit, or to aid or abet, identity theft or any other violation of law.''.

On page 33, line 6, strike ''7'' and insert ''5''.

On page 41, line 19, strike ''(e)'' and insert ''(f)''.

On page 47, line 1, strike ''(e)'' and insert ''(f)''.

SA 2060. Mrs. BOXER (for herself and Mrs. FEINSTEIN) proposed an amendment to the bill 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, and for other purposes; as follows:

On page 50, strike line 12 and all that follows through page 51, line 3 and insert the following:

''(3) DURATION.—The election of a consumer pursuant to paragraph (1)(B) to prohibit the sending of solicitations shall be effective permanently, beginning on the date on which the person receives the election of the consumer, unless the consumer requests that such election be revoked.

''(4) DEFINITION.—For purposes of this section, the term 'pre-existing business relationship' means a relationship between a person and a consumer, based on—

''(A) the purchase, rental, or lease by the consumer of that person's goods or services, or a financial transaction between the consumer and that person during the 18-month period immediately preceding the date on which the consumer receives the notice required under this section; or

''(B) an inquiry or application by the consumer regarding a product or service offered by that person, during the 3-month period immediately preceding the date on which the consumer receives the notice required under this section.

''(5) SCOPE.—This section shall not apply to a''.

SA 2061. Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. KENNEDY) proposed an amendment to the bill 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, and for other purposes; as follows:

On page 81, strike lines 6 through 15 and insert the following: ''to any person related by common ownership or affiliated by corporate control, if the information is medical information, including information that is an individualized list or description based on the payment transactions of the consumer for medical products or services, or an aggregate list of identified consumers based on payment transactions for medical products or services.''.

(c) DEFINITION.—Section 603(i) of the Fair Credit Reporting Act (15 U.S.C. 1681a(i)) is amended to read as follows:

''(i) MEDICAL INFORMATION.—The term 'medical information' means information or data, other than age or gender, whether oral or recorded, in any form or medium, created by or derived from a health care provider or the consumer, that relates to—

''(1) the past, present, or future physical, mental, or behavioral health or condition of an individual;

''(2) the provision of health care to an individual; or

''(3) the payment for the provision of health care to an individual.''.

SA 2062. Mr. DURBIN proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of section 312, insert the following:

(c) REPORTS TO CONSUMER REPORTING AGENCIES.—

(1) REPORTS.—Section 430A(a) of the Higher Education Act of 1965 (20 U.S.C. 1080a(a)) is amended to read as follows:

''(a) AGREEMENTS TO EXCHANGE INFORMATION.—

''(1) IN GENERAL.—For the purpose of promoting responsible repayment of loans covered by Federal loan insurance pursuant to this title or covered by a guaranty agreement pursuant to section 428, the Secretary, each guaranty agency, eligible lender, and subsequent holder shall enter into an agreement with each national consumer reporting agency as described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)) to exchange such information as is required by the Secretary concerning each borrower of a loan made, insured, or guaranteed under this title who is served by the Secretary, agency, lender, or holder, respectively, regardless of the default status of the borrower. Such information shall be reported to the agencies regularly, shall be identified as pertaining to such a loan, and shall include any positive or negative repayment information relevant to the borrower.

''(2) OBJECTIONS RAISED BY BORROWERS.—For the purpose of assisting the reporting agencies in complying with the Fair Credit Reporting Act, such agreements may provide for timely response by the Secretary (concerning loans covered by Federal loan insurance), by a guaranty agency, eligible lender, or subsequent holder (concerning loans covered by a guaranty agreement), or to requests from the reporting agencies, for responses to objections raised by borrowers.

''(3) NONPAYMENT.—Subject to the requirements of subsection (c), such agreements shall require the Secretary, the guaranty agency, eligible lender, or subsequent holder, as appropriate, to disclose to the reporting agencies, with respect to any loan under this

part that has not been repaid by the borrower—

''(A) the total amount of loans made to any borrower under this part and the remaining balance of the loans;

''(B) information concerning the date of any default on the loan and the collection of the loan, including information concerning the repayment status of any defaulted loan on which the Secretary has made a payment pursuant to section 430(a) or the guaranty agency has made a payment to the previous holder of the loan; and

''(C) the date of cancellation of the note upon completion of repayment by the borrower of the loan or payment by the Secretary pursuant to section 437.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(A) in section 427(a)(2)(G)(i) (20 U.S.C. 1077(a)(2)(G)(i)), by striking ''credit bureau organizations'' and inserting ''reporting agencies'';

(B) in section 428C(b)(4)(E)(i) (20 U.S.C. 1078–3(b)(4)(E)(i)), by striking ''credit bureau organizations'' and inserting ''reporting agencies''; and

(C) in section 430A (20 U.S.C. 1080a)—

(i) in subsection (b)—

(I) by striking ''such organizations'' and inserting ''the reporting agencies''; and

(II) by striking ''(a)(2)'' and inserting ''(a)(3)(B)'';

(ii) in subsection (c)(2), by striking ''such organizations'' and inserting ''the reporting agencies'';

(iii) in subsection (b)(4)—

(I) by striking ''(a)(2)'' and inserting ''(a)(3)(B)''; and

(II) by striking ''credit bureau organizations'' and inserting ''the reporting agencies'';

(iv) in subsection (d), by striking ''credit bureau organization'' and inserting ''reporting agency''; and

(v) in subsection (f), by striking ''consumer reporting agency'' each place the term appears and inserting ''reporting agency''.

SA 2063. Mr. LAUTENBERG (for himself, Ms. MIKULSKI, Mr. JEFFORDS, Mrs. BOXER, Mr. CORZINE, Mr. SCHUMER, Mr. LEAHY, Mr. LIEBERMAN, Mr. KERRY, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 2861, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, line 5, before the period at the end, insert the following: '', of which, in addition to any other amounts provided under this heading for compliance monitoring, civil enforcement, and capacity building in the Office of Enforcement and Compliance Assurance, $5,400,000 shall be made available for those activities''.

SA 2064. Mr. CORZINE proposed an amendment to the bill 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, and for other purposes; as follows:

On page 16, line 25, strike the period at the end and insert the following: ''; and

''(C) prescribe regulations requiring each financial institution and each other person that is a creditor or other user of a consumer report to notify the Federal Trade Commission (and any other agency or person that such rulemaking agency determines appropriate) in any case in which there has been, or is reasonably believed to have been unauthorized access to computerized or physical records which compromises the security, confidentiality, or integrity of consumer information maintained by or on behalf of that entity, except that such regulations shall not apply to a good faith acquisition of information by an employee or agent of such entity for a business purpose of that entity, if the information is not subject to further unauthorized access.''.

SA 2065. Mr. FEINGOLD proposed an amendment to the bill 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, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. DATA-MINING REPORTING ACT OF 2003.

(a) SHORT TITLE.—This section may be cited as the ''Data-Mining Reporting Act of 2003''.

(b) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term ''data-mining'' means a query or search or other analysis of 1 or more electronic databases, where—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) the search does not use a specific individual's personal identifiers to acquire information concerning that individual; and

(C) a department or agency of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist or other criminal activity.

(2) DATABASE.—The term ''database'' does not include telephone directories, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(c) REPORTS ON DATA-MINING ACTIVITIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data-mining technology shall each submit a public report to Congress on all such activities of the department or agency under the jurisdiction of that official.

(2) CONTENT OF REPORT.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that will be used.

(B) A thorough discussion of the plans for the use of such technology and the target dates for the deployment of the data-mining technology.

(C) An assessment of the likely efficacy of the data-mining technology in providing accurate and valuable information consistent with the stated plans for the use of the technology.

(D) An assessment of the likely impact of the implementation of the data-mining technology on privacy and civil liberties.

(E) A list and analysis of the laws and regulations that govern the information to be collected, reviewed, gathered, and analyzed with the data-mining technology and a description of any modifications of such laws that will be required to use the information in the manner proposed under such program.

(F) A thorough discussion of the policies, procedures, and guidelines that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected and used.

(G) A thorough discussion of the procedures allowing individuals whose personal information will be used in the data-mining technology to be informed of the use of their personal information and what procedures are in place to allow for individuals to opt out of the technology. If no such procedures are in place, a thorough explanation as to why not.

(H) Any necessary classified information in an annex that shall be available to the Committee on Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be—

(A) submitted not later than 90 days after the date of the enactment of this Act; and

(B) updated once a year and include any new data-mining technologies.

SA 2066. Mr. FEINGOLD proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of title VII, add the following:

SEC. 712. BUY AMERICAN REPORT.

(a) IN GENERAL.—Not later than 60 days after the end of each fiscal year, the head of each Federal agency shall submit a report to Congress on the amount of the acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States in that fiscal year.

(b) CONTENT OF REPORT.—The report required by subsection (a) shall separately indicate—

(1) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of the total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States.

(c) PUBLIC AVAILABILITY.—The head of each Federal agency submitting a report under subsection (a) shall make the report publicly available by posting on an Internet website.

SA 2067. Mr. SHELBY (for Mr. NELSON of Florida) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of title II, add the following:

SEC. 216. DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by adding at the end the following:

"§ 627. Disposal of records

''(a) REGULATIONS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Federal Trade Commission shall issue final regulations requiring any person that maintains or otherwise possesses consumer information or any compilation of consumer information derived from consumer reports for a business purpose to properly dispose of any such information or compilation.

''(2) EXEMPTION AUTHORITY.—In issuing regulations under this section, the Federal Trade Commission may exempt any person or class of persons from application of those regulations, as the Commission deems appropriate to carry out the purpose of this section.

''(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to alter or affect any requirement imposed under any other provision of law to maintain any record.''.

(b) CLERICAL AMENDMENT.—The table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), as amended by this Act, is amended by adding at the end the following:

''627. Disposal of records.''.

SA 2068. Mr. CRAPO (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, strike line 7 and insert the following:

the provisions of this title.''.

DIVISION B—HEALTHY FORESTS RESTORATION

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Healthy Forests Restoration Act of 2003''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—HAZARDOUS FUEL REDUCTION ON FEDERAL LAND

Sec. 101. Definitions.
Sec. 102. Authorized hazardous fuel reduction projects.
Sec. 103. Prioritization.
Sec. 104. Environmental analysis.
Sec. 105. Special administrative review process.
Sec. 106. Judicial review in United States district courts.
Sec. 107. Effect of title.
Sec. 108. Authorization of appropriations.

TITLE II—BIOMASS

Sec. 201. Findings.
Sec. 202. Definitions.
Sec. 203. Grants to improve commercial value of forest biomass for electric energy, useful heat, transportation fuels, compost, value-added products, and petroleum-based product substitutes.
Sec. 204. Reporting requirement.
Sec. 205. Improved biomass use research program.
Sec. 206. Rural revitalization through forestry.

TITLE III—WATERSHED FORESTRY ASSISTANCE

Sec. 301. Findings and purposes.
Sec. 302. Watershed forestry assistance program.
Sec. 303. Tribal watershed forestry assistance.

TITLE IV—INSECT INFESTATIONS AND RELATED DISEASES

Sec. 401. Findings and purpose.
Sec. 402. Definitions.
Sec. 403. Accelerated information gathering regarding forest-damaging insects.
Sec. 404. Applied silvicultural assessments.
Sec. 405. Relation to other laws.
Sec. 406. Authorization of appropriations.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

Sec. 501. Establishment of healthy forests reserve program.
Sec. 502. Eligibility and enrollment of lands in program.
Sec. 503. Restoration plans.
Sec. 504. Financial assistance.
Sec. 505. Technical assistance.
Sec. 506. Protections and measures
Sec. 507. Involvement by other agencies and organizations.
Sec. 508. Authorization of appropriations.

TITLE VI—PUBLIC LAND CORPS

Sec. 601. Purposes.
Sec. 602. Definitions.
Sec. 603. Public Land Corps.
Sec. 604. Nondisplacement.
Sec. 605. Authorization of appropriations.

TITLE VII—RURAL COMMUNITY FORESTRY ENTERPRISE PROGRAM

Sec. 701. Purpose
Sec. 702. Definitions.
Sec. 703. Rural community forestry enterprise program.

TITLE VIII—FIREFIGHTERS MEDICAL MONITORING ACT

Sec. 801. Short Title.
Sec. 802. Monitoring of firefighters in disaster areas.

TITLE IX—DISASTER AIR QUALITY MONITORING ACT

Sec. 901. Short Title.
Sec. 902. Monitoring of air quality in disaster areas.

TITLE X—HIGHLANDS REGION CONSERVATION

Sec. 1001. Short title.
Sec. 1002. Findings.
Sec. 1003. Purposes.
Sec. 1004. Definitions.
Sec. 1005. Land conservation partnership projects in the Highlands region.
Sec. 1006. Forest Service and USDA programs in the Highlands region.
Sec. 1007. Private property protection and lack of regulatory effect.

TITLE XI—MISCELLANEOUS PROVISIONS

Sec. 1101. Forest inventory and management.
Sec. 1102. Program for emergency treatment and reduction of nonnative invasive plants.
Sec. 1103. USDA National Agroforestry Center.
Sec. 1104. Upland Hardwoods Research Center.
Sec. 1105. Emergency fuel reduction grants.
Sec. 1106. Eastern Nevada landscape coalition.
Sec. 1107. Sense of Congress regarding enhanced community fire protection.
Sec. 1108. Collaborative monitoring.
Sec. 1109. Best-value contracting.
Sec. 1110. Suburban and community forestry and open space program; Forest Legacy Program.
Sec. 1111. Wildland firefighter safety.
Sec. 1112. Green Mountain National Forest boundary adjustment.
Sec. 1113. Puerto Rico karst conservation.
Sec. 1114. Farm Security and Rural Development Act.
Sec. 1115. Enforcement of animal fighting prohibitions under the Animal Welfare Act.
Sec. 1116. Increase in maximum fines for violation of public land regulations and establishment of minimum fine for violation of public land fire regulations during fire ban.

SEC. 2. PURPOSES.

The purposes of this division are—

(1) to reduce wildfire risk to communities, municipal water supplies, and other at-risk Federal land through a collaborative process of planning, prioritizing, and implementing hazardous fuel reduction projects;

(2) to authorize grant programs to improve the commercial value of forest biomass (that otherwise contributes to the risk of catastrophic fire or insect or disease infestation) for producing electric energy, useful heat, transportation fuel, and petroleum-based product substitutes, and for other commercial purposes;

(3) to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape;

(4) to promote systematic gathering of information to address the impact of insect and disease infestations and other damaging agents on forest and rangeland health;

(5) to improve the capacity to detect insect and disease infestations at an early stage, particularly with respect to hardwood forests; and

(6) to protect, restore, and enhance forest ecosystem components—

(A) to promote the recovery of threatened and endangered species;

(B) to improve biological diversity; and

(C) to enhance productivity and carbon sequestration.

SEC. 3. DEFINITIONS.

In this division:

(1) FEDERAL LAND.—The term ''Federal land'' means—

(A) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C 1609(a))) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

TITLE I—HAZARDOUS FUEL REDUCTION ON FEDERAL LAND

SEC. 101. DEFINITIONS.

In this title:

(1) AT-RISK COMMUNITY.—The term ''at-risk community'' means an area—

(A) that is comprised of—

(i) an interface community as defined in the notice entitled ''Wildland Urban Interface Communities Within the Vicinity of Federal Lands That Are at High Risk From Wildfire'' issued by the Secretary of Agriculture and the Secretary of the Interior in accordance with title IV of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 1009) (66 Fed. Reg. 753, January 4, 2001); or

(ii) a group of homes and other structures with basic infrastructure and services (such as utilities and collectively maintained transportation routes) within or adjacent to Federal land;

(B) in which conditions are conducive to a large-scale wildland fire disturbance event; and

(C) for which a significant threat to human life or property exists as a result of a wildland fire disturbance event.

(2) AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECT.—The term ''authorized hazardous fuel reduction project'' means the measures and methods described in the definition of ''appropriate tools'' contained in the glossary of the Implementation Plan, on Federal land described in section 102(a) and conducted under sections 103 and 104.

(3) COMMUNITY WILDFIRE PROTECTION PLAN.—The term ''community wildfire protection plan'' means a plan for an at-risk community that—

(A) is developed within the context of the collaborative agreements and the guidance established by the Wildland Fire Leadership Council and agreed to by the applicable local government, local fire department, and State agency responsibile for forest management, in consultation with interested parties and the Federal land management agencies managing land in the vicinity of the at-risk community;

(B) identifies and prioritizes areas for hazardous fuel reduction treatments and recommends the types and methods of treatment on Federal and non-Federal land that will protect 1 or more at-risk communities and essential infrastructure; and

(C) recommends measures to reduce structural ignitability throughout the at-risk community.

(4) CONDITION CLASS 2.—The term ''condition class 2'', with respect to an area of Federal land, means the condition class description developed by the Forest Service Rocky Mountain Research Station in the general technical report entitled ''Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management'' (RMRS–87), dated April 2000 (including any subsequent revision to the report), under which—

(A) fire regimes on the land have been moderately altered from historical ranges;

(B) there exists a moderate risk of losing key ecosystem components from fire;

(C) fire frequencies have increased or decreased from historical frequencies by 1 or more return intervals, resulting in moderate changes to—

(i) the size, frequency, intensity, or severity of fires; or

(ii) landscape patterns; and

(D) vegetation attributes have been moderately altered from the historical range of the attributes.

(5) CONDITION CLASS 3.—The term ''condition class 3'', with respect to an area of Federal land, means the condition class description developed by the Rocky Mountain Research Station in the general technical report referred to in paragraph (4) (including any subsequent revision to the report), under which—

(A) fire regimes on land have been significantly altered from historical ranges;

(B) there exists a high risk of losing key ecosystem components from fire;

(C) fire frequencies have departed from historical frequencies by multiple return intervals, resulting in dramatic changes to—

(i) the size, frequency, intensity, or severity of fires; or

(ii) landscape patterns; and

(D) vegetation attributes have been significantly altered from the historical range of the attributes.

(6) DAY.—The term ''day'' means—

(A) a calendar day; or

(B) if a deadline imposed by this title would expire on a nonbusiness day, the end of the next business day.

(7) DECISION DOCUMENT.—The term ''decision document'' means—

(A) a decision notice (as that term is used in the Forest Service Handbook);

(B) a decision record (as that term is used in the Bureau of Land Management Handbook); and

(C) a record of decision (as that term is used in applicable regulations of the Council on Environmental Quality).

(8) FIRE REGIME I.—The term ''fire regime I'' means an area—

(A) in which historically there have been low-severity fires with a frequency of 0 through 35 years; and

(B) that is located primarily in low elevation forests of pine, oak, or pinyon juniper.

(9) FIRE REGIME II.—The term ''fire regime II'' means an area—

(A) in which historically there are stand replacement severity fires with a frequency of 0 through 35 years; and

(B) that is located primarily in low- to mid-elevation rangeland, grassland, or shrubland.

(10) FIRE REGIME III.—The term ''fire regime III'' means an area—

(A) in which historically there are mixed severity fires with a frequency of 35 through 100 years; and

(B) that is located primarily in forests of mixed conifer, dry Douglas fir, or wet Ponderosa pine.

(11) IMPLEMENTATION PLAN.—The term ''Implementation Plan'' means the Implementation Plan for the Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, developed pursuant to the conference report to accompany the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–64) (and subsequent revisions).

(12) MUNICIPAL WATER SUPPLY SYSTEM.—The term ''municipal water supply system'' means the reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, and other surface facilities and systems constructed or installed for the collection, impoundment, storage, transportation, or distribution of drinking water.

(13) RESOURCE MANAGEMENT PLAN.—The term ''resource management plan'' means—

(A) a land and resource management plan prepared for 1 or more units of land of the National Forest System described in section 3(1)(A) under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); or

(B) a land use plan prepared for 1 or more units of the public land described in section 3(1)(B) under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(14) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of Agriculture, with respect to land of the National Forest System described in section 3(1)(A); and

(B) the Secretary of the Interior, with respect to public lands described in section 3(1)(B).

(15) THREATENED AND ENDANGERED SPECIES HABITAT.—The term ''threatened and endangered species habitat'' means Federal land identified in—

(A) a determination that a species is an endangered species or a threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) a designation of critical habitat of the species under that Act; or

(C) a recovery plan prepared for the species under that Act.

(16) WILDLAND-URBAN INTERFACE.—The term ''wildland-urban interface'' means—

(A) an area within or adjacent to an at-risk community that is identified in recommendations to the Secretary in a community wildfire protection plan; or

(B) in the case of any area for which a community wildfire protection plan is not in effect—

(i) an area extending ½-mile from the boundary of an at-risk community;

(ii) an area extending more than ½-mile from the boundary of an at-risk community, if the land adjacent to the at-risk community—

(I) has a sustained steep slope that creates the potential for wildfire behavior endangering the at-risk community; or

(II) has a geographic feature that aids in creating an effective fire break, such as a road or ridge top, within ¾-mile of the nearest at-risk community boundary; and

(iii) an area that is adjacent to an evacuation route for an at-risk community that the Secretary determines, in cooperation with the at-risk community, requires hazardous fuel reduction to provide safer evacuation from the at-risk community.

SEC. 102. AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECTS.

(a) AUTHORIZED PROJECTS.—As soon as practicable after the date of enactment of this Act, the Secretary shall implement authorized hazardous fuel reduction projects, consistent with the Implementation Plan, on—

(1) Federal land in wildland-urban interface areas;

(2) condition class 3 Federal land, in such proximity to a municipal water supply system or a stream feeding such a system within a municipal watershed that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply or the maintenance of the system, including a risk to water quality posed by erosion following such a fire disturbance event;

(3) condition class 2 Federal land located within fire regime I, fire regime II, or fire regime III, in such proximity to a municipal water supply system or a stream feeding such a system within a municipal watershed that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply or the maintenance of the system, including a risk to water quality posed by erosion following such a fire disturbance event;

(4) Federal land on which windthrow or blowdown, ice storm damage, or the existence of disease or insect infestation, poses a significant threat to an ecosystem component, or forest or rangeland resource, on the Federal land or adjacent non-Federal land;

(5) Federal land not covered by paragraphs (1) through (4) that contains threatened and endangered species habitat, if—

(A) natural fire regimes on that land are identified as being important for, or wildfire is identified as a threat to, an endangered species, a threatened species, or habitat of an endangered species or threatened species in a species recovery plan prepared under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), or a notice published in the Federal Register determining a species to be an endangered species or a threatened species or designating critical habitat;

(B) the authorized hazardous fuel reduction project will provide enhanced protection from catastrophic wildfire for the endangered species, threatened species, or habitat of the endangered species or threatened species; and

(C) the Secretary complies with any applicable guidelines specified in any management or recovery plan described in subparagraph (A).

(b) RELATION TO AGENCY PLANS.—An authorized hazardous fuel reduction project shall be conducted consistent with the resource management plan and other relevant administrative policies or decisions applicable to the Federal land covered by the project.

(c) ACREAGE LIMITATION.—Not more than a total of 20,000,000 acres of Federal land may be treated under authorized hazardous fuel reduction projects.

(d) EXCLUSION OF CERTAIN FEDERAL LAND.—The Secretary may not conduct an authorized hazardous fuel reduction project that would occur on—

(1) a component of the National Wilderness Preservation System;

(2) Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress or Presidential proclamation (including the applicable implementation plan); or

(3) a Wilderness Study Area.

(e) OLD GROWTH STANDS.—

(1) DEFINITIONS.—In this subsection and subsection (f):

(A) COVERED PROJECT.—The term ''covered project'' means an authorized hazardous fuel reduction project carried out under paragraph (1), (2), (3), or (5) of subsection (a).

(B) OLD GROWTH STAND.—The term ''old growth stand'' has the meaning given the term under standards used pursuant to paragraphs (3) and (4), based on the structure and composition characteristic of the forest type, and in accordance with applicable law, including section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)(3)(B)).

(C) STANDARDS.—The term ''standards'' means definitions, designations, standards, guidelines, goals, or objectives established for an old growth stand under a resource management plan developed in accordance with applicable law, including section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)(3)(B)).

(2) PROJECT REQUIREMENTS.—In carrying out a covered project, the Secretary shall fully maintain, or contribute toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health, and retaining the large trees contributing to old growth structure.

(3) NEWER STANDARDS.—

(A) IN GENERAL.—If the standards for an old growth stand were established during the 10-year period ending on the date of enactment of this Act, the Secretary shall meet the requirements of paragraph (2) in carrying out a covered project by implementing the standards.

(B) AMENDMENTS OR REVISIONS.—Any amendment or revision to standards for which final administrative approval is granted after the date of enactment of this Act shall be consistent with paragraph (2) for the purpose of carrying out covered projects.

(4) OLDER STANDARDS.—

(A) IN GENERAL.—If the standards for an old growth stand were established before the 10-year period described in paragraph (3)(A), the Secretary shall meet the requirements of paragraph (2) in carrying out a covered project by implementing the standards—

(i) during the 2-year period beginning on the date of enactment of this Act; or

(ii) if the Secretary is in the process of revising a resource management plan as of the date of enactment of this Act, during the 3-year period beginning on the date of enactment of this Act.

(B) REVIEW REQUIRED.—During the applicable period described in subparagraph (A) for the standards for an old growth stand under a resource management plan, the Secretary shall—

(i) review the standards, taking into account any relevant scientific information made available since the adoption of the standards; and

(ii) revise the standards to be consistent with paragraph (2), if necessary to reflect relevant scientific information the Secretary did not consider in formulating the resource management plan.

(C) REVIEW NOT COMPLETED.—

(i) IN GENERAL.—If the Secretary does not complete the review of the standards in accordance with subparagraph (B), during the applicable period described in subparagraph (A), the Secretary shall not carry out any portion of a covered project in a stand that is identified as an old growth stand (based on substantial supporting evidence) by any person during scoping.

(ii) PERIOD.—Clause (i) applies during the period—

(I) beginning on the termination of the applicable period for the standards described in subparagraph (A); and

(II) ending on the earlier of—

(aa) the date the Secretary completes the action required by subparagraph (B) for the standards; or

(bb) the date on which the acreage limitation specified in subsection (c) (as that limitation may be adjusted by subsequent Act of Congress) is reached.

(f) LARGE TREE RETENTION.—Except in old growth stands where the standards are consistent with subsection (e)(2), the Secretary shall carry out a covered project in a manner that—

(1) focuses largely on small diameter trees, thinning, strategic fuel breaks, and prescribed fire to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts); and

(2) maximizes the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands and the purposes of section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1976 (16 U.S.C. 1604(g)(3)(B)).

(g) MONITORING AND ASSESSING FOREST AND RANGELAND HEALTH.—

(1) IN GENERAL.—For each Forest Service administrative region and each Bureau of Land Management State Office, the Secretary shall—

(A) monitor the results of the projects authorized under this section; and

(B) not later than 5 years after the date of enactment of this Act, and each 5 years thereafter, issue a report that includes—

(i) an evaluation of the progress towards project goals; and

(ii) recommendations for modifications to the projects and management treatments.

(2) CONSISTENCY OF PROJECTS WITH RECOMMENDATIONS.—An authorized hazardous fuel reduction project approved following the issuance of a monitoring report shall, to the maximum extent practicable, be consistent with any applicable recommendations in the report.

(3) SIMILAR VEGETATION TYPES.—The results of a monitoring report shall be made available in, and (if appropriate) used for, a project conducted in a similar vegetation type on land under the jurisdiction of the Secretary.

(4) MONITORING AND ASSESSMENTS.—From a representative sample of authorized hazardous fuel reduction projects, for each management unit, monitoring and assessment shall include a description of the effects on changes in condition class, using the Fire Regime Condition Class Guidebook or successor guidance, specifically comparing end results to—

(A) pretreatment conditions;

(B) historical fire regimes; and

(C) any applicable watershed or landscape goals or objectives in the resource management plan or other relevant direction.

(5) TRACKING.—For each management unit, the Secretary shall track acres burned, by the degree of severity, by large wildfires (as defined by the Secretary).

(6) MONITORING AND MAINTENANCE OF TREATED AREAS.—The Secretary shall, to the maximum extent practicable, develop a process for monitoring the need for maintenance of treated areas, over time, in order to preserve the forest health benefits achieved.

SEC. 103. PRIORITIZATION.

(a) IN GENERAL.—In accordance with the Implementation Plan, the Secretary shall develop an annual program of work for Federal land that gives priority to authorized hazardous fuel reduction projects that provide for the protection of at-risk communities or watersheds or that implement community wildfire protection plans.

(b) COLLABORATION.—

(1) IN GENERAL.—The Secretary shall consider recommendations under subsection (a) that are made by at-risk communities that have developed community wildfire protection plans.

(2) EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the planning process and recommendations concerning community wildfire protection plans.

(c) ADMINISTRATION.—

(1) IN GENERAL.—Federal agency involvement in a community wildfire protection plan, or a recommendation made in a community wildfire protection plan, shall not be considered a Federal agency action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) COMPLIANCE.—In implementing authorized hazardous fuel reduction projects on Federal land, the Secretary shall, in accordance with section 104, comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) FUNDING ALLOCATION.—

(1) FEDERAL LAND.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall use not less than 50 percent of the funds allocated for authorized hazardous fuel reduction projects in the wildland-urban interface.

(B) APPLICABILITY AND ALLOCATION.—The funding allocation in subparagraph (A) shall apply at the national level, and the Secretary may allocate the proportion of funds differently than is required under subparagraph (A) within individual management

units as appropriate, in particular to conduct authorized hazardous fuel reduction projects on land described in section 102(a)(4).

(2) NON-FEDERAL LAND.—In providing financial assistance under any provision of law for hazardous fuel reduction projects on non-Federal land, the Secretary shall consider recommendations made by at-risk communities that have developed community wildfire protection plans.

SEC. 104. ENVIRONMENTAL ANALYSIS.

(a) AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECTS.—Except as otherwise provided in this title, the Secretary shall conduct authorized hazardous fuel reduction projects in accordance with—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.); and

(2) other applicable laws.

(b) ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENTS.—

(1) IN GENERAL.—The Secretary shall prepare an environmental assessment or an environmental impact statement (pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2))) for any authorized hazardous fuel reduction project.

(2) ALTERNATIVES.—In the environmental assessment or environmental impact statement prepared under paragraph (1), the Secretary shall study, develop, and describe—

(A) the proposed agency action;

(B) the alternative of no action; and

(C) an additional action alternative, if the additional alternative—

(i) is proposed during scoping or the collaborative process; and

(ii) meets the purpose and need of the project, in accordance with regulations promulgated by the Council on Environmental Quality.

(3) MULTIPLE ADDITIONAL ALTERNATIVES.—If more than 1 additional alternative is proposed under paragraph (2)(C), the Secretary shall—

(A) select which additional alternative to consider; and

(B) provide a written record describing the reasons for the selection.

(c) PUBLIC NOTICE AND MEETING.—

(1) PUBLIC NOTICE.—The Secretary shall provide notice of each authorized hazardous fuel reduction project in accordance with applicable regulations and administrative guidelines.

(2) PUBLIC MEETING.—During the preparation stage of each authorized hazardous fuel reduction project, the Secretary shall—

(A) conduct a public meeting at an appropriate location proximate to the administrative unit of the Federal land on which the authorized hazardous fuel reduction project will be conducted; and

(B) provide advance notice of the location, date, and time of the meeting.

(d) PUBLIC COLLABORATION.—In order to encourage meaningful public participation during preparation of authorized hazardous fuel reduction projects, the Secretary shall facilitate collaboration among State and local governments and Indian tribes, and participation of interested persons, during the preparation of each authorized fuel reduction project in a manner consistent with the Implementation Plan.

(e) ENVIRONMENTAL ANALYSIS AND PUBLIC COMMENT.—In accordance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) and the applicable regulations and administrative guidelines, the Secretary shall provide an opportunity for public comment during the preparation of any environmental assessment or environmental impact statement for an authorized hazardous fuel reduction project.

(f) DECISION DOCUMENT.—The Secretary shall sign a decision document for authorized hazardous fuel reduction projects and provide notice of the final agency actions.

SEC. 105. SPECIAL ADMINISTRATIVE REVIEW PROCESS.

(a) INTERIM FINAL REGULATIONS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate interim final regulations to establish a predecisional administrative review process for the period described in paragraph (2) that will serve as the sole means by which a person can seek administrative review regarding an authorized hazardous fuel reduction project on Forest Service land.

(2) PERIOD.—The predecisional administrative review process required under paragraph (1) shall occur during the period—

(A) beginning after the completion of the environmental assessment or environmental impact statement; and

(B) ending not later than the date of the issuance of the final decision approving the project.

(3) EFFECTIVE DATE.—The interim final regulations promulgated under paragraph (1) shall take effect on the date of promulgation of the regulations.

(b) FINAL REGULATIONS.—The Secretary shall promulgate final regulations to establish the process described in subsection (a)(1) after the interim final regulations have been published and reasonable time has been provided for public comment.

(c) ADMINISTRATIVE REVIEW.—

(1) IN GENERAL.—A person may bring a civil action challenging an authorized hazardous fuel reduction project in a Federal district court only if the person has challenged the authorized hazardous fuel reduction project by exhausting—

(A) the administrative review process established by the Secretary of Agriculture under this section; or

(B) the administrative hearings and appeals procedures established by the Department of the Interior.

(2) ISSUES.—An issue may be considered in the judicial review of an action under section 106 only if the issue was raised in an administrative review process described in paragraph (1).

(3) EXCEPTION.—An exception to the requirement of exhausting the administrative review process before seeking judicial review shall be available if a Federal court finds that the futility or inadequacy exception applies to a specific plaintiff or claim.

SEC. 106. JUDICIAL REVIEW IN UNITED STATES DISTRICT COURTS.

(a) VENUE.—Notwithstanding section 1391 of title 28, United States Code, or other applicable law, an authorized hazardous fuels reduction project conducted under this title shall be subject to judicial review only in the United States district court for the district in which the Federal land to be treated under the authorized hazardous fuels reduction project is located.

(b) EXPEDITIOUS COMPLETION OF JUDICIAL REVIEW.—In the judicial review of an action challenging an authorized hazardous fuel reduction project under subsection (a), Congress encourages a court of competent jurisdiction to expedite, to the maximum extent practicable, the proceedings in the action with the goal of rendering a final determination on jurisdiction, and (if jurisdiction exists) a final determination on the merits, as soon as practicable after the date on which a complaint or appeal is filed to initiate the action.

(c) INJUNCTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the length of any preliminary injunctive relief and stays pending appeal covering an authorized hazardous fuel reduction project carried out under this title shall not exceed 60 days.

(2) RENEWAL.—

(A) IN GENERAL.—A court of competent jurisdiction may issue 1 or more renewals of any preliminary injunction, or stay pending appeal, granted under paragraph (1).

(B) UPDATES.—In each renewal of an injunction in an action, the parties to the action shall present the court with updated information on the status of the authorized hazardous fuel reduction project.

(3) BALANCING OF SHORT- AND LONG-TERM EFFECTS.—As part of its weighing the equities while considering any request for an injunction that applies to an agency action under an authorized hazardous fuel reduction project, the court reviewing the project shall balance the impact to the ecosystem likely affected by the project of—

(A) the short- and long-term effects of undertaking the agency action; against

(B) the short- and long-term effects of not undertaking the agency action.

SEC. 107. EFFECT OF TITLE.

(a) OTHER AUTHORITY.—Nothing in this title affects, or otherwise biases, the use by the Secretary of other statutory or administrative authority (including categorical exclusions adopted to implement the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) to conduct a hazardous fuel reduction project on Federal land (including Federal land identified in section 102(d)) that is not conducted using the process authorized by section 104.

(b) NATIONAL FOREST SYSTEM.—For projects and activities of the National Forest System other than authorized hazardous fuel reduction projects, nothing in this title affects, or otherwise biases, the notice, comment, and appeal procedures for projects and activities of the National Forest System contained in part 215 of title 36, Code of Federal Regulations, or the consideration or disposition of any legal action brought with respect to the procedures.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $760,000,000 for each fiscal year to carry out—

(1) activities authorized by this title; and

(2) other hazardous fuel reduction activities of the Secretary, including making grants to States for activities authorized by law.

TITLE II—BIOMASS

SEC. 201. FINDINGS.

Congress finds that—

(1)(A) thousands of communities in the United States, many located near Federal land, are at risk of wildfire;

(B) more than 100,000,000 acres of land managed by the Secretary of Agriculture and the Secretary of the Interior are at risk of catastrophic fire in the near future; and

(C) the accumulation of heavy forest and rangeland fuel loads continues to increase as a result of fire exclusion, disease, insect infestations, and drought, further raising the risk of fire each year;

(2)(A) more than 70,000,000 acres across all land ownerships are at risk of higher than normal mortality during the 15-year period beginning on the date of enactment of this Act because of insect infestation and disease; and

(B) high levels of tree mortality from insects and disease result in—

(i) increased fire risk;

(ii) loss of older trees and old growth;

(iii) degraded watershed conditions;

(iv) changes in species diversity and productivity;

(v) diminished fish and wildlife habitat;

(vi) decreased timber values; and

(vii) increased threats to homes, businesses, and community watersheds;

(3)(A) preventive treatments (such as reducing fuel loads, crown density, ladder fuels, and hazard trees), planting proper species mix, restoring and protecting early successional habitat, and completing other specific restoration treatments designed to reduce the susceptibility of forest and rangeland to insect outbreaks, disease, and catastrophic fire present the greatest opportunity for long-term forest and rangeland health, maintenance, and enhancement by creating a mosaic of species-mix and age distribution; and

(B) those vegetation management treatments are widely acknowledged to be more successful and cost-effective than suppression treatments in the case of insects, disease, and fire;

(4)(A) the byproducts of vegetative management treatment (such as trees, brush, thinnings, chips, slash, and other hazardous fuels) removed from forest and rangeland represent an abundant supply of—

(i) biomass for biomass-to-energy facilities; and

(ii) raw material for business; and

(B) there are currently few markets for the extraordinary volumes of by-products being generated as a result of the necessary large-scale preventive treatment activities; and

(5) the United States should—

(A) promote economic and entrepreneurial opportunities in using by-products removed through vegetation treatment activities relating to hazardous fuels reduction, disease, and insect infestation;

(B) develop and expand markets for traditionally underused wood and biomass as an outlet for by-products of preventive treatment activities; and

(C) promote research and development to provide, for the by-products, economically and environmentally sound—

(i) management systems;

(ii) harvest and transport systems; and

(iii) utilization options.

SEC. 202. DEFINITIONS.

In this title:

(1) BIOMASS.—The term ''biomass'' means trees and woody plants (including limbs, tops, needles, other woody parts, and wood waste) and byproducts of preventive treatment (such as wood, brush, thinnings, chips, and slash) that are removed—

(A) to reduce hazardous fuels;

(B) to reduce the risk of or to contain disease or insect infestation; or

(C) to improve forest health and wildlife habitat conditions.

(2) PERSON.—The term ''person'' includes—

(A) an individual;

(B) a community (as determined by the Secretary);

(C) an Indian tribe;

(D) a small business, microbusiness, or a corporation that is incorporated in the United States; and

(E) a nonprofit organization.

(3) PREFERRED COMMUNITY.—The term ''preferred community'' means—

(A) any town, township, municipality, Indian tribe, or other similar unit of local government (as determined by the Secretary) that—

(i) has a population of not more than 50,000 individuals; and

(ii) the Secretary, in the sole discretion of the Secretary, determines contains or is located near, or with a water supply system that contains or is located near, land that—

(I) is at significant risk of catastrophic wildfire, disease, or insect infestation; or

(II) suffers from disease or insect infestation; or

(B) any area or unincorporated area represented by a nonprofit organization approved by the Secretary, that—

(i) is not wholly contained within a metropolitan statistical area; and

(ii) the Secretary, in the sole discretion of the Secretary, determines contains or is located near, or with a water supply system that contains or is located near, land—

(I) the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation; or

(II) that suffers from disease or insect infestation.

(4) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of Agriculture, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to Federal land under the jurisdiction of the Secretary of the Interior (including land held in trust for the benefit of an Indian tribe).

SEC. 203. GRANTS TO IMPROVE COMMERCIAL VALUE OF FOREST BIOMASS FOR ELECTRIC ENERGY, USEFUL HEAT, TRANSPORTATION FUELS, COMPOST, VALUE-ADDED PRODUCTS, AND PETROLEUM-BASED PRODUCT SUBSTITUTES.

(a) BIOMASS COMMERCIAL UTILIZATION GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary may make grants to any person that owns or operates a facility that uses biomass as a raw material to produce electric energy, sensible heat, transportation fuels, substitutes for petroleum-based products, wood-based products, pulp, or other commercial products to offset the costs incurred to purchase biomass for use by the facility.

(2) GRANT AMOUNTS.—A grant under this subsection may not exceed $20 per green ton of biomass delivered.

(3) MONITORING OF GRANT RECIPIENT ACTIVITIES.—

(A) IN GENERAL.—As a condition of a grant under this subsection, the grant recipient shall keep such records as the Secretary may require to fully and correctly disclose the use of the grant funds and all transactions involved in the purchase of biomass.

(B) ACCESS.—On notice by a representative of the Secretary, the grant recipient shall afford the representative—

(i) reasonable access to the facility that purchases or uses biomass; and

(ii) an opportunity to examine the inventory and records of the facility.

(b) VALUE-ADDED GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary—

(A) may make grants to persons to offset the cost of projects to add value to biomass; and

(B) in making a grant under subparagraph (A), shall give preference to persons in preferred communities.

(2) SELECTION.—The Secretary shall select a grant recipient under paragraph (1)(A) after giving consideration to—

(A) the anticipated public benefits of the project;

(B) opportunities for the creation or expansion of small businesses and microbusinesses resulting from the project; and

(C) the potential for new job creation as a result of the project.

(3) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000.

(c) RELATION TO OTHER ENDANGERED SPECIES AND RIPARIAN PROTECTIONS.—

(1) IN GENERAL.—The Secretary shall comply with applicable endangered species and riparian protections in making grants under this section.

(2) PROJECTS.—Projects funded using grant proceeds shall be required to comply with the protections.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2004 through 2008.

SEC. 204. REPORTING REQUIREMENT.

(a) REPORT REQUIRED.—Not later than October 1, 2008, the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall submit to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the grant programs authorized by section 203.

(b) CONTENTS OF REPORT.—The report shall include—

(1) an identification of the source, size, type, and the end-use of biomass by persons that receive grants under section 203;

(2) the haul costs incurred and the distance between the land from which the biomass was removed and the facilities that used the biomass;

(3) the economic impacts, particularly new job creation, resulting from the grants to and operation of the eligible operations; and

(4) the environmental effects of the activities described in this section.

SEC. 205. IMPROVED BIOMASS USE RESEARCH PROGRAM.

(a) USES OF GRANTS, CONTRACTS, AND ASSISTANCE.—Section 307(d) of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) is amended—

(1) in paragraph (3), by striking ''or'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(5) research to integrate silviculture, harvesting, product development, processing information, and economic evaluation to provide the science, technology, and tools to forest managers and community developers for use in evaluating forest treatment and production alternatives, including—

''(A) to develop tools that would enable land managers, locally or in a several-State region, to estimate—

''(i) the cost to deliver varying quantities of wood to a particular location; and

''(ii) the amount that could be paid for stumpage if delivered wood was used for a specific mix of products;

''(B) to conduct research focused on developing appropriate thinning systems and equipment designs that are—

''(i) capable of being used on land without significant adverse effects on the land;

''(ii) capable of handling large and varied landscapes;

''(iii) adaptable to handling a wide variety of tree sizes;

''(iv) inexpensive; and

''(v) adaptable to various terrains; and

''(C) to develop, test, and employ in the training of forestry managers and community developers curricula materials and training programs on matters described in subparagraphs (A) and (B).''.

(b) FUNDING.—Section 310(b) of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) is amended by striking ''$49,000,000'' and inserting ''$54,000,000''.

SEC. 206. RURAL REVITALIZATION THROUGH FORESTRY.

Section 2371 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601) is amended by adding at the end the following:

''(d) RURAL REVITALIZATION TECHNOLOGIES.—

''(1) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Forest Service, in consultation with the State and Private Forestry Technology Marketing Unit at the Forest Products Laboratory, and in collaboration with eligible institutions, may carry out a program—

''(A) to accelerate adoption of technologies using biomass and small-diameter materials;

''(B) to create community-based enterprises through marketing activities and demonstration projects; and

''(C) to establish small-scale business enterprises to make use of biomass and small-diameter materials.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2004 through 2008.''.

TITLE III—WATERSHED FORESTRY ASSISTANCE

SEC. 301. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there has been a dramatic shift in public attitudes and perceptions about forest management, particularly in the understanding and practice of sustainable forest management;

(2) it is commonly recognized that the proper stewardship of forest land is essential to sustaining and restoring the health of watersheds;

(3) forests can provide essential ecological services in filtering pollutants, buffering important rivers and estuaries, and minimizing flooding, which makes forest restoration worthy of special focus; and

(4) strengthened education, technical assistance, and financial assistance for nonindustrial private forest landowners and communities, relating to the protection of watershed health, is needed to realize the expectations of the general public.

(b) PURPOSES.—The purposes of this title are—

(1) to improve landowner and public understanding of the connection between forest management and watershed health;

(2) to encourage landowners to maintain tree cover on property and to use tree plantings and vegetative treatments as creative solutions to watershed problems associated with varying land uses;

(3) to enhance and complement forest management and buffer use for watersheds, with an emphasis on community watersheds;

(4) to establish new partnerships and collaborative watershed approaches to forest management, stewardship, and conservation;

(5) to provide technical and financial assistance to States to deliver a coordinated program that enhances State forestry best-management practices programs, and conserves and improves forested land and potentially forested land, through technical, financial, and educational assistance to qualifying individuals and entities; and

(6) to maximize the proper management and conservation of wetland forests and to assist in the restoration of those forests.

SEC. 302. WATERSHED FORESTRY ASSISTANCE PROGRAM.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 5 (16 U.S.C. 2103a) the following:

''SEC. 6. WATERSHED FORESTRY ASSISTANCE PROGRAM.

''(a) DEFINITION OF NONINDUSTRIAL PRIVATE FOREST LAND.—In this section, the term 'nonindustrial private forest land' means rural land, as determined by the Secretary, that—

''(1) has existing tree cover or that is suitable for growing trees; and

''(2) is owned by any nonindustrial private individual, group, association, corporation, or other private legal entity, that has definitive decisionmaking authority over the land.

''(b) GENERAL AUTHORITY AND PURPOSE.—The Secretary, acting through the Chief of the Forest Service, may provide technical, financial, and related assistance to State foresters, equivalent State officials, and officials of the Cooperative State Research, Education, and Extension Service for the purpose of expanding State forest stewardship capacities and activities through State forestry best-management practices and other means at the State level to address watershed issues on non-Federal forested land and potentially forested land.

''(c) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

''(1) IN GENERAL.—The Secretary, in cooperation with State foresters, officials of the Cooperative State Research, Education, and Extension Service, or equivalent State officials, shall engage interested members of the public, including nonprofit organizations and local watershed councils, to develop a program of technical assistance to protect water quality described in paragraph (2).

''(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—

''(A) to build and strengthen watershed partnerships that focus on forested landscapes at the State, regional, and local levels;

''(B) to provide State forestry best-management practices and water quality technical assistance directly to owners of nonindustrial private forest land;

''(C) to provide technical guidance to land managers and policymakers for water quality protection through forest management;

''(D) to complement State and local efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal and State agencies charged with responsibility for water and watershed management; and

''(E) to provide enhanced forest resource data and support for improved implementation and monitoring of State forestry best-management practices.

''(3) IMPLEMENTATION.—In the case of a participating State, the program of technical assistance shall be implemented by State foresters or equivalent State officials.

''(d) WATERSHED FORESTRY COST-SHARE PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a watershed forestry cost-share program—

''(A) which shall be—

''(i) administered by the Forest Service; and

''(ii) implemented by State foresters or equivalent State officials in participating States; and

''(B) under which funds or other support provided to participating States shall be made available for State forestry best-management practices programs and watershed forestry projects.

''(2) WATERSHED FORESTRY PROJECTS.—The State forester, State Research, Education and Extension official, or equivalent State official of a participating State, in coordination with the State Forest Stewardship Coordinating Committee established under section 19(b) (or an equivalent committee) for that State, shall make awards to communities, nonprofit groups, and owners of nonindustrial private forest land under the program for watershed forestry projects described in paragraph (3).

''(3) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within a State by demonstrating the value of trees and forests to watershed health and condition through—

''(A) the use of trees as solutions to water quality problems in urban and rural areas;

''(B) community-based planning, involvement, and action through State, local and nonprofit partnerships;

''(C) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

''(D) watershed-scale forest management activities and conservation planning; and

''(E)(i) the restoration of wetland (as defined by the States) and stream-side forests; and

''(ii) the establishment of riparian vegetative buffers.

''(4) COST-SHARING.—

''(A) FEDERAL SHARE.—

''(i) FUNDS UNDER THIS SUBSECTION.—Funds provided under this subsection for a watershed forestry project may not exceed 75 percent of the cost of the project.

''(ii) OTHER FEDERAL FUNDS.—The percentage of the cost of a project described in clause (i) that is not covered by funds made available under this subsection may be paid using other Federal funding sources, except that the total Federal share of the costs of the project may not exceed 90 percent.

''(B) FORM.—The non-Federal share of the costs of a project may be provided in the form of cash, services, or other in-kind contributions.

''(5) PRIORITIZATION.—The State Forest Stewardship Coordinating Committee for a State, or equivalent State committee, shall prioritize watersheds in that State to target watershed forestry projects funded under this subsection.

''(6) WATERSHED FORESTER.—Financial and technical assistance shall be made available to the State Forester or equivalent State official to create a State watershed or best-management practice forester position to—

''(A) lead statewide programs; and

''(B) coordinate watershed-level projects.

''(e) DISTRIBUTION.—

''(1) IN GENERAL.—Of the funds made available for a fiscal year under subsection (g), the Secretary shall use—

''(A) at least 75 percent of the funds to carry out the cost-share program under subsection (d); and

''(B) the remainder of the funds to deliver technical assistance, education, and planning, at the local level, through the State Forester or equivalent State official.

''(2) SPECIAL CONSIDERATIONS.—Distribution of funds by the Secretary among States under paragraph (1) shall be made only after giving appropriate consideration to—

''(A) the acres of agricultural land, nonindustrial private forest land, and highly erodible land in each State;

''(B) the miles of riparian buffer needed;

''(C) the miles of impaired stream segments and other impaired water bodies where forestry practices can be used to restore or protect water resources;

''(D) the number of owners of nonindustrial private forest land in each State; and

''(E) water quality cost savings that can be achieved through forest watershed management.

''(f) WILLING OWNERS.—

''(1) IN GENERAL.—Participation of an owner of nonindustrial private forest land in the watershed forestry assistance program under this section is voluntary.

''(2) WRITTEN CONSENT.—The watershed forestry assistance program shall not be carried out on nonindustrial private forest land without the written consent of the owner of, or entity having definitive decisionmaking over, the nonindustrial private forest land.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2004 through 2008.''.

SEC. 303. TRIBAL WATERSHED FORESTRY ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the ''Secretary''), acting through the Chief of the Forest Service, shall provide technical,

financial, and related assistance to Indian tribes for the purpose of expanding tribal stewardship capacities and activities through tribal forestry best-management practices and other means at the tribal level to address watershed issues on land under the jurisdiction of or administered by the Indian tribes.

(b) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

(1) IN GENERAL.—The Secretary, in cooperation with Indian tribes, shall develop a program to provide technical assistance to protect water quality, as described in paragraph (2).

(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—

(A) to build and strengthen watershed partnerships that focus on forested landscapes at the State, regional, tribal, and local levels;

(B) to provide tribal forestry best-management practices and water quality technical assistance directly to Indian tribes;

(C) to provide technical guidance to tribal land managers and policy makers for water quality protection through forest management;

(D) to complement tribal efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal agencies and tribal entities charged with responsibility for water and watershed management; and

(E) to provide enhanced forest resource data and support for improved implementation and monitoring of tribal forestry best-management practices.

(c) WATERSHED FORESTRY PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a watershed forestry program to be administered by Indian tribes.

(2) PROGRAMS AND PROJECTS.—Funds or other support provided under the program shall be made available for tribal forestry best-management practices programs and watershed forestry projects.

(3) ANNUAL AWARDS.—The Secretary shall annually make awards to Indian tribes to carry out this subsection.

(4) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within land under the jurisdiction of or administered by an Indian tribe by demonstrating the value of trees and forests to watershed health and condition through—

(A) the use of trees as solutions to water quality problems;

(B) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

(C) watershed-scale forest management activities and conservation planning;

(D) the restoration of wetland and streamside forests and the establishment of riparian vegetative buffers; and

(E) tribal-based planning, involvement, and action through State, tribal, local, and nonprofit partnerships.

(5) PRIORITIZATION.—An Indian tribe that participates in the program under this subsection shall prioritize watersheds in land under the jurisdiction of or administered by the Indian tribe to target watershed forestry projects funded under this subsection.

(6) WATERSHED FORESTER.—The Secretary may provide to Indian tribes under this section financial and technical assistance to establish a position of tribal forester to lead tribal programs and coordinate small watershed-level projects.

(d) DISTRIBUTION.—The Secretary shall devote—

(1) at least 75 percent of the funds made available for a fiscal year under subsection (e) to the program under subsection (c); and

(2) the remainder of the funds to deliver technical assistance, education, and planning on the ground to Indian tribes.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000 for each of fiscal years 2004 through 2008.

TITLE IV—INSECT INFESTATIONS AND RELATED DISEASES

SEC. 401. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) high levels of tree mortality resulting from insect infestation (including the interaction between insects and diseases) may result in—

(A) increased fire risk;

(B) loss of old trees and old growth;

(C) loss of threatened and endangered species;

(D) loss of species diversity;

(E) degraded watershed conditions;

(F) increased potential for damage from other agents of disturbance, including exotic, invasive species; and

(G) decreased timber values;

(2)(A) forest-damaging insects destroy hundreds of thousands of acres of trees each year;

(B) in the West, more than 21,000,000 acres are at high risk of forest-damaging insect infestation, and in the South, more than 57,000,000 acres are at risk across all land ownerships; and

(C) severe drought conditions in many areas of the South and West will increase the risk of forest-damaging insect infestations;

(3) the hemlock woolly adelgid is—

(A) destroying streamside forests throughout the mid-Atlantic and Appalachian regions;

(B) threatening water quality and sensitive aquatic species; and

(C) posing a potential threat to valuable commercial timber land in northern New England;

(4)(A) the emerald ash borer is a nonnative, invasive pest that has quickly become a major threat to hardwood forests because an emerald ash borer infestation is almost always fatal to affected trees; and

(B) the emerald ash borer pest threatens to destroy more than 692,000,000 ash trees in forests in Michigan and Ohio alone, and between 5 and 10 percent of urban street trees in the Upper Midwest;

(5)(A) epidemic populations of Southern pine beetles are ravaging forests in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and

(B) in 2001, Florida and Kentucky experienced 146 percent and 111 percent increases, respectively, in Southern pine beetle populations;

(6) those epidemic outbreaks of Southern pine beetles have forced private landowners to harvest dead and dying trees, in rural areas and increasingly urbanized settings;

(7) according to the Forest Service, recent outbreaks of the red oak borer in Arkansas and Missouri have been unprecedented, with more than 1,000,000 acres infested at population levels never seen before;

(8) much of the damage from the red oak borer has taken place in national forests, and the Federal response has been inadequate to protect forest ecosystems and other ecological and economic resources;

(9)(A) previous silvicultural assessments, while useful and informative, have been limited in scale and scope of application; and

(B) there have not been sufficient resources available to adequately test a full array of individual and combined applied silvicultural assessments;

(10) only through the full funding, development, and assessment of potential applied silvicultural assessments over specific time frames across an array of environmental and climatic conditions can the most innovative and cost effective management applications be determined that will help reduce the susceptibility of forest ecosystems to attack by forest pests;

(11)(A) often, there are significant interactions between insects and diseases;

(B) many diseases (such as white pine blister rust, beech bark disease, and many other diseases) can weaken trees and forest stands and predispose trees and forest stands to insect attack; and

(C) certain diseases are spread using insects as vectors (including Dutch elm disease and pine pitch canker); and

(12) funding and implementation of an initiative to combat forest pest infestations and associated diseases should not come at the expense of supporting other programs and initiatives of the Secretary.

(b) PURPOSES.—The purposes of this title are—

(1) to require the Secretary to develop an accelerated basic and applied assessment program to combat infestations by forest-damaging insects and associated diseases;

(2) to enlist the assistance of colleges and universities (including forestry schools, land grant colleges and universities, and 1890 Institutions), State agencies, and private landowners to carry out the program; and

(3) to carry out applied silvicultural assessments.

SEC. 402. DEFINITIONS.

In this title:

(1) APPLIED SILVICULTURAL ASSESSMENT.—

(A) IN GENERAL.—The term ''applied silvicultural assessment'' means any vegetative or other treatment carried out for a purpose described in section 403.

(B) INCLUSIONS.—The term ''applied silvicultural assessment'' includes (but is not limited to) timber harvesting, thinning, prescribed burning, pruning, and any combination of those activities.

(2) 1890 INSTITUTION.—

(A) IN GENERAL.—The term ''1890 Institution'' means a college or university that is eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.).

(B) INCLUSION.—The term ''1890 Institution'' includes Tuskegee University.

(3) FOREST-DAMAGING INSECT.—The term ''forest-damaging insect'' means—

(A) a Southern pine beetle;

(B) a mountain pine beetle;

(C) a spruce bark beetle;

(D) a gypsy moth;

(E) a hemlock woolly adelgid;

(F) an emerald ash borer;

(G) a red oak borer;

(H) a white oak borer; and

(I) such other insects as may be identified by the Secretary.

(4) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of Agriculture, acting through the Forest Service, with respect to National Forest System land; and

(B) the Secretary of the Interior, acting through appropriate offices of the United States Geological Survey, with respect to federally owned land administered by the Secretary of the Interior.

SEC. 403. ACCELERATED INFORMATION GATHERING REGARDING FOREST-DAMAGING INSECTS.

(a) INFORMATION GATHERING.—The Secretary, acting through the Forest Service and United States Geological Survey, as appropriate, shall establish an accelerated program—

(1) to plan, conduct, and promote comprehensive and systematic information gathering on forest-damaging insects and associated diseases, including an evaluation of—

(A) infestation, prevention, and suppression methods;

(B) effects of infestations and associated disease interactions on forest ecosystems;

(C) restoration of forest ecosystem efforts;

(D) utilization options regarding infested trees; and

(E) models to predict the occurrence, distribution, and impact of outbreaks of forest-damaging insects and associated diseases;

(2) to assist land managers in the development of treatments and strategies to improve forest health and reduce the susceptibility of forest ecosystems to severe infestations of forest-damaging insects and associated diseases on Federal land and State and private land; and

(3) to disseminate the results of the information gathering, treatments, and strategies.

(b) COOPERATION AND ASSISTANCE.—The Secretary shall—

(1) establish and carry out the program in cooperation with—

(A) scientists from colleges and universities (including forestry schools, land grant colleges and universities, and 1890 Institutions);

(B) Federal, State, and local agencies; and

(C) private and industrial landowners; and

(2) designate such colleges and universities to assist in carrying out the program.

SEC. 404. APPLIED SILVICULTURAL ASSESSMENTS.

(a) ASSESSMENT EFFORTS.—For information gathering and research purposes, the Secretary may conduct applied silvicultural assessments on Federal land that the Secretary determines is at risk of infestation by, or is infested with, forest-damaging insects.

(b) LIMITATIONS.—

(1) EXCLUSION OF CERTAIN AREAS.—Subsection (a) does not apply to—

(A) a component of the National Wilderness Preservation System;

(B) any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;

(C) a congressionally-designated wilderness study area; or

(D) an area in which activities under subsection (a) would be inconsistent with the applicable land and resource management plan.

(2) CERTAIN TREATMENT PROHIBITED.—Nothing in subsection (a) authorizes the application of insecticides in municipal watersheds or associated riparian areas.

(3) PEER REVIEW.—

(A) IN GENERAL.—Before being carried out, each applied silvicultural assessment under this title shall be peer reviewed by scientific experts selected by the Secretary, which shall include non-Federal experts.

(B) EXISTING PEER REVIEW PROCESSES.—The Secretary may use existing peer review processes to the extent the processes comply with subparagraph (A).

(c) PUBLIC NOTICE AND COMMENT.—

(1) PUBLIC NOTICE.—The Secretary shall provide notice of each applied silvicultural assessment proposed to be carried out under this section.

(2) PUBLIC COMMENT.—The Secretary shall provide an opportunity for public comment before carrying out an applied silviculture assessment under this section.

(d) CATEGORICAL EXCLUSION.—

(1) IN GENERAL.—Applied silvicultural assessment and research treatments carried out under this section on not more than 1,000 acres for an assessment or treatment may be categorically excluded from documentation in an environmental impact statement and environmental assessment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) ADMINISTRATION.—Applied silvicultural assessments and research treatments categorically excluded under paragraph (1)—

(A) shall not be carried out in an area that is adjacent to another area that is categorically excluded under paragraph (1) that is being treated with similar methods; and

(B) shall be subject to the extraordinary circumstances procedures established by the Secretary pursuant to section 1508.4 of title 40, Code of Federal Regulations.

(3) MAXIMUM CATEGORICAL EXCLUSION.—The total number of acres categorically excluded under paragraph (1) shall not exceed 250,000 acres.

(4) NO ADDITIONAL FINDINGS REQUIRED.—In accordance with paragraph (1), the Secretary shall not be required to make any findings as to whether an applied silvicultural assessment project, either individually or cumulatively, has a significant effect on the environment.

SEC. 405. RELATION TO OTHER LAWS.

The authority provided to each Secretary under this title is supplemental to, and not in lieu of, any authority provided to the Secretaries under any other law.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title for each of fiscal years 2004 through 2008.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RESERVE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish the healthy forests reserve program for the purpose of restoring and enhancing forest ecosystems—

(1) to promote the recovery of threatened and endangered species;

(2) to improve biodiversity; and

(3) to enhance carbon sequestration.

(b) COORDINATION.—The Secretary of Agriculture shall carry out the healthy forests reserve program in coordination with the Secretary of the Interior and the Secretary of Commerce.

SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall describe and define forest ecosystems that are eligible for enrollment in the healthy forests reserve program.

(b) ELIGIBILITY.—To be eligible for enrollment in the healthy forests reserve program, land shall be—

(1) private land the enrollment of which will restore, enhance, or otherwise measurably increase the likelihood of recovery of a species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(2) private land the enrollment of which will restore, enhance, or otherwise measurably improve the well-being of species that—

(A) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but

(B) are candidates for such listing, State-listed species, or special concern species.

(c) OTHER CONSIDERATIONS.—In enrolling land that satisfies the criteria under subsection (b), the Secretary of Agriculture shall give additional consideration to land the enrollment of which will—

(1) improve biological diversity; and

(2) increase carbon sequestration.

(d) ENROLLMENT BY WILLING OWNERS.—The Secretary of Agriculture shall enroll land in the healthy forests reserve program only with the consent of the owner of the land.

(e) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the healthy forests reserve program shall not exceed 2,000,000 acres.

(f) METHODS OF ENROLLMENT.—

(1) IN GENERAL.—Land may be enrolled in the healthy forests reserve program in accordance with—

(A) a 10-year cost-share agreement;

(B) a 30-year agreement; or

(C) an agreement of not more than 99 years.

(2) PROPORTION.—The extent to which each enrollment method is used shall be based on the approximate proportion of owner interest expressed in that method in comparison to the other methods.

(g) ENROLLMENT PRIORITY.—

(1) SPECIES.—The Secretary of Agriculture shall give priority to the enrollment of land that provides the greatest conservation benefit to—

(A) primarily, species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(B) secondarily, species that—

(i) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but

(ii) are candidates for such listing, State-listed species, or special concern species.

(2) COST-EFFECTIVENESS.—The Secretary of Agriculture shall also consider the cost-effectiveness of each agreement, and associated restoration plans, so as to maximize the environmental benefits per dollar expended.

SEC. 503. RESTORATION PLANS.

(a) IN GENERAL.—Land enrolled in the healthy forests reserve program shall be subject to a restoration plan, to be developed jointly by the landowner and the Secretary of Agriculture.

(b) PRACTICES.—The restoration plan shall require such restoration practices as are necessary to restore and enhance habitat for—

(1) species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(2) animal or plant species before the species reach threatened or endangered status, such as candidate, State-listed species, and special concern species.

SEC. 504. FINANCIAL ASSISTANCE.

(a) AGREEMENTS OF NOT MORE THAN 99 YEARS.—In the case of land enrolled in the healthy forests reserve program using an agreement of not more than 99 years described in section 502(f)(1)(C), the Secretary of Agriculture shall pay the owner of the land an amount equal to not less than 75 percent, nor more than 100 percent, of (as determined by the Secretary)—

(1) the fair market value of the enrolled land during the period the land is subject to the agreement, less the fair market value of the land encumbered by the agreement; and

(2) the actual costs of the approved conservation practices or the average cost of approved practices carried out on the land during the period in which the land is subject to the agreement.

(b) 30-YEAR AGREEMENT.— In the case of land enrolled in the healthy forests reserve program using a 30-year agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—

(1) 75 percent of the fair market value of the land, less the fair market value of the land encumbered by the agreement; and

(2) 75 percent of the actual costs of the approved conservation practices or 75 percent of the average cost of approved practices.

(c) 10-YEAR AGREEMENT.—In the case of land enrolled in the healthy forests reserve

program using a 10-year cost-share agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—

(1) 50 percent of the actual costs of the approved conservation practices; or

(2) 50 percent of the average cost of approved practices.

(d) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary of Agriculture may accept and use contributions of non-Federal funds to make payments under this section.

SEC. 505. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture shall provide landowners with technical assistance to assist the owners in complying with the terms of plans (as included in agreements) under the healthy forests reserve program.

(b) TECHNICAL SERVICE PROVIDERS.—The Secretary of Agriculture may request the services of, and enter into cooperative agreements with, individuals or entities certified as technical service providers under section 1242 of the Food Security Act of 1985 (16 U.S.C. 3842), to assist the Secretary in providing technical assistance necessary to develop and implement the healthy forests reserve program.

SEC. 506. PROTECTIONS AND MEASURES

(a) PROTECTIONS.—In the case of a landowner that enrolls land in the program and whose conservation activities result in a net conservation benefit for listed, candidate, or other species, the Secretary of Agriculture shall make available to the landowner safe harbor or similar assurances and protection under—

(1) section 7(b)(4) of the Endangered Species Act of 1973 (16 U.S.C. 1536(b)(4)); or

(2) section 10(a)(1) of that Act (16 U.S.C. 1539(a)(1)).

(b) MEASURES.—If protection under subsection (a) requires the taking of measures that are in addition to the measures covered by the applicable restoration plan agreed to under section 503, the cost of the additional measures, as well as the cost of any permit, shall be considered part of the restoration plan for purposes of financial assistance under section 504.

SEC. 507. INVOLVEMENT BY OTHER AGENCIES AND ORGANIZATIONS.

In carrying out this title, the Secretary of Agriculture may consult with—

(1) nonindustrial private forest landowners;

(2) other Federal agencies;

(3) State fish and wildlife agencies;

(4) State forestry agencies;

(5) State environmental quality agencies;

(6) other State conservation agencies; and

(7) nonprofit conservation organizations.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

(1) $25,000,000 for fiscal year 2004; and

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

TITLE VI—PUBLIC LAND CORPS

SEC. 601. PURPOSES.

The purposes of this title are—

(1) to carry out, in a cost-effective and efficient manner, rehabilitation, enhancement, and beautification projects;

(2) to offer young people, ages 16 through 25, particularly those who are at-risk or economically disadvantaged, the opportunity to gain productive employment and exposure to the world of work;

(3) to give those young people the opportunity to serve their communities and their country; and

(4) to expand educational opportunities by rewarding individuals who participate in the Public Land Corps with an increased ability to pursue higher education or job training.

SEC. 602. DEFINITIONS.

In this title:

(1) ALASKA NATIVE CORPORATION.—The term ''Alaska Native Corporation'' means a Regional Corporation or Village Corporation, as defined in section 101(11) of the National and Community Service Act of 1990 (42 U.S.C. 12511(11)).

(2) CORPS.—The term ''Corps'' means the Public Land Corps established under section 603(a).

(3) HAWAIIAN HOME LANDS.—The term ''Hawaiian home lands'' means that term, within the meaning of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

(4) INDIAN LANDS.—The term ''Indian lands'' has the meaning given the term in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(5) SECRETARIES.—The term ''Secretaries'' means—

(A) the Secretary of Agriculture; and

(B) the Secretary of the Interior.

(6) SERVICE AND CONSERVATION CORPS.—The term ''service and conservation corps'' means any organization established by a State or local government, nonprofit organization, or Indian tribe that—

(A) has a demonstrable capability to provide productive work to individuals;

(B) gives participants a combination of work experience, basic and life skills, education, training, and support services; and

(C) provides participants with the opportunity to develop citizenship values through service to their communities and the United States.

(7) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the Federated States of Micronesia;

(H) the Republic of the Marshall Islands;

(I) the Republic of Palau; and

(J) the United States Virgin Islands.

SEC. 603. PUBLIC LAND CORPS.

(a) ESTABLISHMENT.—There is established a Public Land Corps.

(b) PARTICIPANTS.—The Corps shall consist of individuals who are enrolled as members of a service or conservation corps.

(c) CONTRACTS OR AGREEMENTS.—The Secretaries may enter into contracts or cooperative agreements—

(1) directly with any service and conservation corps to perform appropriate rehabilitation, enhancement, or beautification projects; or

(2) with a department of natural resources, agriculture, or forestry (or an equivalent department) of any State that has entered into a contract or cooperative agreement with a service and conservation corps to perform appropriate rehabilitation, enhancement, or beautification projects.

(d) PROJECTS.—

(1) IN GENERAL.—The Secretaries may use the members of a service and conservation corps to perform rehabilitation, enhancement, or beautification projects authorized by law.

(2) INCLUDED LAND.—In addition to Federal and State lands, the projects may be carried out on—

(A) Indian lands, with the approval of the applicable Indian tribe;

(B) Hawaiian home lands, with the approval of the relevant State agency in the State of Hawaii; and

(C) Alaska native lands, with the approval of the applicable Alaska Native Corporation.

(e) PREFERENCE.—In carrying out this title, the Secretaries shall give preference to projects that will—

(1) provide long-term benefits by reducing hazardous fuels on Federal land;

(2) instill in members of the service and conservation corps—

(A) a work ethic;

(B) a sense of personal responsibility; and

(C) a sense of public service;

(3) be labor intensive; and

(4) be planned and initiated promptly.

(f) SUPPORTIVE SERVICES.—The Secretaries may provide such services as the Secretaries consider necessary to carry out this title.

(g) TECHNICAL ASSISTANCE.—To carry out this title, the Secretaries shall provide technical assistance, oversight, monitoring, and evaluation to—

(1) State Departments of Natural Resources and Agriculture (or equivalent agencies); and

(2) members of service and conservation corps.

SEC. 604. NONDISPLACEMENT.

The nondisplacement requirements of section 177(b) of the National and Community Service Act of 1990 (42 U.S.C. 12637(b)) shall apply to activities carried out by the Corps under this title.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $15,000,000 for each of fiscal years 2004 through 2008.

TITLE VII—RURAL COMMUNITY FORESTRY ENTERPRISE PROGRAM

SEC. 701. PURPOSE

The purpose of this title is to assist in the economic revitalization of rural forest resource-dependent communities through incentives and collaboration to promote investment in private enterprise and community development by—

(1) the Department of Agriculture;

(2) the Department of the Interior;

(3) the Department of Commerce;

(4) the Small Business Administration;

(5) land grant colleges and universities; and

(6) 1890 Institutions.

SEC. 702. DEFINITIONS.

In this title:

(1) 1890 INSTITUTION.—The term ''1890 Institution'' has the meaning given the term in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a unit of State or local government;

(B) an Indian tribe;

(C) a nonprofit organization;

(D) a small forest products business;

(E) a rural forest resource-dependent community;

(F) a land grant college or university; or

(G) an 1890 institution.

(3) ELIGIBLE PROJECT.—The term ''eligible project'' means a project described in section 703 that will promote the economic development in rural forest resource-dependent communities based on—

(A) responsible forest stewardship;

(B) the production of sustainable forest products; or

(C) the development of forest related tourism and recreation activities.

(4) FOREST PRODUCTS.—The term ''forest products'' means—

(A) logs;

(B) lumber;

(C) chips;

(D) small-diameter finished wood products;

(E) energy biomass;

(F) mulch; and

(G) any other material derived from forest vegetation or individual trees or shrubs.

(5) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization that is—

(A) described in section 501(c) of the Internal Revenue Code of 1986; and

(B) exempt from taxation under 501(a) of that Code.

(6) PROGRAM.—The term ''program'' means the rural community forestry enterprise program established under section 703.

(7) SMALL FOREST PRODUCTS BUSINESS.—The term ''small forest products business'' means a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) that is classified under subsector 113 or code number 115310 of the North American Industrial Classification System.

(8) RURAL FOREST RESOURCE-DEPENDENT COMMUNITY.—

(A) IN GENERAL.—The term ''rural forest resource-dependent community'' means a community located in a rural area of the United States that is traditionally dependent on forestry products as a primary source of community infrastructure.

(B) INCLUSIONS.—The term ''rural forest resource-dependent community'' includes a community described in subparagraph (A) located in—

(i) the northern forest land of Maine;

(ii) New Hampshire;

(iii) New York;

(iv) Vermont;

(v) the Upper Peninsula of Michigan;

(vi) northern California; and

(vii) eastern Oregon.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

SEC. 703. RURAL COMMUNITY FORESTRY ENTERPRISE PROGRAM.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary shall establish within the Forest Service a program to be known as the ''Rural Community Forestry Enterprise Program''.

(2) CONSULTATION.—In carrying out the program, the Secretary shall consult with—

(A) the Small Business Administration;

(B) the Economic Development Administration;

(C) land grant colleges and universities;

(D) 1890 institutions;

(E) research stations and laboratories of the Forest Service;

(F) other agencies of the Department of Agriculture that administer rural development programs; and

(G) private nonprofit organizations.

(b) PURPOSES.—The purposes of the program are—

(1) to enhance technical and business management skills training;

(2) to organize cooperatives and marketing programs;

(3) to establish and maintain timber worker skill pools;

(4) to establish and maintain forest product distribution networks and collection centers;

(5) to facilitate technology transfer for processing small diameter trees and brush into useful products;

(6) to develop, where support exists, a program to promote science-based technology implementation and technology transfer that expands the capacity for small forest product businesses to work within market areas;

(7) to promote forest-related tourism and recreational activities;

(8) to enhance the rural forest business infrastructure needed to reduce hazardous fuels on public and private land; and

(9) to carry out related programs and activities, as determined by the Secretary.

(c) FOREST ENTERPRISE CENTERS.—

(1) IN GENERAL.—The Secretary shall establish Forest Enterprise Centers to provide services to rural forest-dependent communities.

(2) LOCATION.—A Center shall be located within close proximity of rural forest-dependent communities served by the Center, with at least 1 center located in each of the States of California, Idaho, Oregon, Montana, New Mexico, Vermont, and Washington.

(3) DUTIES.—A Center shall—

(A) carry out eligible projects; and

(B) coordinate assistance provided to small forest products businesses with—

(i) the Small Business Administration, including the timber set-aside program carried out by the Small Business Administration;

(ii) the Rural Utilities Service, the Rural Housing Service, and the Rural Business-Cooperative Service of the Department of Agriculture;

(iii) the Economic Development Administration, including the local technical assistance program of the Economic Development Administration; and

(iv) research stations and laboratories of the Forest Service.

(d) FOREST ENTERPRISE TECHNICAL ASSISTANCE AND GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary, acting through the Forest Enterprise Centers established under subsection (c), shall establish a program to provide technical assistance and grants to eligible entities to carry out eligible projects.

(2) CRITERIA.—The Secretary shall work with each Forest Enterprise Center to develop appropriate program review and prioritization criteria for each Research Station.

(3) MATCHING FUNDS.—Grants under this section shall—

(A) not exceed 50 percent of the cost of an eligible project; and

(B) be made on the condition that non-Federal sources pay for the remainder of the cost of an eligible project (including payment through in-kind contributions of services or materials).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 2004 through 2008.

TITLE VIII—FIREFIGHTERS MEDICAL MONITORING ACT

SEC. 801. SHORT TITLE.

This title shall be referred to as the ''Firefighters Medical Monitoring Act of 2003''.

SEC. 802. MONITORING OF FIREFIGHTERS IN DISASTER AREAS.

(a) IN GENERAL.—The National Institute for Occupational Safety and Health shall monitor the long-term medical health of those firefighters who fought fires in any area declared a disaster area by the Federal Government.

(b) HEALTH MONITORING.—The long-term health monitoring referred to in subsection (a) shall include, but not be limited to, pulmonary illness, neurological damage, and cardiovascular damage, and shall utilize the medical expertise in the local areas affected.

(c) AUTHORIZATION.—To carry out this title, there are authorized to be appropriated such sums as may be necessary in each of fiscal years 2004 through 2008.

TITLE IX—DISASTER AIR QUALITY MONITORING ACT

SEC. 901. SHORT TITLE.

This title shall be referred to as the ''Disaster Air Quality Monitoring Act of 2003''.

SEC. 902. MONITORING OF AIR QUALITY IN DISASTER AREAS.

(a) IN GENERAL.—No later than six (6) months after the enactment of this legislation, the Environmental Protection Agency shall provide each of its regional offices a mobile air pollution monitoring network to monitor the emissions of hazardous air pollutants in areas declared a disaster as referred to in subsection (b), and publish such information on a daily basis on its web site and in other forums, until such time as the Environmental Protection Agency has determined that the danger has subsided.

(b) DISASTER AREAS.—The areas referred to in subsection (a) are those areas declared a disaster area by the Federal Government.

(c) CONTINUOUS MONITORING.—The monitoring referred to in subsection (a) shall include the continuous and spontaneous monitoring of hazardous air pollutants, as defined in Public Law 95–95, section 112(b).

(d) AUTHORIZATION.—To carry out this title, there are authorized to be appropriated $8,000,000.

TITLE X—HIGHLANDS REGION CONSERVATION

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Highlands Conservation Act''.

SEC. 1002. FINDINGS.

Congress finds the following:

(1) The Highlands region is a physiographic province that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

(2) The Highlands region is an environmentally unique area that—

(A) provides clean drinking water to over 15,000,000 people in metropolitan areas in the States of Connecticut, New Jersey, New York, and Pennsylvania;

(B) provides critical wildlife habitat, including habitat for 247 threatened and endangered species;

(C) maintains an important historic connection to early Native American culture, colonial settlement, the American Revolution, and the Civil War;

(D) contains recreational resources for 14 million visitors annually;

(E) provides other significant ecological, natural, tourism, recreational, educational, and economic benefits; and

(F) provides homeownership opportunities and access to affordable housing that is safe, clean, and healthy;

(3) An estimated 1 in 12 citizens of the United States live within a 2-hour drive of the Highlands region.

(4) More than 1,400,000 residents live in the Highlands region.

(5) The Highlands region forms a greenbelt adjacent to the Philadelphia-New York City-Hartford urban corridor that offers the opportunity to preserve water, forest and agricultural resources, wildlife habitat, recreational areas, and historic sites, while encouraging sustainable economic growth and development in a fiscally and environmentally sound manner.

(6) Continued population growth and land use patterns in the Highlands region—

(A) reduce the availability and quality of water;

(B) reduce air quality;

(C) fragment the forests;

(D) destroy critical migration corridors and forest habitat; and

(E) result in the loss of recreational opportunities and scenic, historic, and cultural resources;

(7) The water, forest, wildlife, recreational, agricultural, and cultural resources of the Highlands region, in combination with the proximity of the Highlands region to the largest metropolitan areas in the United States, make the Highlands region nationally significant.

(8) The national significance of the Highlands region has been documented in—

(A) the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990;

(B) the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service;

(C) the bi-State Skylands Greenway Task Force Report;

(D) the New Jersey State Development and Redevelopment Plan;

(E) the New York State Open Space Conservation Plan;

(F) the Connecticut Green Plan: Open Space Acquisition FY 2001–2006;

(G) the open space plans of the State of Pennsylvania; and

(H) other open space conservation plans for States in the Highlands region;

(9) The Highlands region includes or is adjacent to numerous parcels of land owned by the Federal Government or federally designated areas that protect, conserve, or restore resources of the Highlands region, including—

(A) the Wallkill River National Wildlife Refuge;

(B) the Shawanagunk Grasslands Wildlife Refuge;

(C) the Morristown National Historical Park;

(D) the Delaware and Lehigh Canal Corridors;

(E) the Hudson River Valley National Heritage Area;

(F) the Delaware River Basin;

(G) the Delaware Water Gap National Recreation Area;

(H) the Upper Delaware Scenic and Recreational River;

(I) the Appalachian National Scenic Trail;

(J) the United States Military Academy at West Point, New York;

(K) the Highlands National Millenium Trail;

(L) the Great Swamp National Wildlife Refuge;

(M) the proposed Crossroads of the Revolution National Heritage Area;

(N) the proposed Musconetcong National Scenic and Recreational River in New Jersey; and

(O) the Farmington River Wild and Scenic Area in Connecticut;

(10) It is in the interest of the United States to protect, conserve, and restore the resources of the Highlands region for the residents of, and visitors to, the Highlands region.

(11) The States of Connecticut, New Jersey, New York, and Pennsylvania, and units of local government in the Highlands region have the primary responsibility for protecting, conserving, preserving, restoring and promoting the resources of the Highlands region.

(12) Because of the longstanding Federal practice of assisting States in creating, protecting, conserving, and restoring areas of significant natural and cultural importance, and the national significance of the Highlands region, the Federal Government should, in partnership with the Highlands States and units of local government in the Highlands region, protect, restore, and preserve the water, forest, agricultural, wildlife, recreational and cultural resources of the Highlands region.

SEC. 1003. PURPOSES.

The purposes of this title are as follows:

(1) To recognize the importance of the water, forest, agricultural, wildlife, recreational and cultural resources of the Highlands, and the national significance of the Highlands region to the United States.

(2) To authorize the Secretary of Interior to work in partnership with the Secretary of Agriculture to provide financial assistance to the Highlands States to preserve and protect high priority conservation lands in the Highlands region.

(3) To continue the ongoing Forest Service programs in the Highlands region to assist the Highlands States, local units of government and private forest and farm landowners in the conservation of lands and natural resources in the Highlands region.

SEC. 1004. DEFINITIONS.

In this title:

(1) HIGHLANDS REGION.—The term ''Highlands region'' means the physiographic province, defined by the Reading Prong and ecologically similar adjacent upland areas, that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

(2) HIGHLANDS STATE.—The term ''Highlands State'' means—

(A) the State of Connecticut;

(B) the State of New Jersey;

(C) the State of New York;

(D) the State of Pennsylvania; and

(E) any agency or department of any Highlands State.

(3) LAND CONSERVATION PARTNERSHIP PROJECT.—The term ''land conservation partnership project'' means a land conservation project located within the Highlands region identified as having high conservation value by the Forest Service in which a non-Federal entity acquires land or an interest in land from a willing seller for the purpose of permanently protecting, conserving, or preserving the land through a partnership with the Federal Government.

(4) NON-FEDERAL ENTITY.—The term ''non-Federal entity'' means any Highlands State, or any agency or department of any Highlands State with authority to own and manage land for conservation purpose, including the Palisades Interstate Park Commission.

(5) STUDY.—The term ''study'' means the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990.

(6) UPDATE.—The term ''update'' means the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service.

SEC. 1005. LAND CONSERVATION PARTNERSHIP PROJECTS IN THE HIGHLANDS REGION.

(a) SUBMISSION OF PROPOSED PROJECTS.—Annually, the Governors of the Highlands States, with input from pertinent units of local government and the public, may jointly identify land conservation partnership projects in the Highlands region that shall be proposed for Federal financial assistance and submit a list of those projects to the Secretary of the Interior.

(b) CONSIDERATION OF PROJECTS.—The Secretary of the Interior, in consultation with the Secretary of Agriculture, shall annually submit to Congress a list of those land conservation partnership projects submitted under subsection (a) that are eligible to receive financial assistance under this section.

(c) ELIGIBILITY CONDITIONS.—To be eligible for financial assistance under this section for a land conservation partnership project, a non-Federal entity shall enter into an agreement with the Secretary of the Interior that—

(1) identifies the non-Federal entity that shall own or hold and manage the land or interest in land;

(2) identifies the source of funds to provide the non-Federal share required under subsection (d);

(3) describes the management objectives for the land that will assure permanent protection and use of the land for the purpose for which the assistance will be provided;

(4) provides that, if the non-Federal entity converts, uses, or disposes of the land conservation partnership project for a purpose inconsistent with the purpose for which the assistance was provided, as determined by the Secretary of the Interior, the United States may seek specific performance of the conditions of financial assistance in accordance with paragraph (3) in Federal court and shall be entitled to reimbursement from the non-Federal entity in an amount that is, as determined at the time of conversion, use, or disposal, the greater of—

(A) the total amount of the financial assistance provided for the project by the Federal Government under this section; or

(B) the amount by which the financial assistance increased the value of the land or interest in land; and

(5) provides that land conservation partnership projects will be consistent with areas identified as having high conservation value in the following:

(A) Important Areas portion of the Forest Service study.

(B) Conservation Focal Areas portion of the Forest Service update.

(C) Conservation Priorities portion of the update.

(D) Lands identified as having higher or highest resource value in the Conservation Values Assessment portion of the update.

(d) NON-FEDERAL SHARE REQUIREMENT.—The Federal share of the cost of carrying out a land conservation partnership project under this section shall not exceed 50 percent of the total cost of the land conservation partnership project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior from the general funds of the Treasury or the Land and Water Conservation Fund to carry out this section $10,000,000 for each of the fiscal years 2005 through 2014. Amounts appropriated pursuant to this authorization of appropriations shall remain available until expended.

SEC. 1006. FOREST SERVICE AND USDA PROGRAMS IN THE HIGHLANDS REGION.

(a) IN GENERAL.—In order to meet the land resource goals of, and the scientific and conservation challenges identified in, the study, update, and any future study that the Forest Service may undertake in the Highlands region, the Secretary of Agriculture, acting through the Chief of the Forest Service and in consultation with the Chief of the Natural Resource Conservation Service, shall continue to assist the Highlands States, local units of government, and private forest and farm landowners in the conservation of lands and natural resources in the Highlands region.

(b) DUTIES.—The Forest Service shall—

(1) in consultation with the Highlands States, undertake other studies and research as appropriate in the Highlands region consistent with the purposes of this title;

(2) communicate the findings of the study and update and maintain a public dialogue regarding implementation of the study and update; and

(3) assist the Highland States, local units of government, individual landowners, and private organizations in identifying and using Forest Service and other technical and financial assistance programs of the Department of Agriculture.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture to carry out this section $1,000,000 for each of the fiscal years 2005 through 2014.

SEC. 1007. PRIVATE PROPERTY PROTECTION AND LACK OF REGULATORY EFFECT.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to permit public access (including Federal, State, or local government access) to such private property; and

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) LIABILITY.—Nothing in this title shall be construed to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS.—Nothing in this title shall be construed to require the owner of any private property located in the Highlands region to participate in the land conservation, financial, or technical assistance or any other programs established under this title.

(e) PURCHASE OF LANDS OR INTERESTS IN LANDS FROM WILLING SELLERS ONLY.—Funds appropriated to carry out this title shall be used to purchase lands or interests in lands only from willing sellers.

TITLE XI—MISCELLANEOUS PROVISIONS

SEC. 1101. FOREST INVENTORY AND MANAGEMENT.

Section 17 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 note; Public Law 95313) is amended to read as follows:

"SEC. 17. FOREST INVENTORY AND MANAGEMENT.

''(a) IN GENERAL.—The Secretary shall carry out a program using geospatial and information management technologies (including remote sensing imaging and decision support systems) to inventory, monitor, characterize, assess, and identify forest stands and potential forest stands on—

''(1) units of the National Forest System; and

''(2) private forest land, with the consent of the owner of the land.

''(b) MEANS.—The Secretary shall carry out the program through the use of—

''(1) remote sensing technology of the National Aeronautics and Space Administration and the United States Geological Survey;

''(2) emerging geospatial capabilities in research activities;

''(3) validating techniques, including coordination and reconciliation with existing data through field verification, using application demonstrations; and

''(4) integration of results into pilot operational systems.

''(c) ISSUES TO BE ADDRESSED.—In carrying out the program, the Secretary shall address issues including—

''(1) early detection, identification, and assessment of environmental threats (including insect, disease, invasive species, fire, acid deposition, and weather-related risks and other episodic events);

''(2) loss or degradation of forests;

''(3) degradation of the quality forest stands caused by inadequate forest regeneration practices;

''(4) quantification of carbon uptake rates;

''(5) management practices that focus on preventing further forest degradation; and

''(6) characterization of vegetation types, density, fire regimes, post-fire effects, and condition class.

''(d) EARLY WARNING SYSTEM.—In carrying out the program, the Secretary shall develop a comprehensive early warning system for potential catastrophic environmental threats to forests to increase the likelihood that forest managers will be able to—

''(1) isolate and treat a threat before the threat gets out of control; and

''(2) prevent epidemics, such as the American chestnut blight in the first half of the twentieth century, that could be environmentally and economically devastating to forests.

''(e) ADMINISTRATION.—To carry out this section, the Secretary shall—

''(1) designate a facility within Forest Service Region 8 that—

''(A) is best-suited to take advantage of existing resources to coordinate and carry out the program through the means described in subsection (b); and

''(B) will address the issues described in subsection (c), with a particular emphasis on hardwood forest stands in the Eastern United States; and

''(2) designate a facility in the Ochoco National Forest headquarters within Forest Service Region 6 that will address the issues described in subsection (c), with a particular emphasis on coniferous forest stands in the Western United States.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

SEC. 1102. PROGRAM FOR EMERGENCY TREATMENT AND REDUCTION OF NONNATIVE INVASIVE PLANTS.

(a) DEFINITIONS.—In this section:

(1) INTERFACE COMMUNITY.—The term ''interface community'' has the meaning given the term in the notice published at 66 Fed. Reg. 751 (January 4, 2001) (including any subsequent revision to the notice).

(2) INTERMIX COMMUNITY.—The term ''intermix community'' has the meaning given the term in the notice published at 66 Fed. Reg. 751 (January 4, 2001) (including any subsequent revision to the notice).

(3) PLANT.—The term ''plant'' includes—

(A) a tree;

(B) a shrub; and

(C) a vine.

(4) PROGRAM.—The term ''program'' means the program for emergency treatment and reduction of nonnative invasive plants established under subsection (b)(1).

(5) SECRETARIES.—The term ''Secretaries'' means the Secretary of Agriculture and the Secretary of the Interior, acting jointly.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretaries shall establish a program for emergency treatment and reduction of nonnative invasive plants to provide to State and local governments and agencies, conservation districts, tribal governments, and willing private landowners grants for use in carrying out hazardous fuel reduction projects to address threats of catastrophic fires that have been determined by the Secretaries to pose a serious threat to—

(A) property;

(B) human life; or

(C) the ecological stability of an area.

(2) COORDINATION.—In carrying out the program, the Secretaries shall coordinate with such Federal agencies, State and local governments and agencies, and conservation districts as are affected by projects under the program.

(c) ELIGIBLE LAND.—A project under the program shall—

(1) be carried out only on land that is located—

(A) in an interface community or intermix community; or

(B) in such proximity to an interface community or intermix community as would pose a significant risk in the event of the spread of a fire disturbance event from the land (including a risk that would threaten human life or property in proximity to or within the interface community or intermix community), as determined by the Secretaries;

(2) remove fuel loads determined by the Secretaries, a State or local government, a tribal government, or a private landowner to pose a serious threat to—

(A) property;

(B) human life; or

(C) the ecological stability of an area; and

(3) involve the removal of nonnative invasive plants.

(d) USE OF FUNDS.—Funds made available for a project under the program shall be used only for—

(1) the removal of plants or other potential fuels that are—

(A) adjacent to or within the wildland urban interface; or

(B) adjacent to a municipal watershed, river, or water course;

(2) the removal of erosion structures that impede the removal of nonnative plants; or

(3) the replanting of native vegetation to reduce the reestablishment of nonnative invasive plants in a treatment area.

(e) REVOLVING FUND.—

(1) IN GENERAL.—In the case of a grant provided to a willing owner to carry out a project on non-Federal land under this section, the owner shall deposit into a revolving fund established by the Secretaries any proceeds derived from the sale of timber or biomass removed from the non-Federal land under the project.

(2) USE.—The Secretaries shall use amounts in the revolving fund to make additional grants under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

SEC. 1103. USDA NATIONAL AGROFORESTRY CENTER.

(a) IN GENERAL.—Section 1243 of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 1642 note; Public Law 101–624) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 1243. USDA NATIONAL AGROFORESTRY CENTER.";

and

(2) in subsection (a)—

(A) by striking ''SEMIARID'' and inserting ''USDA NATIONAL''; and

(B) by striking ''Semiarid'' and inserting ''USDA National''.

(b) PROGRAM.—Section 1243(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 1642 note; Public Law 101–624) is amended—

(1) by inserting ''local governments, community organizations, the Institute of Tropical Forestry and the Institute of Pacific Islands Forestry of the Forest Service,'' after ''entities,'';

(2) in paragraph (1), by striking ''on semiarid lands'';

(3) in paragraph (3), by striking ''from semiarid land'';

(4) by striking paragraph (4) and inserting the following:

''(4) collect information on the design, installation, and function of forested riparian and upland buffers to—

''(A) protect water quality; and

''(B) manage water flow;'';

(5) in paragraphs (6) and (7), by striking ''on semiarid lands'' each place it appears;

(6) by striking paragraph (8) and inserting the following:

''(8) provide international leadership in the worldwide development and exchange of agroforestry practices;'';

(7) in paragraph (9), by striking ''on semiarid lands'';

(8) in paragraph (10), by striking ''and'' at the end;

(9) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(10) by adding at the end the following:

''(12) quantify the carbon storage potential of agroforestry practices such as—

''(A) windbreaks;

''(B) forested riparian buffers;

''(C) silvopasture timber and grazing systems; and

''(D) alley cropping; and

''(13) modify and adapt riparian forest buffer technology used on agricultural land for use by communities to manage stormwater runoff.''.

SEC. 1104. UPLAND HARDWOODS RESEARCH CENTER.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall establish an Upland Hardwood Research Center.

(b) LOCATION.—The Secretary of Agriculture shall locate the Research Center in an area that, as determined by the Secretary of Agriculture, would best use and study the upland hardwood resources of the Ozark Mountains and the South.

(c) DUTIES.—The Upland Hardwood Research Center shall, in conjunction with the Southern Forest Research Station of the Department of Agriculture—

(1) provide the scientific basis for sustainable management of southern upland hardwood forests, particularly in the Ozark Mountains and associated mountain and upland forests; and

(2) conduct research in all areas to emphasize practical application toward the use and preservation of upland hardwood forests, particularly—

(A) the effects of pests and pathogens on upland hardwoods;

(B) hardwood stand regeneration and reproductive biology;

(C) upland hardwood stand management and forest health;

(D) threatened, endangered, and sensitive aquatic and terrestrial fauna;

(E) ecological processes and hardwood ecosystem restoration; and

(F) education and outreach to nonindustrial private forest landowners and associations.

(d) RESEARCH.—In carrying out the duties under subsection (c), the Upland Hardwood Research Center shall—

(1) cooperate with the Center for Bottomland Hardwood Research of the Southern Forest Research Station of the Department of Agriculture, located in Stoneville, Mississippi; and

(2) provide comprehensive research in the Mid-South region of the United States, the Upland Forests Ecosystems Unit of the Southern Forest Research Station of the Department of Agriculture, located in Monticello, Arkansas.

(e) PARTICIPATION OF PRIVATE LANDOWNERS.—The Secretary of Agriculture shall encourage and facilitate the participation of private landowners in the program under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000 for each fiscal year.

SEC. 1105. EMERGENCY FUEL REDUCTION GRANTS.

(a) IN GENERAL.—The Secretary of Agriculture shall establish an emergency fuel reduction grant program under which the Secretary shall provide grants to State and local agencies to carry out hazardous fuel reduction projects addressing threats of catastrophic fire that pose a serious threat to human life, as determined by the Forest Service.

(b) ELIGIBLE PROJECTS.—To be eligible to be carried out with a grant under the program, a hazardous fuel reduction project shall—

(1) be surrounded by or immediately adjacent to the boundary of a national forest;

(2) be determined to be of paramount urgency, as indicated by declarations to that effect by both local officials and the Governor of the State in which in the project is to be carried out; and

(3) remove fuel loading that poses a serious threat to human life, as determined by the Forest Service.

(c) USES OF GRANTS.—A grant under the program may be used only—

(1) to remove trees, shrubs, or other potential fuel adjacent to a primary evacuation route;

(2) to remove trees, shrubs, or other potential fuel that are adjacent to an emergency response center, emergency communication facility, or site designated as a shelter-in-place facility; or

(3) to conduct an evacuation drill or preparation.

(d) REVOLVING FUND.—

(1) IN GENERAL.—In the case of a grant under the program that is used to carry out a project on private or county land, the grant recipient shall deposit in a revolving fund maintained by the Secretary any proceeds from the sale of timber or biomass as a result of the project.

(2) USE.—The Secretary shall use amounts in the revolving fund to make other grants under this section, without further appropriation.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture to carry out this section $50,000,000 for each fiscal year.

SEC. 1106. EASTERN NEVADA LANDSCAPE COALITION.

(a) IN GENERAL.—(1) The Secretary of Agriculture and the Secretary of the Interior are authorized to make grants to the Eastern Nevada Landscape Coalition for the study and restoration of rangeland and other lands in Nevada's Great Basin in order to help assure the reduction of hazardous fuels and for related purposes.

(2) Notwithstanding sections 6301 through 6308 of title 31, United States Code, the Director of the Bureau of Land Management shall enter into a cooperative agreement with the Eastern Nevada Landscape Coalition for the Great Basin Restoration Project, including hazardous fuels and mechanical treatments and related work.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 1107. SENSE OF CONGRESS REGARDING ENHANCED COMMUNITY FIRE PROTECTION.

It is the sense of Congress to reaffirm the importance of enhanced community fire protection program, as described in section 10A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106c) (as added by section 8003(b) of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 473)).

SEC. 1108. COLLABORATIVE MONITORING.

(a) IN GENERAL.—The Secretaries shall establish a collaborative monitoring, evaluation, and accountability process in order to assess the positive or negative ecological and social effects of a representative sampling of projects implemented pursuant to title I and section 404 of this Act. The Secretaries shall include diverse stakeholders, including interested citizens and Indian tribes, in the monitoring and evaluation process.

(b) MEANS.—The Secretaries may collect monitoring data using cooperative agreements, grants or contracts with small or micro-businesses, cooperatives, nonprofit organizations, Youth Conservation Corps work crews or related partnerships with State, local, and other non-Federal conservation corps.

(c) FUNDS.—Funds to implement this section shall be derived from hazardous fuels operations funds.

SEC. 1109. BEST-VALUE CONTRACTING.

To conduct a project under this division, the Secretaries may use best value contracting criteria in awarding contracts and agreements. Best-value contracting criteria includes—

(1) the ability of the contractor to meet the ecological goals of the projects;

(2) the use of equipment that will minimize or eliminate impacts on soils; and

(3) benefits to local communities such as ensuring that the byproducts are processed locally.

SEC. 1110. SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM; FOREST LEGACY PROGRAM.

(a) SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM.—The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) is amended by adding at the end the following:

''SEC. 21. SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) COMMITTEE.—The term 'Committee' means a State Forest Stewardship Coordinating Committee established under section 19(b).

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a unit of local government or a nonprofit organization that—

''(A) the Secretary determines, in accordance with the criteria established under subsection (c)(1)(A)(ii)(II) is eligible to receive a grant under subsection (c)(2); and

''(B) the State forester, in consultation with the Committee, determines—

''(i) has the abilities necessary to acquire and manage interests in real property; and

''(ii) has the resources necessary to monitor and enforce any terms applicable to the eligible project.

''(3) ELIGIBLE PROJECT.—The term 'eligible project' means a fee purchase, easement, or donation of land to conserve private forest land identified for conservation under subsection (c)(1)(A)(ii)(I).

''(4) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(5) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means any organization that is—

''(A) described in section 501(c) of the Internal Revenue Code of 1986; and

''(B) exempt from taxation under 501(a) of the Internal Revenue Code of 1986.

''(6) PRIVATE FOREST LAND.—The term 'private forest land' means land that is—

''(A) capable of producing commercial forest products; and

''(B) owned by—

''(i) a private entity; or

''(ii) an Indian tribe.

''(7) PROGRAM.—The term 'program' means the Suburban and Community Forestry and Open Space Program established by subsection (b).

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Forest Service a program to be known as the 'Suburban and Community Forestry and Open Space Program'.

''(2) PURPOSE.—The purpose of the program is to provide assistance to eligible entities to carry out eligible projects in States in which less than 25 percent of the land is owned by the United States to—

''(A) conserve private forest land and maintain working forests in areas threatened by significant suburban sprawl or by conversion to nonforest uses; and

''(B) provide communities a means by which to address significant suburban sprawl.

''(c) GRANT PROGRAM.—

''(1) IDENTIFICATION OF ELIGIBLE PRIVATE FOREST LAND.—

''(A) CRITERIA.—

''(i) NATIONAL CRITERIA.—The Secretary shall establish national eligibility criteria for the identification of private forest land that may be conserved under this section.

''(ii) STATE CRITERIA.—The State forester, in consultation with the Committee, shall, based on the criteria established under clause (i), and subject to the approval of the Secretary, establish criteria for—

''(I) the identification, subject to subparagraph (B), of private forest land in each State that may be conserved under this section; and

''(II) the identification of eligible entities.

''(B) CONDITIONS FOR ELIGIBLE PRIVATE FOREST LAND.—Private forest land identified for conservation under subparagraph (A)(ii)(I) shall be land that—

''(i) is located in a State in which less than 25 percent of the land is owned by the United States; and

''(ii) as determined by the State forester, in consultation with the Committee and subject to the approval of the Secretary—

''(I) is located in an area that is affected, or threatened to be affected, by significant suburban sprawl, taking into account housing needs in the area; and

''(II) is threatened by present or future conversion to nonforest use.

''(2) GRANTS.—

''(A) ELIGIBLE PROJECTS.—

''(i) IN GENERAL.—In carrying out this section, the Secretary shall award competitive grants to eligible entities to carry out eligible projects.

''(ii) PUBLIC ACCESS.—Eligible entities are encouraged to provide public access to land on which an eligible project is carried out.

''(B) APPLICATION; STEWARDSHIP PLAN.—An eligible entity that seeks to receive a grant under this section shall submit to the State forester—

''(i) at such time and in such form as the Secretary shall prescribe, an application for the grant (including a description of any private forest land to be conserved using funds from the grant and a description of the extent of the threat of conversion to nonforest use); and

''(ii) a stewardship plan that describes the manner in which—

''(I) any private forest land to be conserved using funds from the grant will be managed in accordance with this section;

''(II) the stewardship plan will be implemented; and

''(III) the public benefits to be achieved from implementation of the stewardship plan.

''(C) ASSESSMENT OF NEED.—With respect to an application submitted under subparagraph (B), the State forester shall—

''(i) assess the need for preserving suburban forest land and open space and containing suburban sprawl in the State, taking into account the housing needs of the area in which the eligible project is to be carried out; and

''(ii) submit to the Secretary—

''(I) the application submitted under subparagraph (B); and

''(II) the assessment of need.

''(D) APPROVAL OR DISAPPROVAL.—

''(i) IN GENERAL.—Subject to clause (ii), as soon as practicable after the date on which the Secretary receives an application under subparagraph (C)(ii) or a resubmission under subclause (II)(bb)(BB), the Secretary shall—

''(I) review the application; and

''(II)(aa) award a grant to the applicant; or

''(bb)(AA) disapprove the application; and

''(BB) provide the applicant a statement that describes the reasons why the application was disapproved (including a deadline by which the applicant may resubmit the application).

''(ii) CONSIDERATIONS; PRIORITY.—In awarding grants under this section, the Secretary shall—

''(I) consider the need for the eligible project based on the assessment of need submitted under subparagraph (C) and subject to any criteria under paragraph (1); and

''(II) give priority to applicants that propose to fund eligible projects that promote—

''(aa) the preservation of suburban forest land and open space;

''(bb) the containment of suburban sprawl;

''(cc) the sustainable management of private forest land;

''(dd) community involvement in determining the objectives for eligible projects that are funded under this section; and

''(ee) community and school education programs and curricula relating to sustainable forestry.

''(3) COST SHARING.—

''(A) IN GENERAL.—The amount of a grant awarded under this section to carry out an eligible project shall not exceed 50 percent of the total cost of the eligible project.

''(B) ASSURANCES.—As a condition of receipt of a grant under this section, an eligible entity shall provide to the Secretary such assurances as the Secretary determines are sufficient to demonstrate that the share of the cost of each eligible project that is not funded by the grant awarded under this section has been secured.

''(C) FORM.—The share of the cost of carrying out any eligible project described in subparagraph (A) that is not funded by a grant awarded under this section may be provided in cash or in kind (including a donation of land).

''(d) USE OF GRANT FUNDS FOR PURCHASES OF LAND OR EASEMENTS.—

''(1) PURCHASES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), funds made available, and grants awarded, under this section may be used to purchase private forest land or interests in private forest land (including conservation easements) only from willing sellers at fair market value.

''(B) SALES AT LESS THAN FAIR MARKET VALUE.—A sale of private forest land or an interest in private forest land at less than fair market value shall be permitted only on certification by the landowner that the sale is being entered into willingly and without coercion.

''(2) TITLE.—Title to private forest land or an interest in private forest land purchased under paragraph (1) may be held, as determined appropriate by the Secretary, by—

''(A) a State;

''(B) a unit of local government; or

''(C) a nonprofit organization.

''(3) TERMINATION OF EASEMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), all right, title, and interest of a unit of local government or nonprofit organization in and to a conservation easement shall terminate and vest in the State if the State determines that—

''(i) the unit of local government or nonprofit organization is unable or unwilling to enforce the terms of the conservation easement; or

''(ii) the conservation easement has been modified in a way that is inconsistent with the purposes of the program.

''(B) CONVEYANCE TO ANOTHER UNIT OF LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION.—If the State makes a determination under subparagraph (A), the State may convey or authorize the unit of local government or nonprofit organization to convey the conservation easement to another unit of local government or nonprofit organization.

''(e) ADMINISTRATIVE COSTS.—The State, on approval of the Secretary and subject to any regulations promulgated by the Secretary, may use amounts made available under subsection (g) to pay the administrative costs of the State relating to the program.

''(f) REPORT.—The Secretary shall submit to Congress a report on the eligible projects carried out under this section in accordance with section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1606(c)).

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

''(1) $50,000,000 for fiscal year 2004; and

''(2) such sums as are necessary for each fiscal year thereafter.''.

(b) FOREST LEGACY PROGRAM.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(1) in subsection (c), by striking the last sentence;

(2) in subsection (i), by striking ''subsection (b)'' and inserting ''this section'';

(3) in subsection (j)(1), by inserting ''(other than by donation)'' after ''acquired'';

(4) in subsection (k)(2), by striking ''the United States or its'' and inserting ''the United States, a State, or other entity, or their''; and

(5) in subsection (l), by adding at the end the following:

''(3) STATE AUTHORIZATION.—

''(A) DEFINITION OF STATE FORESTER.—The term 'State forester' has the meaning given the term in section 4(k).

''(B) IN GENERAL.—Notwithstanding subsection (c) and paragraph (2)(B), the Secretary shall, on request by a State, authorize the State to allow a qualified organization (as defined in section 170(h)(3) of the Internal Revenue Code of 1986) and that is organized for at least 1 of the purposes described in section 170(h)(4)(A) of that Code, using amounts granted to a State under this paragraph, to acquire 1 or more conservation easements to carry out the Forest Legacy Program in the State.

''(C) ELIGIBILITY.—To be eligible to acquire and manage conservation easements under this paragraph, a qualified organization described in subparagraph (B) shall, as determined by the Secretary, acting through the State forester, demonstrate the abilities necessary to acquire, monitor, and enforce interests in forest land consistent with the Forest Legacy Program and the assessment of need for the State.

''(D) MONITORING AND ENFORCEMENT.—

''(i) IN GENERAL.—A qualified organization that acquires a conservation easement under this paragraph shall be responsible for monitoring and enforcing the terms of the conservation easement and any of the costs of the qualified organization associated with such monitoring and enforcement.

''(ii) CONTINGENT RIGHTS.—If a qualified organization that acquires a conservation easement under this paragraph fails to enforce the terms of the conservation easement, as determined by the State, the State or the Secretary shall have the right to enforce the terms of the conservation easement under Federal or State law.

''(iii) AMENDMENTS.—Any amendments to a conservation easement that materially affect the terms of the conservation easement shall be subject to approval by the Secretary or the State, as appropriate.

''(E) TERMINATION OF EASEMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), all right, title, and interest of a qualified organization described in subparagraph (B) in and to a conservation easement shall terminate and vest in the State or a qualified designee if the State determines that—

''(I) the qualified organization fails to enforce the terms of the conservation easement;

''(II) the conservation easement has been modified in a way that is inconsistent with the purposes of the Forest Legacy Program or the assessment of need for the State; or

''(III) the conservation easement has been conveyed to another person (other than to a qualified organization).

''(ii) CONVEYANCE TO ANOTHER QUALIFIED ORGANIZATION.—If the State makes a determination under clause (i), the State may convey or authorize the qualified organization to convey the conservation easement to another qualified organization.

''(F) IMPLEMENTATION.—The Secretary, acting through the State forester, shall implement this paragraph in accordance with the assessment of need for the State as approved by the Secretary.''.

SEC. 1111. WILDLAND FIREFIGHTER SAFETY.

(a) DEFINITION OF SECRETARY.—In this section, the term ''Secretary'' means—

(1) the Secretary of Agriculture, with respect to land of the National Forest System described in section 3(1)(A); and

(2) the Secretary of the Interior, with respect to public lands described in section 3(1)(B).

(b) FIREFIGHTER SAFETY AND TRAINING BUDGET.—The Secretary shall—

(1) track funds expended for firefighter safety and training programs and activities; and

(2) include a line item for such expenditures in each budget request submitted after the date of enactment of this Act.

(c) ANNUAL REPORT TO CONGRESS.—The Secretaries shall, on an annual basis, jointly submit to Congress a report on the implementation and efficacy of wildland firefighter safety and training programs and activities.—

(d) SAFETY QUALIFICATION OF PRIVATE CONTRACTORS.—

(1) IN GENERAL.—The Secretaries shall ensure that any Federal contract or agreement entered into with a private entity for wildland firefighting services requires the entity to provide firefighter training that is consistent with qualification standards established by the National Wildfire Coordinating Group.

(2) COMPLIANCE.—The Secretaries shall develop a program to monitor and enforce compliance with the requirements of paragraph (1).

SEC. 1112. GREEN MOUNTAIN NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Green Mountain National Forest are modified to include all parcels of land depicted on the forest maps entitled ''Green Mountain Expansion Area Map I'' and ''Green Mountain Expansion Area Map II'', each dated February 20, 2002, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(b) MANAGEMENT.—Federally owned land delineated on the maps acquired for National Forest purposes shall continue to be managed in accordance with the laws (including regulations) applicable to the National Forest System.

(c) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460–9), the boundaries of the Green Mountain National Forest, as adjusted by this division, shall be considered to be the boundaries of the national forest as of January 1, 1965.

SEC. 1113. PUERTO RICO KARST CONSERVATION.

(a) SHORT TITLE.—This section may be cited as the ''Puerto Rico Karst Conservation Act of 2003''.

(b) FINDINGS.—Congress finds that—

(1) in the Karst Region of the Commonwealth of Puerto Rico there are—

(A) some of the largest areas of tropical forests in Puerto Rico, with a higher density of tree species than any other area in the Commonwealth; and

(B) unique geological formations that are critical to the maintenance of aquifers and watersheds that constitute a principal water supply for much of the Commonwealth;

(2) the Karst Region is threatened by development that, if unchecked, could permanently damage the aquifers and cause irreparable damage to natural and environmental assets that are unique to the United States;

(3) the Commonwealth has 1 of the highest population densities in the United States, which makes the protection of the Karst Region imperative for the maintenance of the public health and welfare of the citizens of the Commonwealth;

(4) the Karst Region—

(A) possesses extraordinary ecological diversity, including the habitats of several endangered and threatened species and tropical migrants; and

(B) is an area of critical value to research in tropical forest management; and

(5) coordinated efforts at land protection by the Federal Government and the Commonwealth are necessary to conserve the environmentally critical Karst Region.

(c) PURPOSES.—The purposes of this section are—

(1) to authorize and support conservation efforts to acquire, manage, and protect the tropical forest areas of the Karst Region, with particular emphasis on water quality and the protection of the aquifers that are vital to the health and wellbeing of the citizens of the Commonwealth; and

(2) to promote cooperation among the Commonwealth, Federal agencies, corporations, organizations, and individuals in those conservation efforts.

(d) DEFINITIONS.—In this section:

(1) COMMONWEALTH.—The term ''Commonwealth'' means the Commonwealth of Puerto Rico.

(2) FOREST LEGACY PROGRAM.—The term ''Forest Legacy Program'' means the program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(3) FUND.—The term ''Fund'' means the Puerto Rico Karst Conservation Fund established by subsection (f).

(4) KARST REGION.—The term ''Karst Region'' means the areas in the Commonwealth generally depicted on the map entitled ''Karst Region Conservation Area'' and dated March 2001, which shall be on file and available for public inspection in—

(A) the Office of the Secretary, Puerto Rico Department of Natural and Environmental Resources; and

(B) the Office of the Chief of the Forest Service.

(5) LAND.—The term ''land'' includes land, water, and an interest in land or water.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(e) CONSERVATION OF THE KARST REGION.—

(1) FEDERAL COOPERATION AND ASSISTANCE.—In furtherance of the acquisition, protection, and management of land in and adjacent to the Karst Region and in implementing related natural resource conservation strategies, the Secretary may—

(A) make grants to and enter into contracts and cooperative agreements with the Commonwealth, other Federal agencies, organizations, corporations, and individuals; and

(B) use all authorities available to the Secretary, including—

(i) the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.);

(ii) section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318); and

(iii) section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(2) FUNDING SOURCES.—The activities authorized by this subsection may be carried out using—

(A) amounts in the Fund;

(B) amounts in the fund established by section 4(b) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643(b));

(C) funds appropriated from the Land and Water Conservation Fund;

(D) funds appropriated for the Forest Legacy Program; and

(E) any other funds made available for those activities.

(3) MANAGEMENT.—

(A) IN GENERAL.—Land acquired under this subsection shall be managed, in accordance with the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.), in a manner to protect and conserve the water quality and aquifers and the geological, ecological, fish and wildlife, and other natural values of the Karst Region.

(B) FAILURE TO MANAGE AS REQUIRED.—In any deed, grant, contract, or cooperative agreement implementing this subsection and the Forest Legacy Program in the Commonwealth, the Secretary may require that, if land acquired by the Commonwealth or other cooperating entity under this section is sold or conveyed in whole or part, or is not managed in conformity with subparagraph (A), title to the land shall, at the discretion of the Secretary, vest in the United States.

(4) WILLING SELLERS.—Any land acquired by the Secretary in the Karst Region shall be acquired only from a willing seller.

(5) RELATION TO OTHER AUTHORITIES.—Nothing in this subsection—

(A) diminishes any other authority that the Secretary may have to acquire, protect, and manage land and natural resources in the Commonwealth; or

(B) exempts the Federal Government from Commonwealth water laws.

(f) PUERTO RICO KARST CONSERVATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury an interest-bearing account to be known as the ''Puerto Rico Karst Conservation Fund''.

(2) CREDITS TO FUND.—There shall be credited to the Fund—

(A) amounts appropriated to the Fund;

(B) all amounts donated to the Fund;

(C) all amounts generated from the Caribbean National Forest that would, but for this paragraph, be deposited as miscellaneous receipts in the Treasury of the United States, but not including amounts authorized by law for payments to the Commonwealth or authorized by law for retention by the Secretary for any purpose;

(D) all amounts received by the Administrator of General Services from the disposal of surplus real property in the Commonwealth under subtitle I of title 40, United States Code; and

(E) interest derived from amounts in the Fund.

(3) USE OF FUND.—Amounts in the Fund shall be available to the Secretary until expended, without further appropriation, to carry out subsection (e).

(g) MISCELLANEOUS PROVISIONS.—

(1) DONATIONS.—

(A) IN GENERAL.—The Secretary may accept donations, including land and money, made by public and private agencies, corporations, organizations, and individuals in furtherance of the purposes of this subsection.

(B) CONFLICTS OF INTEREST.—The Secretary may accept donations even if the donor conducts business with or is regulated by the Department of Agriculture or any other Federal agency.

(C) APPLICABLE LAW.—Public Law 95–442 (7 U.S.C. 2269) shall apply to donations accepted by the Secretary under this paragraph.

(2) RELATION TO FOREST LEGACY PROGRAM.—

(A) IN GENERAL.—All land in the Karst Region shall be eligible for inclusion in the Forest Legacy Program.

(B) COST SHARING.—The Secretary may credit donations made under paragraph (1) to satisfy any cost-sharing requirements of the Forest Legacy Program.

(h) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 1114. FARM SECURITY AND RURAL INVESTMENT ACT.

Section 10806(b)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d; 116 Stat. 526), is deemed to have first become effective 15 days after the date of the enactment of this Act.

SEC. 1115. ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS UNDER THE ANIMAL WELFARE ACT.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively;

(2) by inserting after subsection (b) the following:

''(c) SHARP INSTRUMENTS.—It shall be unlawful for any person to knowingly sell, buy, transport, or deliver in interstate or foreign commerce a knife, a gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture.'';

(3) in subsection (e) (as redesignated by paragraph (1)), by striking ''(c)'' and inserting ''(d)'';

(4) in subsection (f) (as redesignated by paragraph (1))—

(A) by striking ''(a), (b), or (c)'' and inserting ''(a), (b), (c), or (d)''; and

(B) by striking ''1 year'' and inserting ''2 years'';

(5) by striking subsection (g) (as redesignated by paragraph (1)) and inserting the following:

''(g) INVESTIGATIONS.—

''(1) IN GENERAL.—The Secretary or any person authorized by the Secretary shall make such investigations as the Secretary considers necessary to determine whether any person has violated or is violating any provision of this section.

''(2) ASSISTANCE.—Through cooperative agreements, the Secretary may obtain the assistance of the Federal Bureau of Investigation, the Department of the Treasury, and other law enforcement agencies of the United States and of State, tribal, and local governmental agencies in the conduct of an investigation under paragraph (1).

''(3) WARRANTS.—

''(A) ISSUANCE.—A judge of the United States, United States magistrate judge, or judge of a State or tribal court of competent jurisdiction in the district in which is located an animal, paraphernalia, instrument, or other property or thing that there is probable cause to believe was involved, is about to be involved, or is intended to be involved in a violation of this section shall issue a warrant to search for and seize the animal or other property or thing.

''(B) APPLICATION; EXECUTION.—A United States marshal or any person authorized under this section to conduct an investigation may apply for and execute a warrant issued under subparagraph (A), and any animal, paraphernalia, instrument, or other property or thing seized under such a warrant shall be held by the authorized person pending disposition of the animal, paraphernalia, instrument, or other property or thing by a court in accordance with this subsection.

''(4) STORAGE OF ANIMALS.—

''(A) IN GENERAL.—An animal seized by a United States marshal or other authorized person under paragraph (3) shall be taken promptly to an animal housing facility in which the animal shall be stored humanely.

''(B) NO FACILITY AVAILABLE.—If there is not available a suitable animal storage facility sufficient in size to hold all of the animals involved in a violation, a United States marshal or other authorized person shall—

''(i) seize a representative sample of the animals for evidentiary purposes to be transported to an animal storage facility in which the animals shall be stored humanely; and

''(ii)(I) keep the remaining animals at the location where the animals were seized;

''(II) provide for the humane care of the animals; and

''(III) cause the animals to be banded, tagged, or marked by microchip and photographed or videotaped for evidentiary purposes.

''(5) CARE.—While a seized animal is held in custody, a United States marshal or other authorized person shall ensure that the animal is provided necessary care (including housing, feeding, and veterinary treatment).

''(6) FORFEITURE.—

''(A) IN GENERAL.—Any animal, paraphernalia, instrument, vehicle, money, or other property or thing involved in a violation of this section shall be liable to be proceeded against and forfeited to the United States at any time on complaint filed in any United States district court or other court of the United States for any jurisdiction in which the animal, paraphernalia, instrument, vehicle, money, or other property or thing is found.

''(B) DISPOSITION.—On entry of a judgment of forfeiture, a forfeited animal shall be disposed of by humane means, as the court may direct.

''(C) COSTS.—Costs incurred by the United States for care of an animal seized and forfeited under this section shall be recoverable from the owner of the animal—

''(i) in the forfeiture proceeding, if the owner appears in the forfeiture proceeding; or

''(ii) in a separate civil action brought in the jurisdiction in which the owner is found, resides, or transacts business.

''(D) CLAIM TO PROPERTY.—

''(i) IN GENERAL.—The owner, custodian, or other person claiming an interest in a seized animal may prevent disposition of the animal by posting, or may be ordered by any United States district court or other court of the United States, or by any tribal court, for any jurisdiction in which the animal is found to post, not later than 10 days after the animal is seized, a bond with the court in an amount sufficient to provide for the care of the animal (including housing, feeding, and veterinary treatment) for not less than 30 days.

''(ii) RENEWAL.—The owner, custodian, or other person claiming an interest in a seized animal may renew a bond, or be ordered to renew a bond, by posting a new bond, in an amount sufficient to provide for the care of the animal for at least an additional 30 days, not later than 10 days after the expiration of the period for which a previous bond was posted.

''(iii) DISPOSITION.—If a bond expires and is not renewed, the animal may be disposed of as provided in subparagraph (A).

''(7) EUTHANIZATION.—Notwithstanding paragraphs (1) through (6), an animal may be humanely euthanized if a veterinarian determines that the animal is suffering extreme pain.''; and

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SA 2069. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

On page 96, after line 25, insert the following:

SEC. 519. THE NATIONAL PUBLIC SERVICE MULTIMEDIA CAMPAIGN TO ENHANCE THE STATE OF FINANCIAL LITERACY.

(a) IN GENERAL.—The Commission, as part of any national strategy, shall develop, implement, and conduct a pilot national public service multimedia campaign to enhance the state of financial literacy and education in the United States.

(b) PROGRAM REQUIREMENTS.—

(1) PUBLIC SERVICE CAMPAIGN.—The Commission shall select and work with an organization that is especially well-qualified in the distribution of public service campaigns and has secured private sector funds to produce the pilot national public service multimedia campaign.

(2) DEVELOPMENT OF MULTIMEDIA CAMPAIGN.—The Commission shall develop, in consultation with nonprofit, public, or private organizations, especially those that are well qualified by virtue of their experience in the field of financial literacy and education, to develop the financial literacy national public service multimedia campaign.

(3) FOCUS OF CAMPAIGN.—The pilot national public service multimedia campaign shall be consistent with the national strategy developed by the Commission.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission not to exceed $3,000,000 for fiscal years 2004, 2005, and 2006 for the development, production, and distribution of a pilot national public service multimedia campaign.

(d) PERFORMANCE MEASURES.—The Commission shall develop measures to evaluate the effectiveness of the pilot national public service multimedia campaign, as measured by improved financial decision making among individuals.

(e) REPORT.—For each fiscal year for which there are appropriations pursuant to the authorization in subsection (c), the Commission shall submit a report to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Financial Services and the Committee on Appropriations of the House of Representatives describing the status and implementation of the provisions of

this section and the state of financial literacy in the United States.

SA 2070. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REIMBURSEMENT OF LOST STATE REVENUE.

(A) REPORT.—

(1) OMB.—Not later than November 1 of each year, the Director of Office of Management and Budget shall report to the Secretary of the Treasury the State tax revenue amount for each State and local government that was not received by that State or local government during the most recent fiscal year ending September 30 as a result of the Internet Tax Freedom Act.

(2) CBO.—Not later than November 5 of each year, the Director of the Congressional Budget Office shall report to Congress the information required by paragraph (1) and include an explanation of any differences with the report submitted under paragraph (1).

(b) PAYMENT.—Not later than November 20 of each year and subject to appropriations, the Secretary of the Treasury shall make a payment out of the Treasury to each State in an amount equal to the amount determined for that State and local governments in that State under subsection (a)(1). Each State shall distribute the amounts attributable to local governments in that State to the local governments.

(c) APPROPRIATION.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 2071. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 7 and 8, insert the following:

SEC. 7___. USE OF ELIGIBLE COMMODITIES.

(a) AVAILABILITY.—Section 416(b)(1) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(1)) is amended in the first sentence by striking ''1954 and under the Food for Progress Act of 1985,'' and inserting ''1954 (7 U.S.C. 1721 et seq.), the Food for Progress Act of 1985 (7 U.S.C. 1736*o*), and section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736*o*–1),''.

(b) MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.—Section 3107(*l*) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736*o*–1(*l*)) is amended by adding at the end the following:

''(4) USE OF ELIGIBLE COMMODITIES.—In addition to other funds that are available under other provisions of law, the President may use commodities and funds made available under section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)) to carry out this section (including payment for transportation of eligible commodities).''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, November 12 at 10 a.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to conduct oversight of the implementation of the Energy Employees Occupational Illness Compensation Program.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, November 4, 2003, at 9:30 a.m. on the nominations of Kirk Van Tine and Jeffrey Rosen, DOT; Michael Gallagher, DOC; Cheryl Halpern and Elizabeth Courtney, CPB.

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

COMMITTEE ON FINANCE

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, November 4, 2003, at 10 a.m., to hear testimony on nominations of Michael O'Grady, to be Assistant Secretary of Health and Human Services, Department of Health and Human Services; Jennifer Young, to be Assistant Secretary of Health and Human Services, Department of Health and Human Services; and Bradley G. Belt, to be Member of the Social Security Advisory Board, Social Security Administration.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session on Tuesday, November 4, 2003 at 9:30 a.m. to hold a hearing on nominations.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session on Tuesday, November 4, 2003 at 2:30 p.m. to hold a subcommittee hearing on North Korea.

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

COMMITTEE ON THE JUDICIARY

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittees on Terrorism, Technology and Homeland Security be authorized to meet to conduct a hearing on ''Database Security: Finding Out When Your Information Has Been Compromised,'' on Tuesday, November 4, 2003, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building.

Witness list: Mr. Mark MacCarthy, Senior Vice President of Public Policy, Visa U.S.A., Inc., Washington, DC; Mr. David McIntyre, President and CEO, TriWest Healthcare Alliance, Phoenix, AZ; and Mr. Evan Hendricks, Editor, Privacy Times, Cabin John, MD.

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

subcommittee on substance abuse and mental health services

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Substance Abuse and Mental Health Services be authorized to meet for a hearing on ''Recommendations to Improve Mental Health Care in America: Report from the President's New Freedom Commission on Mental Health'' during the session of the Senate on Tuesday, November 4, 2003, at 10 a.m.

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

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 4, 2003, at 2:30 p.m. to conduct a hearing on ''Financial Reconstruction in Iraq.''

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

PRIVILEGE OF THE FLOOR

Mr. JOHNSON. Mr. President, I ask unanimous consent that Naomi Camper, Adam Healy, and Elizabeth Canter of my staff be granted the privilege of the floor during debate on S. 1753, the National Consumer Credit Reporting System Improvement Act.

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

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. SANTORUM. Mr. President, I have a unanimous consent request that we proceed to the Pryor nomination. But I would just ask the Senator from Nevada if there is a possibility that we could get a unanimous consent agreement, however much time the minority would need, to debate this nominee so we can give the attorney general of

Alabama, who has been nominated to the Eleventh Circuit, the opportunity to have an up-or-down vote on the floor of the Senate, which has been the custom here for over 22 years.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I would say to my friend, and the entire Senate, we have already spoken on this. There has been a vote to invoke cloture. That failed. I am confident if this comes up again, the vote will be the same. So I think that actually we are just wasting the time of the Senate, with all the many important things we have to do, and it would just be a repeat of the prior effort to invoke cloture, which failed.

So I object to my friend's request.

The PRESIDING OFFICER. The objection is heard.

EXECUTIVE SESSION

NOMINATION OF WILLIAM H. PRYOR, JR., OF ALABAMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

Mr. SANTORUM. Mr. President, I now ask unanimous consent that the Senate proceed to executive session for the consideration of Calendar No. 310, the nomination of William Pryor, to be U.S. circuit judge for the Eleventh Circuit.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SANTORUM. The clerk will report.

The legislative clerk read the nomination of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

CLOTURE MOTION

Mr. SANTORUM. Mr. President, on behalf of the majority leader, I now send a cloture motion to the desk.

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. 310, the nomination of William H. Pryor, Jr., to be United States Circuit Judge for the Eleventh Circuit.

Bill Frist, Rick Santorum, Ben Nighthorse Campbell, Lindsey Graham, Norm Coleman, John Sununu, Jon Kyl, Mike DeWine, Wayne Allard, Elizabeth Dole, Pete Domenici, Mitch McConnell, Robert F. Bennett, Jeff Sessions, Michael B. Enzi, John Ensign, John Cornyn.

Mr. SANTORUM. Mr. President, I further ask unanimous consent that the live quorum provided for under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate immediately proceed to consider the following nomination on today's Executive Calendar: Calendar No. 420. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Gwendolyn Brown, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration.

REFERRAL OF NOMINATION—EXECUTIVE CALENDAR NO. 299

Mr. HATCH. Mr. President, I appreciate Senator COLLINS, chair of the Governmental Affairs Committee, entering into a colloquy on a matter that concerns the Judiciary Committee. In particular, our colloquy involves the nomination of Michael Garcia to be Assistant Secretary of Homeland Security. Following our statements, I will seek an unanimous consent agreement to refer Mr. Garcia's nomination to the Judiciary Committee.

All committees derive their ''respective jurisdictions'' from Senate Rule XXV, among other sources. As such, the Governmental Affairs Committee, in its responsibility for the ''organization and reorganization of the executive branch of the Government,'' played a crucial role in establishing the new Department of Homeland Security. I would like to compliment Senator COLLINS on her leadership and the significant improvements that have resulted in our Nation's security since September 11.

Also, under Senate Rule XXV, the Committee on the Judiciary has jurisdiction over ''immigration and naturalization.'' It is important for the immigration and naturalization functions which have been transferred from the Department of Justice and other law enforcement agencies to the Department of Homeland Security to remain under the jurisdiction of the Judiciary Committee.

With the formation of three new bureaus for immigration policy in the Department of Homeland Security, countless situations—from day-to-day immigration services and enforcement to long-term border security planning—will arise in which legislation affecting these bureaus and oversight of these bureaus is an essential role of the Judiciary Committee. I appreciate my colleague taking the time to clarify the confirmation process for Mr. Garcia and the commitment to Senate Rules XXI and XXVI, Section 8 as it affects the Judiciary Committee's jurisdiction.

Ms. COLLINS. I appreciate the Senator's comments, and I look forward to working with him. I would also like to assure him that I do not believe the Governmental Affairs Committee's jurisdiction affects in any way the Judiciary Committee's jurisdiction over immigration and naturalization matters, as set forth in Senate Rule XXV. The Governmental Affairs Committee was responsible for the Homeland Security Act of 2002 which created the new Department of Homeland Security. The committee has conducted wide-ranging and vigorous oversight of the Department and, this year alone, has reported out six bills that address homeland security concerns. In total, the Governmental Affairs Committee has held over 30 hearings on homeland security matters, thus reflecting the paramount role it plays with respect to these matters.

The committee also has handled the nominations of almost all of the Department's nominees. On June 5 of this year, our committee held a hearing on Mr. Garcia's nomination. We reported his nomination to the full Senate on June 17. We then agreed to a referral of Mr. Garcia's nomination to the Judiciary Committee. I understand that my colleague, the distinguished chairman of the Judiciary Committee, now seeks a second referral of the nomination in order to complete its work thereon. I have no objection to my colleagues' request.

Mr. HATCH. I thank the chair of the Governmental Affairs Committee for her comments and efforts on this matter.

Mr. SANTORUM. Mr. President, I ask unanimous consent that Executive Calendar No. 299, the nomination of Michael Garcia, to be an Assistant Secretary of Homeland Security, be referred to the Committee on the Judiciary for a period not to exceed 30 days of Senate session, and that the Senate return to legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

FEDERAL COURT PROCEEDINGS IN PLANO, TX

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 355, S. 1720.

The PRESIDING OFFICER. The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (S. 1720) to provide for the Federal court proceedings in Plano, Texas.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1720

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

[SECTION 1. FEDERAL COURT PROCEEDINGS IN PLANO, TEXAS.

[Section 124(c)(3) of title 28, United States Code, is amended by inserting ''and Plano'' after ''held at Sherman''.]

SECTION 1. CHANGE IN COMPOSITION OF DIVISIONS OF EASTERN DISTRICT OF TEXAS.

(a) IN GENERAL.—Section 124(c) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking ''Denton, and Grayson'' and inserting ''Delta, Denton, Fannin, Grayson, Hopkins, and Lamar''; and

(B) by inserting ''and Plano'' after ''held at Sherman'';

(2) by striking paragraph (4) and redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively; and

(3) in paragraph (5), as so redesignated, by inserting ''Red River,'' after ''Franklin,''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) PENDING CASES NOT AFFECTED.—This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Eastern District of Texas on such date.

(3) JURIES NOT AFFECTED.—This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the Eastern Judicial District of Texas on the effective date of this section.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be read for the third time and passed, the motion to reconsider be laid upon the table en bloc, and that any statements relating 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. 1720), as amended, was read the third time and passed.

FALLEN PATRIOTS TAX RELIEF ACT

AMENDMENT NO. 2051, AS MODIFIED

Mr. SANTORUM. Mr. President, I ask unanimous consent that notwithstanding the passage of H.R. 3365, amendment No. 2051 be modified with the technical correction at the desk.

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

The modification is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Military Family Tax Relief Act of 2003''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amend-

ORDERS FOR WEDNESDAY, NOVEMBER 5, 2003

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, November 5. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for 60 minutes, with the first 30 minutes under the control of Senator ROBERTS or his designee and the second 30 minutes under the control of the minority leader or his designee; provided that following morning business, the Senate proceed to the consideration of H.R. 2673, the Agriculture appropriations bill, as provided under the previous order.

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

PROGRAM

Mr. SANTORUM. For the information of all Senators, tomorrow, following morning business, the Senate will begin consideration of H.R. 2673, the Agriculture appropriations bill. The bill managers will be here in the morning to begin working through the amendments to the bill. It is the majority leader's intention to complete action on the bill during tomorrow's session. Senators who have amendments are encouraged to contact the bill managers as soon as possible.

In addition to the Agriculture appropriations bill, the Senate will also complete action on both the fair credit reporting bill and the Syria Accountability Act during tomorrow's session. Therefore, Senators should expect a very busy day tomorrow, with rollcall votes occurring throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SANTORUM. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:58 p.m., adjourned until Wednesday, November 5, 2003, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate November 4, 2003:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

GWENDOLYN BROWN, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

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

IN HONOR OF MADAME CHIANG KAI-SHEK

HON. HENRY J. HYDE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. HYDE. Mr. Speaker, I rise today to commemorate the recent passing of the former First Lady of China and Taiwan, Madame Chiang Kai-shek, also known to history as Soong Mei-ling. Madame Chiang was a steadfast ally of the United States and an old friend of the Congress.

Madame Chiang came from an illustrious family whose members played prominent roles in the history of 20th century China. One of her sisters married Dr. Sun Yat-sen, the father of modern China, while Madame Chiang herself wed a rising young military officer named Chiang Kai-shek.

She was one of the last living links to our alliance with China during World War II, in which she played a central role as adviser to her husband, President Chiang Kai-shek. Her death at age 106 represents the passing of an era.

Madame Chiang's ties to the United States were strong and long-standing. She was educated at Wesleyan College in Macon, Georgia and at Wellesley College in Massachusetts, where she graduated with honors in 1917, attending college at a time when most American women, not to mention Chinese women, had little opportunity to pursue higher education.

Her bicultural and bilingual skills allowed Madame Chiang to serve as a cultural bridge between East and West. She entered the American consciousness in the dark days of 1943 when the Chinese government, fighting for its life against the Japanese invaders, sent her on a goodwill mission to the United States. Madame Chiang crisscrossed the nation, and in eloquent speeches delivered in flawless English, she won the hearts of millions of Americans and graced the cover of Time Magazine. Her efforts culminated here on Capitol Hill where she became the first Asian woman to address a joint session of the Congress. Her appearance was instrumental in securing billions of dollars in military aid by the United States to China, thereby enabling a free Chinese government to survive and continue to fight. Madame Chiang returned to Capitol Hill a half century later when, in 1995, she was invited to assist with commemorative events marking the fiftieth anniversary of the end of World War II.

Mr. Speaker, I would like to note that, in addition to her death being mourned here and in Taiwan, even Madame Chiang's former opponents in Beijing offered kind words for her upon her passing. The Chairman of the Chinese People's Political Consultive Conference offered ''deep condolences'' to the family of Madame Chiang. The Chairman paid tribute to her by noting that she had ''been dedicated to the Chinese people's war of resistance'' during World War II. The People's Daily noted that ''she walked with China through turbulent times.''

Today, we remember Madame Chiang fondly as an old friend who devoted herself to understanding, friendship, and cooperation between the peoples of the United States and China. She leaves a lasting legacy, and we are greatly indebted to her for her life's work.

HONORING ARMANDO OLIVERA FOR HIS OUTSTANDING CONTRIBUTION TO THE SOUTH FLORIDA COMMUNITY

HON. ILEANA ROS-LEHTINEN
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Armando Olivera for his outstanding contribution to our South Florida community. Armando has been selected to serve as president of Florida Power & Light Company which, with annual revenues of over $8 billion, is widely recognized as one of the country's premier power companies.

During his 32-year tenure with FPL, Armando has demonstrated a proven track record of excellent organizational ability, as well as a profound commitment to our community.

On November 5, 2003, Armando will be honored by the Miami Dade College Foundation and Dr. Eduardo J. Padron, President of Miami Dade College, for his continuing achievements.

As we conclude the celebrations of Hispanic Heritage Month, and reflect upon the contributions of countless Hispanics across the Nation, it is important to recognize people like Armando. His resilience and hard work have enabled him to become not only a successful businessman, but also a proud member of the community who gives hope to fellow Cuban political refugees.

HOMILY OF CARDINAL AVERY DULLES AT THE 50th ANNUAL RED MASS

HON. HENRY J. HYDE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. HYDE. Mr. Speaker, I would like to call attention to the remarks given by Cardinal Avery Dulles during his homily for the 50th Annual Red Mass at St. Matthews Cathedral in Washington, D.C. The Red Mass—named for the red vestments worn by the celebrants and the color of fire, symbolizing the Holy Spirit—is celebrated annually in Washington the Sunday before the new U.S. Supreme Court session begins. This liturgy invokes guidance and wisdom on judges, attorneys, government officials and Supreme Court justices in their administration of justice. The Red Mass is sponsored by the John Carroll Society, a Washington area organization of lay professionals. This year marks the 50th Anniversary of the Red Mass.

Cardinal Dulles is an internationally-recognized theologian and is one of the leading thinkers of the American Catholic Church. He was born in New York in 1918 to John Foster Dulles, Secretary of State under President Dwight Eisenhower, and Janet Pomeroy Avery Dulles, and was ordained a Jesuit priest in 1956. Cardinal Dulles has written over 700 articles and 22 books on Catholic theology and has served on the faculty of Woodstock College and the Catholic University of America. Currently, he is the Laurence J. McGinley Professor of Religion and Society at Fordham University. He was elevated to the College of Cardinals in February 2001.

During his homily, Cardinal Dulles spoke on the subject of law and spirit. He said that law and spirit are ''inextricably conjoined'' and that laws are unsustainable without a moral and spiritual foundation. He also talked about our overly litigious society and the dangers of an obsessive legalism in the absence of virtue and grace. To sustain law and to enhance the relationship between spirit and law, Cardinal Dulles emphasized families, schools and churches as the primary agents for transmitting moral values and principles. He stated that ''the family, as the nucleus where life is born and where coming generations are formed, is today under severe pressure'', and that it needs to be protected.

Mr. Speaker, I would like to submit the remarks of Cardinal Dulles for the RECORD:

LAW AND SPIRIT 50TH ANNUAL RED MASS, AVERY CARDINAL DULLES, S.J., CATHEDRAL OF ST. MATTHEW, WASHINGTON, DC, OCTOBER 5, 2003

(Readings: Jer 31:31–34; 2 Cor 3:1–6; Jn 14:15–17)

All three of the readings for this Mass deal with the same two themes: law and spirit. Ezekiel prophesies a time when the law will be inscribed by the Spirit on the hearts of the people. Paul says that the Christians of Corinth have in their hearts a law written by the Spirit of the living God. And in the Gospel reading from John, Jesus speaks of the indwelling Spirit who will prompt his disciples to keep his commandments.

Many of you who are present for this Mass are in one way or another connected with the law, whether as legislators, as advocates, as administrators, or as judges. You therefore have to face the question, how is the law related to things of the spirit? In biblical history the two are neither separable nor antithetical but are inextricably conjoined. The Spirit of God inspires those who make the laws and gives the people the capacity to observe those same laws. Is the same true, at least analogously, for civil society? Do the making of laws, their interpretation, and their observance require spiritual qualifications?

The French political philosopher Montesquieu, in a work that profoundly influenced the framers of the United States

● 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.

Constitution, held that each major form of polity is animated by a distinct spirit, which he called, in the title of his classic work, ''The Spirit of the Laws.'' In a monarchy, he said, the dominant spirit is honor; in a despotism, it is fear, and in a republic the spirit must be virtue.

The founding fathers of our nation agreed. Our first three presidents, Washington, Jefferson, and John Adams, spoke eloquently of the necessity for civic virtue to undergird the health of our republic. Our fourth president, James Madison, wrote to the same effect: ''To suppose any form of government will secure liberty or happiness without any virtue in the people is a chimerical idea.''

Civic virtue, of course, is not a substitute for law. In a complex society such as ours, many laws are needed to coordinate social relationships. We justly pride ourselves in having a government of laws that prevents tyranny and capriciousness. But it is possible, in the absence of virtue, to put too much stock on law. Alexis de Tocqueville, a keen observer of the American scene, said that the Europeans of his day gave too much emphasis to laws and too little to mores. In the United States, he contended, customs and religious beliefs pervaded social life so thoroughly that the laws could be less onerous.

Where virtue prevails, laws will be framed with a view to the common good, not private self-interest. The laws, perceived as agreeing with the norms of justice, will carry moral authority. A virtuous people will feel obliged in conscience to obey them. But if laws are framed to satisfy the interests of particular groups, they will lose their moral authority, and the citizens will feel entitled to disobey, provided they do not get caught. Vice and criminality will proliferate.

Civilization depends on habits of the heart. It requires citizens who can trust one another to be honest, considerate, and truthful. When trust evaporates, the law has to assume a coercive function, compelling people to obey against their will. Elaborate mechanisms of surveillance, prosecution, and punishment must be erected. An army of auditors, detectives, police, attorneys, trial judges, and prison guards strives in vain to secure the order that responsible freedom would achieve. Free society gradually transforms itself into a police state.

In our litigious society, thirst for gain almost eclipses the passion for justice. Friends and family members readily take each other to court. Malpractice suits and the cost of insurance are forcing doctors and other professionals to abandon their practice. The courts are congested with heavy backlogs. We build more and larger prisons, which prove only to be schools of crime.

As men and women of the law, you know well that virtue cannot be legislated. But your concern for the law itself must give you a sense of the importance of moral convictions and moral training for the health of our society.

In our American tradition, great reliance has been placed on private institutions that directly inculcate virtue. Families, schools, and churches are among the primary agents for transmitting sound moral values.

The family, as the nucleus where life is born and where coming generations are formed, is today under severe pressure. It needs to be protected so that children can be raised in a stable and healthy environment. Broken homes and dysfunctional families are breeding-grounds of crime.

Schools extend the pedagogical functions of the family. To the degree that public education fails to instill moral convictions and behavior, this task will fall more heavily on private institutions, especially those conducted under religious auspices. Schools of this character fill the void left by value-free institutions that limit themselves to factual information and technical skills.

Religious institutions are of inestimable importance for transmitting moral probity. Perceiving this, John Adams declared: ''Our Constitution was made only for a moral and religious people. It is wholly inadequate for the government of any other.'' George Washington said much the same: ''Reason and experience both forbid us to expect that national morality can prevail to the exclusion of religious principle.'' The government cannot establish in this country any given religion, but it can protect and support religion as an aid to civic virtue.

Law and spirit belong together. They are as inseparable as body and soul. Law, at least civil law, is a human achievement, but the spirit, if it is to be upright, depends chiefly upon the grace of God, who can transform our hearts and fill them with his love. May God forgive us for having so often tried to do without him! In prayer and worship we beseech him to impart a generous measure of his Spirit on our nation, its governors, and those who frame, interpret, and apply its laws.

HONORING REVEREND ROGER TOBIN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize Reverend Roger Tobin of St. Thomas Episcopal Church, in my Congressional District, on the 25th Anniversary of his ordination.

Reverend Tobin is an outstanding member of the South Florida community who enlightens and inspires all who are blessed to know him. Through his dynamic leadership during the last 17 years at St. Thomas, Reverend Tobin has seen both the church and the school double in size, a true testament to his unwavering dedication to his church community. Not only is Reverend Tobin striving to improve the physical plant at St. Thomas through a major reconstruction project, but he is also striving to deepen his own intellectual and spiritual life through a personal retreat.

I ask my colleagues to join me in congratulating Reverend Tobin on 25 years of tireless service to the Episcopal Church. Thank you Reverend, and may God continue to bless you, your lovely wife, Janice, and your sons, Jonathan and Nathaniel as you continue your mission.

H.R. 3407 AND SUPPLEMENTAL APPROPRIATIONS BILL

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Ms. LEE. Mr. Speaker, my deepest sympathies go out to the Californians who are suffering in the devastating wake of the fires currently raging in the Southern part of my home state. I want to be clear: I unequivocally support the federal disaster assistance that California and Californians will require to rebuild in the aftermath of the tragic fires. That is why I am an original cosponsor of H.R. 3407, the California Funding for Immediate Relief of Wildfire Emergencies Act, which provides an emergency appropriation to FEMA of $500 million for disaster relief associated with the fires.

What I am opposed to, however, is the shameful, politically motivated decision to include the $500 million in FEMA funding in a bill that deals with the most serious question of war. Mr. Speaker, I cannot, and will not vote for almost $87 billion to fund the Bush Administration's continuing war in Iraq, and just as I voted against the original Supplemental Appropriations bill, I will vote against this conference report.

HONORING ROCHESTER GENERAL HOSPITAL

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Ms. SLAUGHTER. Mr. Speaker, today I rise to pay special tribute to the Rochester General Hospital located in Rochester, New York, a 526-bed Center of Excellence within the boundaries of the 28th Congressional District of New York. The hospital, which is home to the Rochester Heart Institute, is New York's fourth largest cardiac center, providing complete diagnostic services, medical, invasive, and non-invasive treatment, three progressive levels of cardiac rehabilitation and state-of-the-art cardiothoracic surgery.

This year, the century-old teaching hospital has been named a 2003 Solucient 100 Top Cardiovascular Hospital. Although the hospital has received this designation three previous times, the 2003 distinction is especially meaningful, as it is one of only two hospitals in New York State so distinguished.

The fifth annual study, Solucient 100 Top Hospitals Cardiovascular Benchmarks for Success—2003, used publicly available data, statistically adjusted for illness levels, to track performance in seven key cardiology/cardiac surgery areas. Specifically, hospitals that cared for at least 20 cases in each of the four categories of acute myocardial infarction (heart attack), congestive heart failure, angioplasty (PTCA) and coronary artery bypass graft surgery (CABG) were rated by the seven following indicators: procedure volume, risk-adjusted medical mortality, risk-adjusted surgical mortality, risk-adjusted complications index, percentage of CABG patients with internal mammary artery use, severity-adjusted average length of stay, and wage and severity-adjusted average cost.

Rochester General Hospital's designation as one of America's Top 100 Cardiovascular Hospitals is particularly important to health care consumers. The aforementioned study concluded that facilities found worthy of this distinction consistently outperform their peers, especially in terms of mortality and complication rates. This specific achievement is evidence that the skilled performance and excellent outcomes in cardiovascular services at Rochester General Hospital of Rochester, New York have propelled the hospital to the top one per cent of acute-care hospitals in the United States of America.

It is indeed my great privilege, as the elected Representative of the 28th Congressional

District of New York, to formally honor Rochester General Hospital of Rochester, New York, for having achieved excellence in the area of heart care, as an integrated source for patient cardiovascular needs, from prevention and education to diagnosis, treatment and recovery.

IN RECOGNITION OF THE HOUSTON AREA NETWORK ONLINE COMMUNITY (HAN-NET)

HON. CHRIS BELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. BELL. Mr. Speaker, I rise to honor The Houston Area Network Online Community (HAN–NET), a forum for gay, lesbian, bisexual, and transgender activists and others committed to the cause of equality and civil rights for all. HAN–NET has been in operation since November 1998 and is ceasing operations on November 1, 2003.

Throughout its existence and operation, HAN–NET has informed, challenged and inspired the Houston GLBT community and has been extremely successful in accomplishing its mission to simplify and accelerate communication within the Houston GLBT community.

HAN–NET, a Yahoo groups ''listserv,'' has enhanced GLBT community communication through its online announcements, news, and dialogue. HAN–NET has made pertinent information immediately accessible to its members. Information reached members directly and was packaged for quick redistribution.

The HAN–NET online community participated in several collaborative efforts including establishing community priorities and activist goals for the Houston GLBT community. I strongly support these goals which include: focusing on local and state political issues impacting the GLBT community; finding a new home and permanent funding for the Houston Lesbian and Gay Community Center; finding permanent funding for the operation and growth of the Gulf Coast Archives and Museum; building a strong corporate network group; supporting HIV education and prevention; and establishing an educational outreach program for the transgender community.

It is my sincere hope that the success of HAN–NET will inspire other community leaders to continue and grow the mission of its founders.

I know my colleagues join me in congratulating HAN–NET moderator Brandon J. Wolf and the HAN–NET online community for a job well done for Houston's GLBT community. Mr. Wolf's commitment to improved communication and outreach for the past five years has been inspiring and extremely worthwhile. I wish him great success in his continued work for the GLBT community.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber on October 29, 2003. I would like the record to show that had I been present in this Chamber, I would have voted ''nay'' on rollcall votes 574 and 575. I also would have voted ''yea'' on rollcall votes 576, 577, 578 and 579.

VETERANS HEALTH CARE FACILITIES CAPITAL IMPROVEMENT ACT

SPEECH OF

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. HEFLEY. Mr. Speaker, I rise today in support of H.R. 1720, the Veterans Health Care Facilities Capital Improvement Act, a two-year authorization bill that will authorize the Secretary of Veterans Affairs to carry out major medical facility construction projects to improve, renovate, replace, update or establish patient care facilities of the Department of Veterans Affairs.

In addition to authorizing $168 million for fiscal year 2004 and $600 million for fiscal year 2005 for construction of undesignated major projects, H.R. 1720 also authorizes the Secretary of Veterans Affairs to carry out a major medical facility project at the former Fitzsimons Army Medical Center site in Aurora, Colorado. H.R. 1720 would authorize this project to be carried out using a total appropriation of $300 million.

Mr. Speaker, since the end of World War II, the Veterans Medical Center in Denver and the University of Colorado hospitals have shared expensive and specialized medical equipment and facilities, such as surgical suites and imaging equipment. This partnership has also included the sharing of expensive specialty diagnostics and medical treatments.

Due to the lack of space, inability to renovate or construct newer facilities and the cost associated with continuing to use the site, the University of Colorado Hospital moved its campus in 1995 to the former Fitzsimons Army Medical Center. This site is four and one half times the size of the existing campus and provides the school with a new medical complex for the 21st century.

As the University completes its move to Fitzsimons, a state of the art medical campus will be developed and many of the very best services in the United States will be available. For example, the Anschutz Cancer Pavilion, which is already open, is among the best institutions in the nation for all types of cancer treatment and research. In addition, the University of Colorado Health Sciences Center is well known throughout the country for its organ transplant programs.

While the move to the Fitzsimons site solved existing problems and provided future advantages for the University of Colorado Hospital, it unfortunately separated the Denver Veterans Medical Center from both the University of Colorado Health Sciences Center and the University of Colorado Hospital by eight miles. While the University of Colorado Hospital and the Veterans Medical Center continue to share medical resources, this eight mile separation creates a very real and significant barrier to quality care for veterans who receive their care at the Denver Veterans Medical Center.

Compounding this problem, a recent study commissioned by the Veterans Integrated Service Network (VISN) 19 indicated that high demand for medical services by veterans at the Denver Veterans Medical Center will continue unabated for the next 20 years. The cost of maintaining the current Denver Veterans Medical Center to satisfy minimal accreditation levels until 2020 has been estimated to be $233 million, and estimates to rebuild the facility in 2020 are $377 million in today's dollars.

Planning studies have shown that a move of the Denver Veterans Medical Center to the Fitzsimons campus is the most cost effective of the reasonably acceptable alternatives. Passage of H.R. 1720 will allow the Denver Veterans Medical Center to relocate to the Fitzsimons site and enjoy many of the same opportunities as the University of Colorado Health Sciences Center enjoys now. This will include, but is not limited to, solving aging facilities issues, capping new facilities cost, enhancing quality of medical care, increasing flexibility and reducing operational costs.

Veterans who have highly specialized medical needs must have easy access to the best diagnostic and treatment programs that America provides. In a medical school environment doctors tend to be better informed of the latest treatment procedures and protocols. They are closer to the ''cutting edge'' of modern medicine. Quality of medical care for veterans is enhanced in a medical school teaching hospital.

University physicians in specialty residency programs provide a significant amount of care in the Denver Veterans Medical Center. To date some 90 percent of the physicians that work at the VA Medical Center also work at University of Colorado Health Sciences Center and most VA doctors have faculty appointments in the Medical School. Co-locating the University of Colorado Hospital with the Denver Veterans Medical Center will allow University doctors to continue their close relationship in treating veterans. Not allowing the Denver Veterans Medical Center to move to the Fitzsimons campus is simply unacceptable and it would not be in the best interest of high quality patient care veterans deserve to abandon this partnership of over fifty years.

The new VA Medical Center at Fitzsimons site will be veteran-friendly and will provide a practicable alternative to the Denver Veterans Medical Center remaining at its current, outdated facility. The new Veterans Medical Center at Fitzsimons will be a free-standing ambulatory and inpatient care federal tower building for veterans, clearly identified as the Veterans Administration Medical Center with its own nearby parking. New veterans research facilities will be constructed and there will be a new veterans long-term care unit located next to the new 180-bed State veterans nursing home currently being constructed at the site.

This project has another group of potential beneficiaries, as well. The Department of Defense will likely construct a military treatment facility to meet the needs of Buckley Air Force Base. One attractive solution will be to meet the Buckley Air Force Base's military treatment facility requirements by participating in joint construction of a joint Denver Veterans Medical Center and a Department of Defense facility at Fitzsimons. The Air Force, as well as the Department of Defense, find this partnership to be in its long term interest. For this reason, the House-passed Fiscal Year 2004

National Defense Authorization Act (NDAA) included $4 million for the Department of Defense's portion of the design and planning phase of its military treatment facility.

Additionally, recognizing the importance of cost savings and other efficiencies, the FY04 NDAA included report language directing that the Department of Defense and the Department of Veterans Affairs make every effort to share health care facilities. I have included this report language below:

TITLE XXIV: DEPARTMENTS OF DEFENSE AND VETERANS AFFAIRS HEALTHCARE SHARING

The committee continues to believe that significant efficiencies are possible if the Department of Defense and the Department of Veterans Affairs (VA) share health care facilities. However, the Department and VA operate only 7 joint ventures, even though the 2 departments operate approximately 240 hospitals. Such incremental progress is representative of the significant bureaucratic challenges facing the health care sharing effort. Nevertheless, the committee believes that the Department and VA should take advantage of health care sharing opportunities whenever possible.

The committee understands that the Colorado University School of Medicine has begun relocation to the site of the closed Fitzsimons Army Hospital. The Department of Veterans Affairs is currently considering replacement of the Denver VA Medical Center, a 50–year-old structure now co-located with the Colorado medical school, as a part of that relocation. The committee understands that the Department is also considering participation in the VA Medical Center's new facility. As such, the committee believes that the Department of Defense should participate in design and construction of this facility, which would provide ambulatory and acute care medical services to military personnel attached to Buckley Air Force Base. Such an approach would allow the Department to leverage construction, operations, and maintenance costs of a joint facility with VA, and eliminate the Department's need to construct an additional medical treatment facility at Buckley Air Force Base. In this particular case, a joint facility would further benefit by sharing significant assets with the Colorado University School of Medicine Facility, resulting in further savings.

With the expectation that the Departments of Defense and Veterans Affairs will reach an agreement on sharing design and construction costs at levels representative of their medical requirements, the committee recommends authorization of $4,000,000 for planning and design of a DOD–VA medical treatment facility at the site of the closed Fitzsimons Army Hospital.

The funds included in the House-passed FY04 NDAA are a critical step toward ensuring that the VA and the DOD leverage their resources through joint projects that meet both of their requirements. Constructing a VA–DOD facility at Fitzsimons will serve as a model for future efforts to serve the medical needs of America's service members and veterans alike. And, I would like to point out that inpatient care for the veterans and the DOD will be located in the same federal tower as the veterans ambulatory care, but will be connected to the University of Colorado Hospital to share expensive facilities such as operating rooms and medical imaging.

Mr. Speaker, given the rising demand for veterans' health care, and the significant challenges of an aging and increasingly less-efficient Denver Veterans Medical Center facility, my interest and my efforts are aimed at continuing the collaboration between the Denver Veterans Medical Center, University of Colorado Health Sciences Center and University of Colorado Hospital. I believe that the opportunity to locate the Denver Veterans Medical Center with the University of Colorado Health Sciences Center and the University of Colorado Hospital at the Fitzsimons campus will meet the demand for veteran care in the VISN 19 area through 2020 and beyond; provide significant savings in both capital and operational costs for the Department of Veterans Affairs and the taxpayer; continue to meet the Denver Veterans Medical Center commitment to education and research; and potentially create a national model for the future of veterans' care dealing with both a new concept for facilities and collaboration with long-established partners. More importantly, this move will retain veteran ''identity'' while also providing optimum patient care:

To date, over 45 local, state and national Veterans' Service Organizations and the American Federation of Government Employees, Local 2241, have expressed their support for this proposal. We stand committed in the goal of providing the utmost modern, comprehensive and cost-efficient medical care that we as a nation owe our veterans. And I believe that co-locating the Denver Veterans' Medical Center with the University of Colorado Hospital will achieve these goals.

Mr. Speaker, Congress has a duty to provide the best medical care it can to our nation's veterans and we must always strive for the very best health care services it can by utilizing the most cost-effective measures available. The fact is, aging facilities, lack of funds, and the growing demands on the veterans health system are proving to be daunting obstacles in meeting Congress' responsibilities to our nation's veterans. However, the possibility for the Denver Veterans Medical Center to move to Fitzsimons and co-locate with University of Colorado Health Sciences Center and University of Colorado Hospital is a unique opportunity to provide solid and constructive solutions to these challenges.

WISCONSIN CITIZEN ACTION 20TH ANNIVERSARY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to recognize Wisconsin Citizen Action's 20th Anniversary as the state's leading public interest organization. I am honored to share with you today the accomplishments of this powerful Wisconsin organization.

I applaud Wisconsin Citizen Action's twenty year commitment to political activism for progressive change that benefits all of us in Wisconsin. They have helped pass twenty laws, trained and developed hundreds of citizen leaders, and organized tens of thousands of residents to work for social, economic and environmental justice. Just a few of their recent victories include SeniorCare, a vitally important program to provide seniors with prescription drug coverage, a mining moratorium protecting Wisconsin's precious northwoods against unsafe mining, a tough ordinance for lead poisoning prevention in Milwaukee, and they also obtained a five-fold increase in the funding for the SAGE program, which reduces classroom size for our Wisconsin school children.

As a former Wisconsin Citizen Action board member, I had the privilege of seeing firsthand the truly remarkable impact Wisconsin Citizen Action has had on our great state. Wisconsin Citizen Action has given Wisconsin residents the power to improve their communities. It is through people working together and sharing ideas that social change is achieved, and as these recent accomplishments demonstrate, Wisconsin Citizen Action does just this. I commend this group for their insight and their tireless action in joining the political power of a few with the voices and ideas of many.

Mr. Speaker, I join my fellow Wisconsinites in congratulating Wisconsin Citizen Action on their 20th Anniversary and for their many great achievements. I wish them continued success for another 20 years and beyond.

RECOGNIZING AUBREY DALE BELL

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. ROGERS of Alabama. Mr. Speaker, Sgt. Aubrey Dale Bell, 33, of Tuskegee, Alabama, did this past Monday in Baghdad. Sgt. Bell was a member of the 214th Military Police Company based in Alexander City, Alabama, and was killed in an attack on the Iraqi police station he was helping guard.

Aubrey Bell was a quiet and unassuming person, Mr. Speaker, but he took pride in working hard for his country. When not serving in the National Guard, he worked in Alexander City at Russell Corporation. Like every other soldier, he dutifully left behind his family and loved ones to serve our country overseas.

Words cannot express the sense of sadness we have for his family, and for the gratitude our country feels for his service. Sgt. Bell died serving not just the United States, but the entire cause of liberty, on a noble mission to help spread the cause of freedom in Iraq and liberate an oppressed people from tyrannical rule.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve.

Thank you, Mr. Speaker, for the House's remembrance on this mournful day.

RECOGNIZING ANOKA, MINNESOTA, AS THE HALLOWEEN CAPITAL OF THE WORLD

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. KENNEDY of Minnesota. Mr. Speaker, I would like to recognize the city of Anoka, Minnesota, as the ''Halloween Capital of the World.'' Anoka has been holding Halloween festivities since 1920, when a group of business and civic leaders suggested the idea of

a celebration to deter old-time Halloween pranks. The community planned a night parade that featured children in costume marching along with members of the fire department, Kiwanis Club, Commercial Club and the National Guard.

Anoka first called itself the ''Halloween Capital of the World'' in 1937, with a proclamation carried to Washington, D.C. by 12 year-old Anoka resident, Harold Blair. Since the first celebration, the festivities have expanded to include card parties, bingo, a 5K Grey Ghost Run and a parade that is the second largest in the state. This year's celebration marks the 81st annual festival and was bigger and better than ever.

I would like to congratulate and thank the city of Anoka, the more than 30 volunteers and all who work to make the Anoka Halloween celebration a yearly success and a family event for everyone to enjoy.

RON PICKERING: DEDICATED TO THE CAUSE OF LABOR

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. SANDERS. Mr. Speaker, it is an honor to recognize the contributions of Ron Pickering, an individual of great importance to the working people of America, and particularly my state of Vermont. For the past ten years he served with distinction as the President of the Vermont AFL–CIO. Ron was a remarkably effective and dedicated leader of Vermont's most important labor council.

He has also served most capably as the international representative for PACE [the Paper, Allied-Industrial, Chemical and Energy Workers International Union], in which capacity he serviced many contracts in New England.

I have known Ron for many years, both as a personal friend and as colleague in the struggle for workers' rights. It is with a sense of deep respect that I say that Ron Pickering reinvigorated the trade union movement in the state of Vermont and laid the groundwork for some of the most important labor victories in the state's history.

Ron has been one of the best and most influential advocates for working people the state of Vermont has ever seen. His effectiveness in the State House in Montpelier has meant that working men and woman have had a voice, and a most eloquent voice, in the deliberations of state government.

Together with his wife Gloria, who has time and again been at his side while he traveled throughout the state of Vermont, Ron Pickering has stood up for the labor movement, for the needs of working Americans, and for the rights of those who put in a hard day's work—every day—to see that America remains productive and strong.

TRIBUTE TO THE JAMES G. SHAWGER SCHOOL NO. 4

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to the James G. Shawger School No. 4 in Belleville, New Jersey, which celebrated its centennial on Sunday, November 2, 2003.

Over the past one hundred years, the James G. Shawger School has grown from a quaint four room school house into a modern twenty-five room school with well over 300 students. Built on the tradition of camaraderie, hard work, and dedication to quality education, the Shawger School has become a paradigm of learning, promoting personal integrity, excellence, and service in its students. It is thus only fitting that the James G. Shawger School No. 4 be honored, in this, the permanent RECORD of the greatest freely elected body on earth.

Founded in 1903 in the Silver Lake District of Belleville, the James G. Shawger School was not unlike other turn-of-the-century schools. Brothers, sisters, and cousins attended classes that intermingled all of its students regardless of age and educational background. While at school, students were encouraged to better themselves through strict discipline and a commitment to learning the three R's (Reading, Writing, and Arithmetic). Early teachers and principals who set out with the goal of attaining the ''betterment of all concerned,'' succeeded in creating a spirited school community of which all could be proud.

The emphasis that these ''pioneer'' teachers placed on fostering the academic, moral and social education of Belleville's young men and women was closely paralleled by the spirit of solidarity that permeated the early community in Belleville as a whole. This spirit was evident in the aftermath of the tragic fire that swept through the four-room school in the early 1900s. In the days following the fire, neighborhood fathers worked side by side with carpenters, volunteering their time to rebuild and renovate the school.

Over the years, parents gradually increased their role in the school community. The 1950's and 1960's saw parents begin to assume an integral role in their children's education with the formation of the Parent-Teacher Association and, later, the Home and School Association. Members of these organizations dedicated themselves to staying abreast of new legislation affecting education, preparing bylaws and coordinating activities for the students and their families. By the 1970's and 1980's, these activities broadened to encompass assembly programs, family events, and scholarship programs. The hard work, dedication, and countless fundraising activities on the part of the students and their parents through these organizations have made the Shawger School a model of excellence among its surrounding communities.

Mr. Speaker, it has often been said that the true goals of education should be to build character and intelligence. The dedicated teachers and principals of the James G. Shawger School who have left an indelible mark on the lives of thousands of Belleville's young men and women are perhaps the greatest testimony to this. Their commitment to inspiring leadership, education, and service in the children of Belleville has long been a beacon of excellence—one that will shine well into the future.

Mr. Speaker, I ask that you join our colleagues, the residents of the Township of Belleville, and me in paying tribute to the James G. Shawger School as it celebrates one hundred years devoted to molding the children of Belleville, New Jersey, into the leaders of tomorrow.

HONORING ELIZABETH SCHROEDER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. PORTER. Mr. Speaker, I rise today to recognize Elizabeth Schroeder, the executive director of the Mesquite Chamber of Commerce. In her seven years as executive director she has helped transform Mesquite into one of the premier resort and gaming communities in the United States. Her dedication to showcasing the community nationally, attracting new services, and creating a welcoming business climate will serve Mesquite well for decades to come. I want to thank Elizabeth Schroeder for everything she has done and wish her well in her future endeavors.

HONORING CONGRESSMAN BILL CRAMER

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. BILIRAKIS. Mr. Speaker, I rise today with a heavy heart to honor Congressman Bill Cramer, one of our former colleagues who recently passed away.

William Cramer, or Bill as he was known, lived a life of public service. He served 18 months as a Naval gunnery officer during World War II and was among the brave young men who invaded France and liberated Europe. He returned to the United States following the war, and after graduating from Harvard Law School, served as a city and county attorney in Pinellas County, Florida. He also actively involved himself with local volunteer and charitable organizations.

Bill Cramer was a revolutionary in Florida politics. He was, when he won his seat in 1954, the first Republican from Florida elected to Congress since the Civil War. Congressman Cramer opened the door, so to speak, for Republicans seeking office in the Sunshine State. Before his election, many used to joke that Republicans could not get elected to anything in Florida, let alone a congressional seat. Congressman Cramer changed that and quickly became our party's standard bearer in the state.

Congressman Cramer, in just his fifth term, became the ranking member on the House Public Works Committee. In 1964, he became Vice Chairman of the House Republican Conference, the second ranking House Republican behind Michigan Congressman and future President Gerald Ford. He vacated his

House seat in 1970 for what ultimately was an unsuccessful bid for the U.S. Senate. One of Congressman Cramer's congressional aides, Appropriations Committee Chairman BILL YOUNG, replaced him as the representative of Florida's Tenth Congressional District.

Bill Cramer's public service did not end with his departure from Congress. He practiced law, held various positions with the Republican National Committee, and accepted several jobs in the Nixon and Ford Administrations. He then, as he later said, ''decided he wanted to spend more time back home'' where he grew up, so he returned to Florida where he continued to use his talent and influence to help Tampa Bay area residents.

Mr. Speaker, next year marks the fiftieth anniversary of Bill Cramer's election to Congress. I hope that, as we approach that milestone, our colleagues on both sides of the aisle will join the Florida delegation in remembering him and his dedicated work in this institution on behalf of his constituents and his country.

INTRODUCTION OF H.R. 3428

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, today, I am introducing a bill that would name a portion of the U.S. courthouse located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the ''Justin W. Williams United States Attorney's Building.'' On August 31, 2003, Assistant United States Attorney Justin W. Williams, Chief of the Criminal Division in the Eastern District of Virginia, died tragically at the age of 61 from a heart attack as he jogged along the Potomac River in Old Town, Alexandria, Virginia. Mr. Williams's untimely death marked the end of a career of a truly remarkable public servant who was loved and respected by all of his colleagues and those who had the pleasure of knowing him.

Mr. Williams's distinguished career as a federal prosecutor began on May 11, 1970. During the ensuing 33 years he was either directly involved in or supervised every major federal prosecution in the Eastern District of Virginia, including the prosecutions of Aldrich Ames and Robert Hanssen, both of whom were convicted of spying for the Soviet Union. During his career, Mr. Williams was appointed Acting United States Attorney on two occasions, June 1979 to November 1981 and January 1986 to June 1986, during which time he served with distinction. He was also at various times First Assistant United States Attorney, Senior Litigation Counsel, and for most of his illustrious career Chief of the Criminal Division of the United States Attorney's Office for the Eastern District of Virginia. His many accomplishments and awards, far too numerous to list, included the Attorney General's Award for Excellence in Furthering the Interest of the United States National Security (2002), as well as three Director's Awards for Superior Performance as an Assistant United States Attorney.

Mr. Williams was a mentor and role model for all those who served in the U.S. Attorney's Office during his tenure, as well as those in law enforcement who worked with him. His illustrious career was a testimonial to courage, conviction, fairness, and decency. He is survived by his wife, Suzanne Williams, and their two children, Andrew Grant Williams and Caitlin Grey Williams. He is also survived by his mother, Edith Williams. I urge all of my colleagues to support this fitting tribute to a truly remarkable public servant.

CELEBRATING THE COLLABORATIVE EFFORTS OF THE CHINA ASSOCIATION FOR EXPEDITION (CAE) AND THE SINO AMERICAN AVIATION HERITAGE FOUNDATION (SAAHF) IN THE DISCOVERY AND RECOVERY OF A HISTORIC P–40 AIRCRAFT

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. NUNES. Mr. Speaker, I stand before you today to recognize and celebrate the collaborative efforts of the China Association for Expedition (CAE) and the Sino American Aviation Heritage Foundation (SAAHF) in the discovery and recovery of a historic P–40 aircraft that will forever bind America to China.

At the end of 1941, the Japanese military occupied much of China. As the world was consumed by the spread of global war, a group of American pilots valiantly fought to free China from the grip of Imperial Japan. This volunteer group of young men was called the American Volunteer Group, or the AVG. The pilots in the AVG were some of the first Americans to experience combat against the Japanese in World War II. Their brave and fearless acts earned this group the respect of friends and foes alike. Their heroic deeds and dedication to the defense of the Chinese people would eventually fly them into the annals of history immortalized forever as the legendary ''Flying Tigers''.

On April 28, 1942, a Curtiss P–40 Tomahawk fighter plane piloted by John Blackburn of the AVG mysteriously crashed into Lake Dianchi in Yunan, China. The lake bottom would be its resting place where it was nearly forgotten for over 60 years in the cold waters—slowly rusting away. It was not until 1997, when a group of Chinese and American military veterans and aviation enthusiasts teamed together in an unprecedented demonstration of American-Chinese relations, to locate, recover and restore this plane. On November 15, 2003, Americans and Chinese will once again join forces to commemorate the recovery of John Blackburn's P–40 from its murky grave.

This priceless piece of aviation history is thought to be the only surviving P–40 fighter aircraft belonging to the Flying Tigers. This war bird once protected the skies of China from a ruthless and determined enemy, and flew in support of Chinese airmen, soldiers, guerrilla fighters and civilians. Piloted by young Americans ready to sacrifice their lives to protect the people of China at a moment's notice yet steadfast in its mission to conquer a common enemy. This P–40 fighter plane symbolizes not only the great spirit of cooperation and trust, but also the mutual respect that existed between the American and Chinese people during World War II.

Mr. Speaker, I would again like to recognize the efforts between our two countries in the recovery of this historically valuable aircraft. But even more importantly, this endeavor grants the opportunity for citizens in both our great countries to rekindle this legacy of goodwill, hope, inspiration and trust.

13TH DISTRICT'S CONGRESSIONAL CLASSROOM PROGRAM

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Ms. HARRIS. Mr. Speaker, just three weeks ago, twenty-one exceptional students from Southwest Florida experienced an adventure of a lifetime.

As participants in the 13th District's Congressional Classroom program, these competitively and independently selected young men and women spent a full week in Washington engaging in a unique, up-close study of our federal government.

They learned from a bipartisan array of some of the most eminent and experienced leaders in Washington, including Speaker HASTERT, Deputy Secretary of State Richard Armitage, and C–SPAN founder Brian Lamb. Then, they applied their newfound knowledge in a mock Congress session.

In conducting this mock session, the students were randomly assigned roles as Republicans and Democrats and as Legislators and District Representatives. I wish to congratulate Gary Shumard and Alex Clark, who tied for the award as the ''Best Republican;'' Peter Dobosz, who was recognized as the ''Best Democrat,'' and Kelly Crawford and Cody John, who qualified for the honors of ''Best Legislator'' and ''Best District Representative,'' respectively.

Mr. Speaker, the enthusiasm and zest for the values of good citizenship that these students displayed were truly inspiring. I thank them for their dedication, while looking forward to the outstanding contributions that they will make to our society.

HONORING DR. TIMOTHY P. RYAN

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. VITTER. Mr. Speaker, I rise today to honor Dr. Timothy P. Ryan, the new Chancellor of the University of New Orleans. On Saturday, November 1, Dr. Ryan accepted the appointment of the Louisiana State University System's Board of Supervisors to serve as the fifth Chancellor of the Lakefront campus.

Dr. Ryan received a Bachelor of Arts degree in Economics from the University of New Orleans in 1971 and a Ph.D. in Economics from the Ohio State University. He has been a member of the UNO faculty since 1976 and served as Dean of the College of Business Administration until accepting his new post as Chancellor. During his brief tenure as Interim Executive Vice Chancellor and Chief Operating Officer at UNO, Dr. Ryan controlled the University's budget and demonstrated positive change.

Dr. Ryan has received overwhelming support from the University community and I look

forward to working closely with him on priorities for the University and New Orleans. I am confident that his experience and knowledge of Louisiana's higher education and its vital link to our economy will contribute to not only the University of New Orleans, but to our entire State.

PERSONAL EXPLANATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. BLUMENAUER. Mr. Speaker, had I been present for the following votes on October 30, 2003, I would have voted as follows:

Rollcall vote 594; I would have voted ''yea'' on a motion to recommit H.R. 2691, the Interior Appropriations Conference Report.

Rollcall vote 595; I would have voted ''nay'' on final passage of H.R. 2691, the Interior Appropriations Conference Report. While I appreciate the hard work of the Committee and the funding in this bill that went to important projects in Oregon, I am disappointed that the bill contained significant cuts in the Conservation Trust Fund. I am also opposed to the anti-environmental riders in the bill, especially limits of judicial review in the Tongass and Chugach National Forests in Alaska.

Rollcall vote 596; I would have voted ''yea'' on H. Con. Res. 302, expressing the sense of Congress welcoming President Chen Shuibian of Taiwan to the United States on October 31, 2003.

Rollcall vote 597; I would have voted ''nay'' on the martial law rule allowing for the same day consideration of the Iraq supplemental appropriations bill. House rules require a one day layover requirement so members have a minimum amount of time to review the final report before voting on it. It is a travesty that the Republican leadership put this Congress in a position to vote on a bill that spends $87 billion without adequate review.

Rollcall vote 598; I would have voted ''yea'' on this motion to instruct conferees on H.R. 6, the Energy Bill. The motion to instruct would call on the conferees to abandon a provision allowing the EPA to extend smog standard deadlines for cities beyond the extension already provided for under the Clean Air Act. This provision is outside of the scope of the Conference Report and will result in dirtier air for communities around the country.

Rollcall vote 599; I would have voted ''yea'' on this motion to instruct conferees on H.R. 1, the Medicare Prescription Drug Benefit Bill, to reject premium support.

Rollcall vote 600; I would have voted ''yea'' on the motion to recommit H.R. 3289, the Conference Report for the Iraq and Afghanistan Supplemental Appropriations Act.

Rollcall vote 601; I would have voted ''nay'' on final passage of H.R. 3289, the Conference Report for the Iraq and Afghanistan Supplemental Appropriations Act. I voted against this legislation when it first came before the House and this final conference report still does too little for our troops, too little for Afghanistan, and does not address the problems we are facing in Iraq.

REPUDIATING ANTI-SEMITIC SENTIMENTS EXPRESSED BY DR. MAHATHIR MOHAMAD, OUTGOING PRIME MINISTER OF MALAYSIA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. HASTINGS of Florida. Madam Speaker, Malaysia's Prime Minister Mahathir Mohamad made repugnant anti-Semitic statements when addressing the tenth Islamic Summit Conference.

Madam Speaker, I denounce and condemn this statement as dangerous, morally bankrupt and beyond the pale of civilized dialogue. His statement comes directly out of the Hitler playbook, and reflects centuries of anti-Semitism that have led to pogroms and genocide. Jewish, Muslim, or agnostic, black, white, yellow, or pink. We are all appalled by words and actions that spread hatred.

Prime Minister Mahathir has a long history of making unambiguous anti-Jewish utterances and actions and he has time and again identified himself as an implacable enemy of Jews.

Prime Minister Mahathir was an anti-Semite in 1970 when he wrote of the ''hook-nosed'' Jews. He was an anti-Semite in 1984, when he wouldn't let the New York Philharmonic play a composition by a Jewish musician, and in 1986, when he called Jews ''monsters.'' He was an anti-Semite in 1994, when he banned ''Schindler's List'' and in 1997, when he attacked George Soros as a Jew robbing his country. And, indeed, he is an anti-Semite today.

In an interview with the Bangkok Post, Prime Minister Mahathir complained that his remarks had been taken out of context. ''They picked up one sentence where I said that the Jews control the world,'' he protested, declaring that the reaction proved ''they do control the world.''

On the contrary, the reaction of most of the international community reflects the obvious: Prime Minister Mahathir is a bigot; an irresponsible and incendiary, nauseating prejudist.

Nevertheless, it got a standing ovation from the kings, presidents, sheiks and emirs—including key U.S. allies.

I am disillusioned that the moderate voices in the Arab world also remained silent. The Egyptian foreign minister, Ahmed Maher, called the speech ''a very, very wise assessment.'' Asked by the AP whether he thought the speech was anti-Semitic, Afghan President Hamid Karzai said: ''I don't think so.''

In addition, I am especially outraged by the actions of French President Jacques Chirac and Greek Prime Minister Costas Simitis to block the inclusion of a condemnation of Mahathir's anti-Semitic speech in the official statement of an EU summit.

Mahathir is retiring Oct. 31 after 22 years in power. Good riddance!

RECOGNIZING THE YOUTH SERVICES OF THE TEENAIDS-PEERCORPS IN BOSTON, MASSACHUSETTS

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. OLVER. Mr. Speaker, I rise today to recognize the valuable educational services TeenAIDS-PeerCorps has provided for youth around the world. Over 42 million people throughout the world are infected with AIDS, and more than 7,000 children contract AIDS each day. Reports estimate that some 3 million children around the world have HIV or AIDS with an estimated 4,400 infected young adults between 13 and 19 years of age in the United States. Increased efforts to educate teenagers about the methods of transmission and ways to reduce their risk of contracting AIDS have helped to decrease the infection rate.

TeenAIDS-PeerCorps, located in Boston, Massachusetts, was created in 1995 to educate teenagers around the world about HIV and AIDS. By sponsoring programs across the globe and utilizing the Internet, TeenAIDS-PeerCorps has influenced the lives of many youths. Since the inception of TeenAIDS-PeerCorps, almost 135,000 teenagers in 60 countries and 20 U.S. states have been counseled on the dangers of HIV and AIDS. Teenagers are encouraged to share their experiences and learn from their peers about how HIV and AIDS have changed their lives.

For the past 5 years, Dr. John B. Chittick, a resident of Fitchburg, Massachusetts and Executive Director of TeenAIDS-PeerCorps, has been traveling on an international humanitarian effort to increase HIV and AIDS awareness. Dr. Chittick uses open discussion, stop-action improvisation theater, and a comic book to communicate his message to teens. The TeenAIDS-PeerCorps and Dr. Chittick's efforts have positively impacted and educated many youth. I applaud their efforts and urge the TeenAIDS-PeerCorps and Dr. Chittick to continue their domestic and international role as HIV and AIDS educators.

REINTRODUCTION OF JTTF LEGISLATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mrs. MALONEY. Mr. Speaker, today, I introduce legislation that will ensure that local law enforcement is represented on Joint Terrorism Task Forces. It would codify the number of JTTFs for full nationwide coverage. This legislation allows for increased representation of the Bureau of Citizenship and Immigration Services and provides for a sharing of federal and local law enforcement between agencies. No portion of our country is immune and no portion should be unprotected.

A PROCLAMATION RECOGNIZING DANIEL SOULES

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. NEY. Mr. Speaker:

Whereas, Daniel Soules has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Daniel Soules has shared his time and talent with the community in which he resides; and

Whereas, Daniel Soules has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Daniel Soules must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 402, the residents of Coshocton, and the entire 18th Congressional District in congratulating Daniel Soules as he receives the Eagle Scout Award.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (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, and for other purposes:

Mr. UDALL of Colorado. Mr. Chairman, I had hoped to be able to vote for the final version of this supplemental appropriations bill, but I'm afraid the minor changes made in conference were not enough to overcome my grave reservations about the bill. So I cannot support this conference report.

I voted against the resolution that authorized the president to begin military actions in Iraq at a time and under conditions of his own choosing, regardless of the likely costs and sacrifices that would be required. I was concerned that the Bush Administration had a plan only for invasion, not for the subsequent ''peace'' and occupation, and was too ready to go it alone.

But Congress unwisely authorized the president to make Iraq the center of our war on terrorism, even without broad-based international support, and did so without a responsible debate that fully weighed the pros and cons of this strategic choice.

In short, I did not think Congress should give the president such a blank check—but we did, and the bills are coming due.

Now President Bush has asked Congress for an emergency appropriation of $87 billion—the largest supplemental appropriation in history. His request comes when our economy is weak, there are escalating needs for national defense, homeland security, and domestic programs—and he is still pressing for more tax cuts primarily benefiting the wealthy.

Of course, the Iraq bills must be paid. We must support our troops. And I support helping Iraq rebuild. It is in our national interest to have a stable Iraq, which will mean a safer environment for our troops and will be their ticket home. But I don't believe that our children should pay for the entire $87 billion. In the past, our wars have been paid for by the generations that fought them. That is a reasonable policy and I think it should be true for Iraq.

If none of this money is to be a loan—and that is what the conference report provides—we should roll back the president's tax cuts for the wealthiest taxpayers. But we are not being allowed to vote on that idea. The Republican leadership refuses to let the Congress debate who should pay, or debate about priorities—in the war on terrorism or here at home.

Rejecting this flawed bill will not immediately cut off funds for our troops. CRS has confirmed that they have enough money to continue operations well into next year. There is no reason we can't have the normal ''pay-as-you-go'' approach that provides funding in installments and only after certain benchmarks and milestones are met. And the Bush Administration showed its hand when it threatened to veto any bill that includes loans as part of the reconstruction of Iraq. If the debate were about supplying the troops, why would the president think of vetoing their money?

I will not vote to spend billions in Iraq unless the administration does what it should already have done—that is, to provide detailed plans for Iraq's reconstruction and security; make concerted efforts to secure increased international participation under a UN resolution; demonstrate greater flexibility and openness toward questions of control over reconstruction and democratization; and craft a fiscally responsible plan to provide for the billions of dollars necessary.

To merely rubber stamp administration requests, as this conference report essentially does, is a neglect of our congressional duties, and I cannot support it.

PENINSULA FIREFIGHTERS BATTLE SOUTHERN CALIFORNIA BLAZES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. LANTOS. Mr. Speaker, I rise to commend the extraordinary efforts of our firefighters called to duty in Southern California during the recent wildfires.

We all watched closely the television coverage of the terrifying devastation of unimaginable proportions in widespread fires so large we learned the names of the Old Fire, the Cedar Fire, and the Grand Prix Fire.

The latest statistics reflect the enormous impact caused by these fires. Twenty-one lives have been lost, nearly 3500 homes destroyed, with nearly 650,000 acres of state, federal, and private land involved. The firefighting cost alone is already estimated at over $90 million. This only represents some of the measurable loss for no estimation can ever determine the human cost of lives, homes, and lands lost.

Firefighters from all over came to help their neighbors in this time of desperate need. An estimated 12,000 firefighters were on the fire line over last weekend. I am particularly proud of the firefighters from my Congressional district that responded to the alarm.

Fire Captain Charles Barringer of San Bruno, California, led a strike team of firefighters from Millbrae, San Mateo, Burlingame, Hillsborough, and San Bruno to help fight the blaze in Simi Valley in Ventura County. Captain Barringer said that he never had seen anything like it and that ''it was like a volcano went off in the streets.''

Another strike team led by Foster City Battalion Chief Stan Maupin was made up of firefighters from Woodside, Menlo Park, South County Fire, Redwood City, and Foster City. This team fought the fires in San Bernardino County.

Each of these two teams spent about a week fighting the fires and now have returned home. It is my understanding that a third team from San Mateo County consisting of firefighters from South San Francisco, Daly City, Colma, Half Moon Bay, and Hillsborough remains on duty in Southern California.

On behalf of the people of my district I wish to extend our heartfelt sympathies to those who have lost family members and friends. To those who are suffering from the devastation we hope you know that all your neighbors have stood with you and stand ready to help you rebuild and recover.

I am pleased to join my distinguished colleagues, Mrs. Davis and Mr. Hunter as a cosponsor of H. Res. 425 to recognize and honor the firefighters and other public servants who responded to the October 2003, historically devastating, outbreak of wildfires in Southern California.

I commend all those who have been engaged in this fight. Most particularly I commend those firefighters from San Francisco and San Mateo County who answered the call and risked their lives to help others. I have always been proud of our firefighters and am reminded once again of their dedicated and selfless service.

A PROCLAMATION RECOGNIZING RYAN LAHNA

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. NEY. Mr. Speaker:

Whereas, Ryan Lahna has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Ryan Lahna has shared his time and talent with the community in which he resides; and

Whereas, Ryan Lahna has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Ryan Lahna must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 402, the residents of Coshocton, and the entire 18th Congressional District in congratulating Ryan Lahna as he receives the Eagle Scout Award.

TRIBUTE TO COLORADO REGIONAL TRANSPORTATION DISTRICT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 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 Marsella'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, Marsella 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 provide outstanding service to its residents. We applaud their performance and celebrate the well deserved recognition they have received from the American Public Transportation Association.

RECOGNIZING PRESIDENT CHEN SHUI-BIAN OF TAIWAN UPON HIS RECEPTION OF THE INTERNATIONAL HUMAN RIGHTS AWARD

TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. LANTOS. Mr. Speaker, the experts told us during the 1980's that freedom for South Africa was a lost cause, and sanctions would never work. South Africa is now free. They said that the Soviets would never release Nathan Sharansky. He is now a Member of the Israeli Cabinet. They said that freedom for East Timor was a lost cause. East Timor is now free. And they said democracy, free press and civil society would not thrive in Taiwan.

Mr. Speaker, the people of Taiwan are living proof that there are no ''lost causes'' when it comes to human rights, only battles yet to be won. Taiwan's democratic development is exemplary of Chinese people around the world who, regardless of where they live, seek the same basic human freedoms as everyone else.

Mr. Speaker, like South Africa, Soviet refusniks, and East Timor, the road to freedom in Taiwan was not easy, and there were many choices to be made along the way. After political activists in Taiwan were arrested in 1980, Chen Shui-bian could have stayed silent. But instead, he joined the team of attorneys defending them. In 1986, when the Taiwan Government locked Mr. Chen behind bars for ''criminal libel''—otherwise known as telling the truth—it would have been easy to withdraw from politics upon his release. Instead, Mr Chen joined the Democratic Progressive Party, and ran successfully for the legislature in 1989.

In 1994, Mr. Chen ran for Mayor of Taipei even though the position of mayor had never been held by a member of the opposition party. He won. And during the 2000 Presidential elections in Taiwan, it seemed inconceivable that a member of the opposition would actually win the presidency for the first time in Taiwan's history. Not only did he prevail, but the peaceful transition of power demonstrated the strength and vitality of Taiwan's nascent democracy.

Mr. Speaker, it would have been easy upon Mr. Chen's election to focus solely on ''bread and butter'' issues—the economy, national security, education. He did all that, but Mr. Chen never forgot the battle he waged for freedom, and the moral imperative to constantly fight for internationally-recognized human rights, freedom and democracy.

Mr. Speaker, President Chen Shui-bian proceeded to enshrine human rights as part of Taiwan's laws. He established Taiwan's first-ever Human Rights Advisory Committee. He continues to fight for the Taiwanese people to receive the respect they deserve in the international community. And he has zealously guarded and promoted Taiwan's democratic system, serving as a beacon for democracy throughout the Asia-Pacific region.

Mr. Speaker, some great fighters for freedom and human rights have preceded President Chen Shui-bian in receiving the International Human Rights Award—Nelson Mandela, Elie Wiesel, Andrei Sakahrov, and George Mitchell, to name but a few. Given Mr. Chen's decades-long struggle for human rights and democracy in Taiwan, it is only fit and just that he has been invited to join this most-exclusive and noble club.

It is with great pleasure that I enter into the CONGRESSIONAL RECORD a copy of President Chen's speech upon accepting the International Human Rights Award.

(By President Chen Shui-bian, Republic of China)

President Horton, Congressman Lantos, Congressman Ackerman, Mr. Rabaut, Mr. Wu, Executive Director Dr. Kantrow, Board Member Dr. Chen, Distinguished Guests, Ladies and Gentlemen: Good evening!

On behalf of the government and people of Taiwan, I would like to pay special tribute to the International League for Human Rights (ILHR). Over the last 62 years since its establishment, the League has worked unrelentingly in carrying out its mission of defending human rights and rights advocates who have risked their lives to promote the ideals of a just and civil society.

The Human Rights Award conferred on me this evening is an honor bestowed upon the 23 million people of Taiwan. It signifies both affirmations and expectations. The award is representative of the international validation that the people of Taiwan have received for decades of effort in pursuit of democracy, freedom and human rights. It is also a reminder that we have assumed by destiny the duty of protecting human rights and of upholding international human rights principles.

The year 2000 marked Taiwan's first peaceful transfer of power and our country's first alternation of political parties, an accomplishment unprecedented in the history of all Chinese societies. In my inaugural speech, I proposed a goal of building our nation on the principles of human rights. We are committed to abide by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Vienna Declaration and Program of Action. We also pledged to bring Taiwan on par with the international human rights system despite our authoritarian past.

Over the past three and a half years, concrete actions have been taken to fulfill our commitments. In step with the institutionalization of human rights protection mechanisms, comprehensive human rights policies and implementation measures have been carefully drafted, as outlined in our Human Rights Policy White Paper, and the Organic Law of the National Human Rights Commission is currently under review in our National Legislature.

My office has established a presidential Human Rights Advisory Committee and the Cabinet has also established an Inter-Ministerial Committee. Both have been collaborating with local and international human

rights NGOs for the purpose of incorporating the International Bill of Rights into a ''Taiwan Bill of Rights.'' Furthermore, the ''National Human Rights Report'' will soon be published—another first for Taiwan—and work is in progress for a National Human Rights Memorial Museum responsible for social education and raising public awareness.

My friends, although our journey has not been easy, Taiwan has not stood alone. Support from the international community, particularly the United States, has played a critical role. I will never forget the watershed event—the Kaohsiung Incident—in Taiwan's democratization process. On December 10, 1979, a group of Taiwan citizens defiantly held a rally to commemorate International Human Rights Day. Because such activity was forbidden by the ruling regime of the time, rally leaders were charged with illegal assembly and conspiracy for sedition.

As a defense attorney in the Kaohsiung Incident, I personally witnessed the efforts of ILHR, who sent Professor John Kaplan to Taiwan to observe the trail at the military tribunal. The rest of the international human rights community also rendered assistance—and inspiration—to Taiwan's democratic movement.

My wife and I were both victims of human rights violation. I was sentenced to prison for fighting for freedom of speech. My wife was seriously injured in what is believed to be a politically motivated accident and must spend the rest of her life in a wheelchair. However, like the brave sacrifices made by Taiwan's pioneers of democracy, our suffering only serves to strengthen the determination of the Taiwanese people in their pursuit of political and personal freedoms.

Today, there are no more black lists, no more political prisoners, no more religious persecution. Citizens in Taiwan now enjoy full civil rights—freedom of speech, freedom of expression, freedom of assembly, freedom of press and other categories of rights. Despite our exclusion from the United Nations, Taiwan has never slowed its pace to push for human rights reform.

At a time when the international community is caught up in debates on ''clashes of civilization'' with regard to human rights protection, Taiwan's experience is proof that human rights are a universal value and humanity's common asset. All countries and individuals should have access to these universal rights; none should be subjected to a double-standard. As stated in the Universal Declaration of Human Rights, ''Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.''

I would like to take this opportunity to express appreciation to the government of the United States of American for its efforts to help promote human rights in Taiwan. Section II(C) of the ''Taiwan Relations Act'', which was passed by the U.S. Congress in 1979, stipulates that ''the preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objective of the United States.'' We appreciate, and are always mindful of the concern and support a more established democracy has given to a fledging one.

Taiwan's achievement in human rights and democracy so far would not have been possible were it not for the generosity of those of the international community who have stood behind us. Likewise, we would not be able to receive the affirmation and commendation of the ILHR and other international human rights organizations.

Of course, a sound and solid institutionalized system is requisite for the effective protection of human rights. Taiwan has now established a fair electoral environment with an increasingly vigorous civil society. However, much remain to be further strengthened in terms of consolidating and deepening our democracy and human rights. Whether we succeed or not would rely on the collective and continuing efforts of the people, particularly on whether we can consolidate our democracy by rectifying the inadequacies in our constitutional framework.

More than two centuries ago, the founding fathers of the United States spurred in Constitutional debate, prompting a great New Yorker, Mr. Alexander Hamilton to criticize ''the insufficiency of the present Confederation to preserve the Union.'' He argued in ''The Federalist Papers'' that the Articles of Confederation failed to address issues such as a checks-and-balances system of the government, separation of powers among agencies, fair representation of the states, and safeguarding freedom of the people. He concluded that the very design of the Articles of Confederation was insufficient to meet the needs of the American people.

As a result of extensive discussions and debates by America's founding fathers, the Constitution of the United States of America was created and has been honored to this day. The U.S. Constitution became the pulse of American society, and allowed for amendments, including Bill of Rights, to be incorporated, thereby guaranteeing freedom and laying a strong foundation for sustainable development of the American democracy.

Taiwan now faces a similar ''insufficiency'' of the constitutional framework. As my country's leader, it is imperative that I shoulder responsibility for Taiwan's national development and set a clear vision for the future. I believe that a sound and sustainable constitutional framework can be created through rational debate and engendered by civic consciousness. This is the rationale upon which I have proposed the concept of ''hastening the birth of a new constitution for Taiwan.''

The ''hastening of a new Taiwan constitution'' will determine whether or not our democracy can come into full bloom. This, strengthened and supplemented by the institutions of direct democracy, such as referendums, would be a necessary step in advancing Taiwan's human rights and the deepening of its democracy. One must not be misled by the contention that holding referendums or re-engineering our constitutional framework, bears any relevance to the ''Four No's plus one'' pledge presented in my inaugural speech. Neither should matters concerning Taiwan's constitutional development be simplistically interpreted as a political debate of ''unification versus independence.'' I stand before you today, appealing to the collective conscience of the world community, asking that the voice of Taiwan be heard, for ours is the voice of democracy and progress. It is my job as President, to safeguard the security, democracy, freedom and human rights of the 23 million people of Taiwan, and, in so doing, build a solid foundation for the sustainable progress of Taiwan's continuing democratization.

The progression of democracy and human rights in Taiwan not only signifies a triumph of our people in the relentless pursuit for freedom, it is also a torch of democracy for all Chinese societies and has become an indispensable asset to the United Stats as well as the international society. I have great confidence that by advancing our democracy, we shall show where Taiwan stands in terms of values: a veritable part of the world's democratic community.

While furthering human rights in Taiwan, I call for a joint effort among Asian governments and regional NGOs for a regional framework for the advancement of human rights, including a state-sponsored regional charter, a regional commission, and a regional court of human rights. The newly founded Taiwan Foundation for Democracy can serve as one of the channels through which we shall endeavor to make our rightful contributions and share out experience in the protection and promotion of human rights. I want Taiwan to be a positive contributing force in the international human rights movement.

On the Green Island, situated off the south-east coast of Taiwan, there used to be a concentration camp and prison for the confinement and deprivation of countless human rights defenders. On this island, the Taiwanese equivalent to the infamous Robin Island of South Africa, there stands a monument on which names of victims of human rights abuse are inscribed. The epitaph reads: ''In those times, how mothers wept through long nights for their imprisoned children.''

I have kept that epitaph in my heart, and tonight, I would like to share it with you as a tribute to all who support, advocate, and have stood up in the name of human rights: Let there be no more fear, let there be no more tears. Let the world take Taiwan as an example. She is emerging from her democratic metamorphosis.

Thank you.

A PROCLAMATION RECOGNIZING JONATHAN ROBERT BROUSE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. NEY. Mr. Speaker:

Whereas, Jonathan Robert Brouse has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Jonathan Robert Brouse has shared his time and talent with the community in which he resides; and

Whereas, Jonathan Robert Brouse has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Jonathan Robert Brouse must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 402, the residents of Coshocton, and the entire 18th Congressional District in congratulating Jonathan Robert Brouse as he receives the Eagle Scout Award.

HONORING DR. PAUL F. HOM

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. MATSUI. Mr. Speaker, today I rise to honor the late Dr. Paul F. Hom, a man who made numerous invaluable contributions to the Sacramento Community. Due to strong public support, the Sacramento County Health and Human Services will memorialize Dr. Hom's important service to the community by naming the new County Primary Care Building after him. As his friends, family, and admirers gather to pay tribute to Dr. Hom's remarkable life

and celebrate the opening of the Paul Hom Primary Care Building, I ask all my colleagues to join me in saluting this great humanitarian.

To say that Dr. Hom was a man of great intellect would only begin to skim the surface of his scholarly prowess. Dr. Hom graduated from the University of California, Berkeley, with a degree in History. In 1966, Dr. Hom completed his law degree from Hastings College of Law, University of California. During his brief, yet meaningful legal career, Dr. Hom exhibited his trademark commitment to social justice by serving as a VISTA volunteer in Texas and Mississippi in 1966 and 1967. In 1969, Dr. Hom volunteered for Attorney-Neighborhood Legal Services in Compton, California. Driven by a realization that the poor cared more about medical issues than voting and civil rights, Dr. Hom enrolled in medical school and earned his medical degree from the University of California, Davis in 1973. In 1978, Dr. Hom received a degree in Epidemiology from the University of California, Berkeley. Dr. Hom's impressive academic achievements are a testament to his intelligence and work ethic.

During his second year in medical school, Dr. Hom and Dr. Garrett Lee held a series of meetings with a group of concerned undergraduate students to discuss improving health care for Sacramento's elderly Asian residents. The students concluded that many of the elderly Asians as well as the newly arrived immigrant families were having difficulty in obtaining adequate health care due to socioeconomic and language barriers and decided to start a free clinic to target this problem.

In 1972, the Asian Clinic was established to become an elective course for medical and undergraduate students. Since 1972, the Asian Clinic continues to serve the Asian community in downtown Sacramento every Saturday. Today, the posthumously named Paul Hom Asian Clinic is the oldest existing Asian clinic in the United States and a vivid reminder of the positive vision and powerful legacy of Dr. Hom.

The many functions of the Paul F. Hom Primary Care Center will serve as the proper embodiment of the vision of its namesake. The Center, designed to handle 100 patient-visits a day for primary care and 150 walk-ins, provides a full range of services including a Chest clinic, Pharmacy, Public Health Laboratory, Radiology Department, Healthcare for the Homeless program and Refugee Health Clinic. It also serves the medically indigent of Sacramento County who are in need of medical assistance and ultimately improves access to care for residents of Sacramento County. All in all, the Paul F. Hom Primary Care Center will enhance the access to quality and effective health care for people without health care. In addition, the center will also enable health administrators to carry out their important responsibilities in a more efficient method.

Mr. Speaker, as Dr. Hom's friends, family, and colleagues gather to celebrate the opening of the Paul Hom Primary Care Building, I am honored to pay tribute to one of Sacramento's most giving and cherished citizens. Dr. Hom's legacy is a true testament to community service. If a template for leadership could be made, it would surely bear the resemblance of Dr. Paul Hom. Although he is no longer with us, his legacy of compassion and care for the disadvantaged will continue to live on. I ask all of my colleagues to join with me in thanking Dr. Paul F. Hom for his numerous contributions to the Sacramento community.

A PROCLAMATION RECOGNIZING GREG MCCLEERY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. NEY. Mr. Speaker:

Whereas, Greg McCleery has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Greg McCleery has shared his time and talent with the community in which he resides; and

Whereas, Greg McCleery has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Greg McCleery must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 402, the residents of Coshocton, and the entire 18th Congressional District in congratulating Greg McCleery as he receives the Eagle Scout Award.

NEW YORK'S FINEST: THE MEN OF THE 75TH PRECINCT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Edward Vasquez, Dino Anselmo and Brian Latimore; detectives of the 75th Precinct in Brooklyn, for their recent heroic efforts.

While we are rightly reminded about the heroism of police officers, and other first responders after 9/11, police officers risk their lives to save others' lives every day of the year. As an example of one such heroic effort, I am submitting for the RECORD an article published on November 3, 2003, in the N.Y. Daily News about how three Brooklyn detectives who saved the life of a young girl trapped inside a burning building. For their efforts, all of us from New York City, especially those from Brooklyn, are proud and grateful.

[From the New York Daily News]

HERO OF THE MONTH: COPS DONNED FIRE HATS

(By Patrice O'Shaughnessy)

(Hero of the Month spotlights those men and women, civil servants and civilians, who go beyond the call of duty to make New York a better place.)

Edward Vasquez, Dino Anselmo and Brian Latimore are three longtime detectives in East New York, Brooklyn, used to confronting gunmen and tracking down murder suspects. Racing into a smoke-filled building recently to evacuate tenants proved to be equally tense.

''It's just a reaction,'' Latimore said. ''You see a guy with a gun, you don't think about it while you're doing it. You just think about getting another gun off the street. We saw the smoke; we all knew we were going to go.''

The result brought the same satisfaction. ''Everybody got out safe; that's what it's all about,'' Latimore said.

For disregarding their own safety and rescuing a 4-year-old girl and several adults from a fire, the three are the Daily News Heroes of the Month.

''They could have just stood outside and called 911,'' said Mariano Alvarado, whose daughter, Taija, was carried out by the cops. ''They cared about getting people out. They ran in themselves.''

The detectives, all of whom have young daughters, were driving on Pitkin Ave. on their way to the 75th Precinct station at 9:45 a.m. on Sept. 23, after searching for a robbery suspect, when Anselmo spotted smoke.

Latimore turned their car down Ashford St., and they saw smoke pouring out from the top of a three-story building.

It was raining hard. ''Not a soul was on the block,'' Vasquez said.

The building was run-down—the windows of the top floor boarded up, tenants on the second floor, squatters living on the first.

''I was pretty sure it was occupied, because I saw a Big Wheels on the second-floor fire escape,'' Vasquez said. ''We got out of the car and ran right in.''

They started banging on doors on the first floor. The smoke was coming down the stairs and filling the hallway, which was dimly lit to start with.

''The landing was all black smoke,'' Anselmo said. ''Brian went to the car to get a flashlight. . . . I found three adults in the rear apartment on the first floor. We asked if anyone was upstairs, and they said a family and a little baby.''

Vasquez went up. ''I was holding onto the wall going up stairs. The plywood was hot. . . . I was afraid the stairs would fall.''

He kicked an apartment door open and saw Alvarado waking up in an apartment full of smoke. Alvarado said he had not smelled any fire. ''I heard someone trying to kick in the door. . . . My daughter was watching TV in the bedroom, my wife and baby daughter were at the hospital and a detective was in my kitchen,'' he said.

''He grabbed my daughter and another cop grabbed me. It was pretty smoky in the stairs.'' Vasquez put his jacket over Taija and Anselmo hustled Alvarado out. ''I could hear crackling and crashing, and I started coughing, and then I saw a little beam of light,'' Anselmo said. ''Brian got us out.''

Taija was taken to a hospital and treated for smoke inhalation. Anselmo was given oxygen, then he and Vasquez went to the 102nd Precinct in Queens to interview some gun suspects. Latimore went back to the squad room and finished his shift.

''You reacted, did what you had to do and got back to work,'' Anselmo said. ''Later, as people started to ask us about it, it felt good.''

Alvarado and his family are in temporary housing; his youngest child has high levels of lead from substandard housing and requires medical treatment. ''I don't know where we will go next,'' Alvarado said. They cannot return to 344 Ashford St. because the utilities have been shut off—the building was declared dangerous to live in—and the apartment has been looted of pipes and a new radiator, Alvarado said.

The three detectives were recognized by the police Honor Legion. Vasquez said his 10-year-old daughter, Rachel, was so excited that she kept trying on different dresses to wear to the dinner. ''A lot of guys have done a lot of good things here,'' Vasquez said. ''You feel great after the fact. And my family was very proud.''

MOTION OF MR. FILNER TO INSTRUCT CONFEREES ON H.R. 6

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. COSTELLO. Mr. Speaker, I rise in support of the motion of Mr. FILNER to instruct the conferees on H.R. 6, the Energy Policy Act of 2003, and to reject the waiver of the Clean Water Act being considered currently in conference.

Mr. Speaker, the conferees on the Energy Conference are preparing to approve a permanent exemption from the Clean Water Act for all construction activities associated with oil and gas exploration and production. This is unprecedented and needs further review.

Polluted runoff from precipitation events is the greatest remaining impediment to the Nation meeting its stated goal of clean, fishable and swimmable waters. Yet, even as the Environmental Protection Agency and the states are implementing reasonable measures to reduce such pollution, the Energy Bill conferees are preparing to approve a permanent exemption for one particular industry.

This exemption is also quite unnecessary. EPA, after much pressure from the oil and gas industry, decided to grant the oil and gas industry a two-year moratorium from the new rule that became effective this past March. However, not content with having EPA take another look at the issue, the industry now seeks a permanent exemption. The exemption applies regardless of the size of the construction site, regardless of the water quality impacts, and regardless of the wishes of an affected state.

Mr. Speaker, blanket exemptions from the Clean Water Act should bear the highest burden of proof before this House ever grants its approval. This never happened.

This provision was a stealth addition to the energy bill when it was considered at the Commerce Committee. The Transportation and Infrastructure Committee was never given the opportunity to consider the provision. When the bill was on the House Floor, I joined with Ranking-Member OBERSTAR and Mr. MARKEY to strike the provision through amendment, but we were denied the opportunity. The entire process has been disappointing.

If the conferees approve the Clean Water Act exemption it will harm human health and the environment; it does not belong in the Energy bill; and I strongly urge support of Mr. FILNER's motion to instruct the conferees.

IN RECOGNITION OF CALLEGUAS MUNICIPAL WATER DISTRICT'S 50TH ANNIVERSARY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. GALLEGLY. Mr. Speaker, I rise to recognize the outstanding service that Calleguas Municipal Water District has provided to a vast majority of my constituents in Ventura County, California, for the past 50 years.

Calleguas' mission ''is to provide its service area with a reliable and adequate supply of quality supplemental water through the acquisition and distribution of both regional and locally developed water in an environmentally and economically responsible manner.'' It has been doing so since voters created the district in 1953.

As the county grew, so did Calleguas. The population of the district's service area boomed from 138,000 in 1964 to an estimated 520,000 in 1996, and annual deliveries increased from 9,000 acre feet to in excess of 95,000 acre feet over the same period.

In 1960, Calleguas joined with the Metropolitan Water District of Southern California to import water from the State Water Project. It supplies all or some of the water to about 75 percent of Ventura County's population, including residences and businesses in the cities of Simi Valley, Thousand Oaks, Camarillo, Moorpark, Oxnard, and Port Hueneme, through 20 local agencies and private customers.

This is a challenge under the best of conditions. But with a severe drought lingering over the area for 10 years and earthquakes wreaking havoc on infrastructure, it has been a gargantuan task.

Calleguas has risen to the challenge. It is in the process of developing a storage capacity of up to 300,000 acre-feet of potable water in the Lower Aquifer System of the Las Posas Groundwater Basin. This is in addition to the 12 reservoirs and 10,000 acre-feet lake it already maintains and operates.

It is reclaiming 14,000 acre feet per year of highly treated wastewater effluent from the Conejo Creek for agricultural irrigation, one of its many programs to treat, reuse, store, and conserve water.

At the same time, Calleguas has proven to be an exceptional environmental steward. It has assumed a leadership role in the development of the Calleguas Creek Watershed Management Plan, a public-private alliance formed to develop an integrated strategy for the protection and enhancement of the watershed and its resources. Mr. Speaker, Congress is a partner in this effort, as well.

Water is the lifeblood of any community. Calleguas has done an exceptional job of protecting this precious resource and enhancing its delivery, treatment, and storage.

I know, Mr. Speaker, that my colleagues will join me in congratulating Calleguas Municipal Water District for 50 years of outstanding service, and thank Calleguas for its efforts to provide a stable water supply for the residents and businesses of Ventura County, California.

TRIBUTE TO STEVE JORGENSEN, DIRECTOR, RIVERSIDE NATIONAL CEMETERY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live. Steve Jorgensen is one of these individuals. Steve will be retiring as Director of the Riverside National Cemetery this year and his dedication and contributions will be missed.

Steve is a native of Oregon where he joined the United States Army and served honorably for three years. In 1976, he graduated from Mount Hood College and later attended College of the Ozarks in Clarksville, Arkansas.

Steve joined the National Cemetery System in June 1973, while still a student, as a cemetery caretaker at Willamette National Cemetery located in Portland, Oregon. In January of 1977, he was elected as a cemetery director trainee and remained at Willamette for the year long program. After completion of the program, he was named Director at Eagle Point, Oregon National Cemetery and remained there for a year and a half. He served as Director of the Fort Smith, Arkansas National Cemetery; Director of the San Francisco, California National Cemetery; Assistant Director of the Willamette National Cemetery; and Director of the Sam Houston National Cemetery in San Antonio, Texas.

Steve was appointed to Director of Riverside National Cemetery in October 1991 and has been responsible for all burial and maintenance operations at the cemetery. Riverside National Cemetery is one of our nation's largest cemeteries and is the most active. The 921-acre facility has 288 developed acres, performs 8,000 burials yearly, and has over 145,000 gravesites to maintain. The facility is revered for its high standards of maintenance and efficiency. Under Steve's excellent leadership the facility has achieved the highest awards possible within the U.S. Department of Veterans Affairs, the Robert W. Carey Organizational Excellence Award. The cemetery received this prestigious award in 1996, 2002 and 2003.

Steve's tireless passion for service has contributed immensely to the betterment of the community of Riverside California. His unwavering commitment to maintaining the dignity of the Riverside National Cemetery is a source of pride to his community and I am proud to call him a fellow community member, American and friend. I know that many community members, veterans and spouses of veterans are grateful for his service and salute him as he retires.

HONORING THE WORK OF UPPER CUMBERLAND CARDIOLOGY CONSULTANTS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding work being done at Upper Cumberland Cardiology Consultants. The Cookeville, Tennessee, medical office has been accredited a ''Cardiovascular Center of Excellence'' by the Consortium for Southeastern Hypertension Control, one of only four such centers in the state.

Through this association, the cardiology group will have access to an expansive network of cardiovascular knowledge and resources across the Southeast. Upper Cumberland Cardiology Consultants, a group of six local physicians, can use those resources to tailor a patient's treatment regimen depending on other successes and experiences.

Because heart disease is so prevalent across the Southeast and is the leading cause of death to Americans, it's important we have the resources and training necessary to combat this deadly disease. The Cookeville cardiology group strives to have not only cutting-edge knowledge to treat heart disease, but it also strives to have that kind of knowledge to educate and prevent heart disease. The Cardiovascular Center of Excellence designation helps accomplish both goals.

Led by Drs. R. Alex Case, J. Bunker Stout, Timothy S. Fournet, Michael B. Lenhart, Joel S. Tanedo and Brian Dockery, the Upper Cumberland Cardiology Consultants is a fine example of professionalism and compassion. This group of highly motivated and skilled physicians is an asset to the region. I commend them for their service to their patients and their profession.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber on October 30, 2003. I would like the record to show that, had I been present in this Chamber, I would have voted ''nay'' on rollcall votes 580, 584, 585, 586, 587, 588, 589, 590, 592, 595, and 597. I also would have voted ''yea'' on rolecall votes 581, 582, 583, 591, 593, 594, 596, 598 and 599.

In addition, Mr. Speaker, I was unavoidably absent from this Chamber on October 31, 2003. I would like the record to reflect that, had I been present, I would have voted ''yea'' on rollcall vote 600 and ''nay'' on rollcall vote 601.

JOHANNA'S LAW

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. LEVIN. Mr. Speaker, today I rise to introduce Johanna's Law: The Gynecologic Cancer Education and Awareness Act.

Every hour, approximately 10 women in the U.S. are diagnosed with a gynecologic cancer like ovarian, cervical, or uterine cancer. Every year, 26,000 women die of a gynecologic cancer.

This is a tragedy. What makes it still more tragic is that many of those deaths could be prevented if more women knew the risk factors and recognized the early symptoms of gynecologic cancers so that they could discuss them with their doctors. As we worked on this bill, we heard story after story of women who did not recognize their early symptoms or wasted precious months waiting for appointments with the wrong kind of specialists because they and their doctors did not recognize their symptoms as gynecologic.

For ovarian cancer, the most deadly of the gynecologic cancers, the five-year survival rate for women whose cancer is detected in Stage 1 is 90 percent. In Stage 2, the survival rate is still 80 percent. But if the cancer proceeds to Stage 3 or 4, the survival rate drops dramatically, to 20 percent or less.

Unfortunately, not all gynecologic cancers have a screening test accurate enough to be used routinely on asymptomatic women. That doesn't mean they can't be detected and diagnosed early in many cases. A recent study found that almost 90 percent of women with early stage ovarian cancer had symptoms before being diagnosed. That's why public education is key—if women and their doctors know the risk factors and early signs, a specialist can use diagnostic tools to rule out cancer or detect it in the early stages.

Johanna's Law would create a federal campaign to increase early detection of these deadly cancers, and, when possible, help women reduce their risk of ever contracting them. The legislation takes a two-pronged approach, combining a national Public Service Announcement directed at all women with targeted grants to local and national organizations.

We named the legislation ''Johanna's Law'' after Johanna Silver Gordon, who was a longtime public school teacher in my congressional district and who died of ovarian cancer after being diagnosed in a later stage. Unfortunately, Johanna's story is all too common. I owe a special thanks to Johanna's sister, Sheryl Silver, and her family for telling Johanna's story so eloquently and working so tirelessly to ensure a better outcome for other women and their families.

I look forward to working with my cosponsor, Representative KAY GRANGER, and all of my colleagues to enact this important legislation into law.

100TH ANNIVERSARY OF NATIONAL SAND, STONE AND GRAVEL ASSOCIATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. SHUSTER. Mr. Speaker, I rise today to offer congratulations to the National Sand, Stone and Gravel Association on the occasion of their 100th Anniversary. For the last 100 years this Association and its many members have contributed to our Nation's economy and have greatly improved the quality of life of all Americans.

To put into perspective the vital role these elements play in each of our lives I would like to share some statistics with you. If we place usage on our population; incredibly each year, every man, woman and child would use about 10 tons of sand, stone and gravel. Many of us probably fail to realize that it takes 400 tons of crushed stone, sand and gravel to build the average home and 38,000 tons for each mile of interstate highway. Without these important elements our Nation would be without roads, streets, sidewalks and runways. Additionally, we often forget that pulverized minerals from rock touch our everyday lives in products such as plastics, paint, pharmaceuticals, toothpaste, glass and chewing gum.

The aggregate industry also has tremendous impact upon our Nation's economy. The industry directly employs more than 120,000 individuals. For every million dollars that this industry outputs 19.5 jobs are created. In 2001 the aggregate industry contributed just over 14.5 billion in direct output to our economy. If we were to take into consideration the indirect benefits combined with direct output, this industry contributes $37.6 billion to the GDP and supports over 284,000 jobs. That is an awfully impressive record.

Mr. Speaker, as you can see, the aggregate industry's impact upon each of our daily lives and our economy is immense. I wholeheartedly congratulate the National Sand, Stone and Gravel association and its members on a most impressive 100 years.

COMMEMORATING THE 15TH ANNIVERSARY OF THE ENACTMENT OF THE GENOCIDE CONVENTION IMPLEMENTATION ACT OF 1987

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. SCHIFF. Mr. Speaker, today marks the 15th anniversary of the United States taking a principled stand toward ensuring that the lessons of past genocides, such as Armenian Genocide, the Holocaust, and the genocides in Cambodia and Rwanda, will be used to prevent future genocides.

After the horrors of the Holocaust, the international community responded to Nazi Germany's methodically orchestrated acts of genocide by approving the Convention on the Prevention and Punishment of the Crime of Genocide in 1948. The Convention confirms that genocide is a crime under international law and defines genocide as actions committed with intent to destroy a national, ethnic, racial or religious group.

The United States, under President Harry Truman, was the first nation to sign the Convention, and it was ratified by the U.S. Senate in 1986. Following the Senate ratification of the Convention on the Prevention and Punishment of the Crime of Genocide, Congress passed the Proxmire Act to implement the Convention and criminalize genocide under U.S. law.

Fifteen years ago today, President Ronald Reagan signed the Proxmire Act into law and put the United States on record as being strongly opposed to the heinous crime of genocide.

Mr. Speaker, I rise today to urge consideration of H. Res. 193, legislation that I introduced with my colleague, Mr. RADANOVICH, reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and commemorating the anniversary of the U.S. becoming a full party to this landmark international human rights legislation.

This important piece of legislation has tremendous bipartisan support among the 110 cosponsors, and the bill was passed unanimously by the House Judiciary Committee earlier this year.

Mr. Speaker, I urge the House Leadership to permit immediate consideration of this legislation on the floor of the House, and I urge my colleagues to reaffirm our national resolve to ensure that the lessons of the Armenian Genocide, the Holocaust, and the genocides in Cambodia and Rwanda, among others, will not be forgotten.

INTRODUCING THE NATIONAL COMMISSION ON EMPLOYMENT AND ECONOMIC SECURITY ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the National Commission on Employment and Economic Security Act.

More than 2.6 million Americans have lost their jobs since President Bush took office in January 2001. In fact, the Department of Labor's Bureau of Labor Statistics reported that in September 2003, 9 million Americans were officially jobless. Some experts, including the BLS, have suggested that the number of unemployed or underemployed is actually somewhere near 15.5 million. The BLS notes that approximately 6.5 million workers are underemployed or so frustrated at the current job market that they have given up looking for jobs.

During times of high unemployment, Americans experience increases in domestic abuse, alcoholism, crime, illness, and in many instances, suicides. All of these increases stem not only from the loss of one's job, but also from the depression that develops as a result of extended unemployment.

Realize, current U.S. public policy addresses the economic hardships that arise from unemployment through the unemployment insurance program. For a privileged few, the government even assists in providing health care to the unemployed. But what the U.S. government fails to do is provide assistance to the unemployed in dealing with the human dimension of unemployment.

Perhaps this is true because the human factor does not allow for a one size fits all formula solution. Or perhaps it's because Congress never thinks about the human factor, labeling the unemployed as lazy and unmotivated, rather than the victims of economic situations of the times that they are. But for whatever reason, Congress has never addressed this very important tool in understanding the effects of long-term unemployment. That, Mr. Speaker, is completely unacceptable.

The legislation I introduce today establishes the National Commission on Employment and Economic Security, a national commission to examine the psychological effects of extended unemployment. Specifically, the 15 member commission is instructed to examine increases in violence by employees and former employees in the workplace and in their private lives, the effects of well-paying jobs in the U.S., the psychological insecurity caused by the loss of a job, and make recommendations to the Legislative and Executive branches on actions to alleviate the psychological insecurity of the U.S. workforce.

I am confident that this commission will provide Congress and the President with an array of policy recommendations on how we might best address the human factor of unemployment. The livelihoods of more than fifteen million Americans are depending on it.

I ask for the support of my colleagues, and I urge the House Leadership to bring the bill to the floor expeditiously.

RECOGNIZING THE CONTRIBUTIONS OF THE HISTORIC SECOND BAPTIST CHURCH IN CELEBRATION OF ITS 155TH ANNIVERSARY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Ms. NORTON. Mr. Speaker, I rise today to recognize Second Baptist Church, the second oldest African American Baptist congregation in the District of Columbia, as it prepares to celebrate its 155th anniversary on Sunday, November 16, 2003, and its designation as a historic landmark in the District of Columbia Inventory of Historic Sites by the Historic Preservation Review Board.

History has documented the critical role African American churches have played not only as places of spiritual fortification, but also as centers of political activism, and neighborhood preservation. Second Baptist Church is a shining example of these functions.

Second Baptist Church, located at 816 3rd Street, NW., is a longstanding anchor of a changing neighborhood north of H Street and west of North Capitol Street. Founded in 1848, Second Baptist Church was started 14 years before slaves in the District of Columbia were freed.

The church was erected in 1894 and designed by prominent Washington architect, Appleton P. Clark, Jr. Second Baptist Church represents a revival of the early phase of Gothic church architecture, but rendered in late Victorian fashion. The beautiful rose window, square towers and rusticated limestone on a granite base are suggestive of Romanesque.

Second Baptist Church began when seven members of the First Colored Baptist Church, now Nineteenth Baptist Church, left to organize the Second Colored Baptist Church of Washington City, District of Columbia.

Second Baptist Church served as a station on the Underground Railroad during the Civil War and the preceding years. It was one of the few Negro churches in Washington, D.C. that had a black minister prior to President Lincoln's Inauguration.

Second Baptist Church is considered the ''Mother Church'' for the Baptist community because from it Mt. Carmel Baptist Church in NW; Mt. Olive Baptist Church in NW; Rehoboth Baptist Church in SW; Central Baptist Church (later disbanded); St. Paul Baptist Church in Bladensburg, MD; Ebenezer and First Baptist in Takoma Park, MD were formed.

During the course of its 155 years, Second Baptist Church has had only 15 pastors: Licentiate H.H. Butler—1848; Rev. Jeremiah Asher—1849; Rev. Gustavus Brown—1850; Rev. Henry Butler—1853; Rev. Sandy Alexander—1856; Rev. Caleb Woodward—1861; Rev. John Mays (Maze)—1864; Rev. Sandy Alexander—1865; Rev. Chauncey Leonard—1868; Rev. John Gaines—1869; Rev. Madison Gaskins—1871; Rev. William Bishop Johnson—1883; Rev. Dr. J.L.S. Hollowman—1917; Rev. Smalls Bartley—1971; and Rev. Dr. James E. Terrell—1997 to the present.

Mr. Speaker, I ask the House to join me in saluting Rev. James E. Terrell, and the congregation of Second Baptist Church in the District of Columbia on the occasion of its 155th anniversary, November 16, 2003.

FREEDOM FOR HÉCTOR FERNANDO MASEDA GUTIERREZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Héctor Fernando Maseda Gutierrez, a prisoner of conscience in totalitarian Cuba.

Mr. Maseda, age 60, is an engineer and physicist by profession. He studied the logic and reason behind how machines work, how nature operates. He also realized that Castro's repressive regime constitutes a nightmare for the Cuban people.

Mr. Maseda joined pro-democracy groups that work to obtain basic human rights for the people of Cuba. He eventually became a member of the Liberal Democratic Cuban Party and the director of the Liberal Studies Center. As Mr. Maseda became more active within the movement, he began to chronicle the savage practices of the regime for independent newspapers and websites. Unfortunately, not all of these articles reached the outside world, among the articles confiscated by the political police were: ''The forced workers of Cuba'' and ''Havana: the capital of sexual tourism.''

On March 18, 2003, Mr. Maseda was arrested and his typewriter, a fax machine, books, and his journalistic writings were confiscated. In a sham trial, he was subsequently sentenced to 20 years in the Cuban gulag for writing articles ''which twist the society and reality of Cuba'' and for ''maintaining relations with Florida International University.''

Mr. Maseda currently languishes in the Cuban totalitarian gulag. He has been muted and gagged for writing about the systematic abuses of human rights that occur under Castro's totalitarian rule. Mr. Speaker, the reality of Castro's repressive regime continues to be that men and women who write the truth are locked in the Cuban gulag while their oppressor remains in power.

My colleagues, we must fight for freedom whenever and wherever human beings are shackled by totalitarian dictators. We must demand the immediate release of Héctor Fernando Maseda Gutierrez.

PAYING TRIBUTE TO JEANNE POWER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Jeanne Power, and thank her for the extraordinary contributions she has made to the community of Steamboat Springs and the State of Colorado. Jeanne has spent her life assisting others, and her dedication and selflessness is a shining example to all Americans.

After graduating from the University of Wyoming, Jeanne returned to her home in Steamboat Springs, where she became a member of

the Routt County Search and Rescue team. Later, she joined Steamboat Springs Ambulance as an Emergency Medical Technician. Five years ago, Jeanne found her true calling when she became the city's only female firefighter.

Jeanne now serves the City of Steamboat Springs as a paramedic and firefighter. In such a high-pressure career, she has managed to achieve a delicate balance between her fun-loving attitude and intense dedication to serving others.

Mr. Speaker, it is with great pride that I bring the life and spirit of an incredible woman to the attention of this body of Congress. Jeanne Power has dedicated her life to the betterment of others, and she is truly a tremendous asset to her city, state and country. Jeanne, I thank you for your service.

IN HONOR OF THE AILEYCAMP AND KANSAS CITY FRIENDS OF ALVIN AILEY RECEIVING THE 2003 COMING UP TALLER AWARD

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to congratulate the AileyCamp of the Kansas City Friends of Alvin Ailey as recipients of the 2003 Coming Up Taller Award. The President's Committee on the Arts and the Humanities, the Institute of Museum and Library Services, the National Endowment for the Arts, and the National Endowment for the Humanities presents this annual recognition to groups who encourage underserved youth to participate in the arts and humanities. The AileyCamp in Kansas City is one of 18 organizations to receive this prestigious distinction and $10,000 to continue their philanthropic efforts to bring the art of dance to our community's urban youth.

I applaud the AileyCamp's undertakings to nurture a love for the arts and humanities in the next generation. The AileyCamp uses dance in varying techniques to develop skilled performers in ballet, jazz, tap, African dance, and other dance styles. This unique organization follows in the tradition of the accomplished dancer and choreographer, Alvin Ailey, who maintained an internationally acclaimed dance company and created 79 renowned ballets over his lifetime. His contribution to dance drew upon history, the blues and the gospel. Ailey envisioned an institution to instill appreciation for dance and culture especially for all young people.

Our community's children in the AileyCamp are immersed in a six week program offering training by top dance instructors, visual artists, and social workers for 11–14 year olds. These middle school students come from disadvantaged families and at-risk situations throughout Kansas City. AileyCamp provides a safe haven for creative activity where students develop their imagination through storytelling, writing, music, photography, and sculpture. These multi-discipline activities enhance and build upon their ability to express creatively, to analyze critically, and to foster academic excellence. Additionally, the campers take part in field trips and attend classes on conflict resolution, self-esteem, and goal setting.

Mr. Speaker, please join me in honoring the AileyCamp of Kansas City for this award. The AileyCamp is a tremendous organization performing in the spirit of the celebrated Alvin Ailey to broaden the horizons of our youth so that their artistic talents may bloom. I salute Ms. Cynthia Rider, Executive Director of Kansas City's AileyCamp and the Kansas City Friends of Alvin Ailey for their 2003 Coming Up Taller award.

TRIBUTE TO ROBERT D. KESSELRING

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I rise today to recognize the life and contributions of Robert ''Kess'' Kesselring of Aspen, Colorado. Kess passed away recently after a courageous 10-year battle with prostate cancer. He was widely loved for his willingness to teach and help others. Because of his positive impact on the Aspen community, it is my privilege to honor the life and memory of Robert Kesselring.

Kess was born in Oakland, California in November of 1937. He graduated with a degree in finance from San Jose State University in 1959, where he was a member of the alpine ski team. Throughout his life, Kess was an avid outdoorsman, traveler and adventurer. He was an excellent sailor, and represented the United States in the 1973 Fireball World Sailing Championships.

Kess held many jobs and had many interests. Each related to his intense passion for serving others. Kess was a teacher, ski patrolman, ski instructor and fishing guide. In light of his love for flyfishing, Kess eventually moved to Aspen, the trout capital of Colorado. While in Aspen, Kess was a fishing guide on numerous rivers and lakes in Garfield and Pitkin Counties.

Mr. Speaker, Robert Kesselring was a friend to many, and a teacher who enhanced countless lives. He will long be remembered for his willingness to share his knowledge of the outdoors with others. To this day, one can find fly fishermen throughout the Roaring Fork Valley who owe their love of fly-fishing to Kess. He was a remarkable Coloradan who will truly be missed. It is my honor to pay tribute to him here today, and my thoughts go out to his family during this time of bereavement.

REPORT OF NATIONAL COMMISSION ON U.S.-INDONESIAN RELATIONS

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. BLUMENAUER. Mr. Speaker, recently, the National Commission on U.S.-Indonesian Relations released a report that focuses on how to create a long-term, strong relationship between the two nations, and why that is important for the United States.

The report, which was the work of a combined group of academics, former diplomats, and business people took a year to research and write. Indonesia is an important country for the United States due to its strategic location in Asia and because much of the world's sea borne commerce passes through or next to Indonesian territory. It is active in forums, such as Asia-Pacific Economic Cooperation, where other key nations such as China, Japan and Korea are active. Finally, it is the world's fourth most populous nation and the world's largest Muslim nation.

Indonesia is also important for the United States because it is a democracy striving to strengthen itself in the face of growing Islamic fundamentalism. If the United States cannot help Indonesia move further down the path toward democracy, we stand little chance of helping other Muslim nations do the same, a goal that is so crucial in our global fight against terrorism.

The key finding of the Commission is a simple one—the United States and Indonesia can best help each other by creating a new partnership, one that the Commission calls a ''Partnership for Human Resource Development.'' From the U.S. perspective, this means investing in Indonesian education, democracy building, economic growth and security.

I also believe the United States can play a critical role in helping Indonesia handle its massive urbanization trend and the infrastructure, health, and environmental challenges that result. There are now 50 cities in Indonesia with a population of at least 100,000, with eight of these cities in excess of a million residents.

Our relationship with Indonesia will continue to play a critical role in Southeast Asia and the world. The National Commission's report is worthy of our review and action. I commend the work of the Commission and I urge my colleagues to read the report. I ask that the Executive Summary of it be included with my remarks.

EXECUTIVE SUMMARY

Indonesia, the world's fourth most populous nation and third largest democracy, is the pivotal state in Southeast Asia. It has exercised major influence in the region and plays an active and constructive international role. It has vast natural resources and is strategically located astride major lines of communication between the Pacific and Indian Oceans. Half of the world's merchant fleet capacity passes through straits with Indonesian territory on one or both shores. Including its oil and mineral sectors, Indonesia is home to about $25 billion in U.S. investment, with more than 300 major U.S. firms represented there.

Two additional factors are of particular importance today:

Indonesia has the world's largest Muslim population—more than all the Middle Eastern Arab states combined. The vast majority of Indonesia's Muslims have historically been noted for their moderation. Theirs is one of the few Muslim majority nations in which Islam is not the state religion.

Given its size and importance, Indonesia is critical to stability in Southeast Asia. It has been the anchor of the Association of Southeast Asian Nations (ASEAN) and a key player in the ASEAN Regional Forum, the only organization in the Asia-Pacific region that brings the United States together with Japan, China, ASEAN and others to discuss security issues.

Today Indonesia faces major problems: a difficult transition from authoritarian rule to democracy; slow economic growth combined with inadequate job creation; capital

outflow; endemic corruption; ethnic and sectarian violence; a weak judiciary; and a serious threat from domestic and international terrorists. The October 12, 2002 bombings in Bali were the most grievous instance of terrorism since the September 2001 attacks on the United States. The carnage in Bali was a wake-up call for Indonesians and their government, and Indonesia joined the fight against terrorism. Local police arrested more than 90 suspected terrorists, but more are still at large as shown by the August 5, 2003 attack on the J. W. Marriott Hotel in the heart of the capital city Jakarta. Fourteen people (all but one were Indonesians) died as a result of that attack and 150 were injured.

There are continuing problems, but the news from Indonesia has not by any means been all bad. Since 1999 the country has had a free and fair national election and two peaceful presidential successions. Its media are among the most free in Southeast Asia. Civil society is flourishing, and more than 5,000 non-governmental organizations are active across a broad range of sectors. Constitutional reform and decentralization have made the government less top-down. For the first time, beginning in 2004, the president and vice president will be directly elected. In this process of reform, the leaders of major Muslim organizations have played a constructive role in defining relations between religion and the state. The ceasefire agreement in Aceh has failed, but those between hostile ethno-religious groups in the eastern islands are holding. And the Indonesian economy, despite its vulnerabilities, has stabilized in important respects.

The country is now at a critical juncture in its democratic transition and economic recovery. This is therefore an opportune time for the United States to rethink its approach to Indonesia. A failure of democracy there would hurt not only Indonesians. It would reinforce the stereotype that a Muslim-majority nation cannot manage a democratic system. Given the size and importance of Indonesia, we believe that success of that nation's democracy would not only provide a better life for its people but also reduce vulnerabilities to radicalism and have an impact beyond Indonesia's borders.

For these multiple reasons, the National Commission on U.S.-Indonesian Relations recommends that the United States and Indonesia enter into a ''Partnership for Human Resource Development'' in which the two nations pledge to work together on joint programs to promote in Indonesia an effective democracy, sustainable development, and the rule of law. The idea of a formal partnership is new to this important bilateral relationship. We believe this concept is essential to increase the prospects for success and to ensure that both nations buy into these programs and are committed to make them succeed. In other words, that both accept ownership.

Events in the coming five years, including national elections in 2004 and their consequences, will determine the fate of Indonesia's democracy and the nature of the new leadership generation expected to emerge before the following elections in 2009. Accordingly, we recommend that the United States pledge $200 million annually in additional assistance funds to this partnership during this five-year period. The Commission believes that Indonesia would be a good candidate for funding under the Millennium Challenge Account. Whatever the source, it is important that these be add-on funds that do not disrupt important ongoing assistance programs.

These additional funds would be used to strengthen existing programs and initiate new programs in four critical fields:

1. Education—work with Indonesian officials to strengthen the nation's educational system at all levels, including Islamic schools, and rebuild ties with U.S. educational institutions. Before the fall of Suharto, Indonesia's experience with democratic systems and practices was limited to a few years in the 1950s, so that most Indonesians living today have had no direct experience with democracy. As a result, Indonesia's democracy must be built from the ground up. A key prerequisite for success is an informed electorate. Education is the key to success and is also essential to give greater depth to the management level in virtually all sectors. We therefore attach special importance to education and urge prompt, large-scale U.S. support.

2. Democratization—improve governance, speed and deepen legal reform, strengthen parliament and the electoral system, and help ensure the effectiveness of decentralization.

3. Economic Growth—improve the investment climate, strengthen Indonesia's private sector, expand trade, facilitate the resumption of full debt servicing.

4. Security—strengthen the police and, when practicable, resume carefully crafted military education programs that will strengthen those elements willing to promote reform.

In addition to these funding priorities, ongoing U.S. assistance for emergency relief and improved health should be continued. Bolstering the ethical rationale for such support is the contribution it can make to reducing hardship and thus limiting the grievances that can be used to incite cycles of violence and repression.

Indonesia today offers a unique but temporary window of opportunity for the United States to help this nation of 230 million people build an effective democracy based on a civil society and a market economy under the rule of law. The time to rise to the occasion is now.

PAYING TRIBUTE TO LYNN WELDON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay tribute to the life of Lynn Weldon, who passed away recently at the age of 73. Lynn was a pillar of the Alamosa, Colorado community. As his family mourns their loss, I think it is appropriate that we remember his life and celebrate the work he did on behalf of others.

After graduating from high school, Lynn attended Central Missouri State University. Upon receiving his bachelor's degree, Lynn went on to complete his master's degree at the University of Kansas. Lynn then served in the U.S. Army from 1953 to 1955 during the Korean conflict. His service to the United States during a time of war is illustrative of his character. He was a man wholly devoted to his country, family, and friends. After returning from Korea, Lynn received his Doctorate of Education from the University of Kansas in 1957 and, in June of the same year, married Arvilla Pement.

In 1958, Lynn was offered a teaching job at Adams State College; it was there that he began a 40-year teaching career. Throughout his tenure at Adams State, Lynn taught a variety of subjects ranging from philosophy to the paranormal. He was also known for his extraordinary dedication to community service. Lynn served on the Alamosa City Council for nearly 20 years, ministered with the Community Church of Christ, and performed with the San Luis Valley Mellow Tones. He was also instrumental in the movement to build a cultural center in Alamosa.

Mr. Speaker, Lynn's dedication and selflessness certainly deserve the recognition of this body of Congress. It is my privilege to pay tribute to him for his contributions to the Alamosa and Colorado communities. I would like to extend my thoughts and deepest sympathies to Lynn's family, friends, and former students during this difficult time.

NATIONAL FAMILY WEEK

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. BISHOP of Georgia. Mr. Speaker, today I would like to recognize National Family Week and the importance of strong families to the future of our communities and our country.

The purpose of National Family Week, November 23–29, 2003, is to recognize that Connections Count when it comes to strengthening families and communities. Strong families are at the center of strong communities. Everyone has a role to play in making families successful, including neighborhood organizations, businesses, nonprofits, policymakers, and of course families themselves.

Families thrive when they are connected to the opportunities, networks, support, and services that enable them to succeed. This includes everyday access to high-quality transportation, technology, education, and child care; opportunities to build a solid financial foundation; and positive social relationships within and among families, as well as quality support from community networks and institutions.

National Family Week is a great time to honor the connections that support and strengthen families year-round. These connections can be as simple as the grandmother or the neighbor who watches the kids while parents work; the network of friends or the placement center that connects parents to a new job; the place of worship or neighborhood organization that connects the family to others in the community, the community leader or policymaker who rethinks, revamps, or redirects policies, practices, and resources to better benefit families, and the parents who listen to their children and always have time for a big hug.

For 33 years, the Alliance for Children and Families and its more than 350 nonprofit members have promoted National Family Week throughout the nation. Every day these child- and family- serving organizations make a difference for families of all shapes and sizes. This holiday season, for example, One Columbus, Inc. in Columbus, Georgia, is sponsoring a series of events to recognize families. Several of these events include a community breakfast, the awarding of family friendly business awards, a community family walk, and community-wide non-denominational church services.

National Family Week is a great time for all of us to recommit to enhancing and extending

all families' connections. As we gather with our families this Thanksgiving, let us remember the special connections that help our families thrive and encourage one another, our neighbors, our businesses, and our organizations to reach out to families in new ways and honor the special gifts each can bring to our communities and to one another.

TRIBUTE TO REVEREND DOCTOR WALLACE S. HARTSFIELD ON HIS 37TH ANNIVERSARY AS PASTOR OF METROPOLITAN MISSIONARY BAPTIST CHURCH

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Ms. MCCARTHY of Missouri. Mr. Speaker, it is with great pride and respect that I rise today to bring to your attention, and to the attention of the House, the outstanding work and commitment of Rev. Dr. Wallace Hartsfield for more than 50 years of preaching to church congregations, serving the last 37 years as pastor of the Metropolitan Missionary Baptist Church in Kansas City, Missouri.

Reverend Hartsfield was born in Atlanta, Georgia, November 13, 1929. He was an only child, raised by his mother, Ruby Morrissatte. After a 3-year tour of duty in the United States Army, he attended Clark College in Atlanta and in 1954 he received a Bachelor of Arts degree from Clark College. He received a Master of Divinity degree from Gammon Theological Seminary in Atlanta in 1957. His first pastorate was at a Baptist church in Pickens, South Carolina.

Reverend Hartsfield is a former chairman of the Congress of National Black Churches, which represents 65,000 churches and 20 million members. Reverend Hartsfield is also the former chairman of the Economic Development Commission of the National Baptist Convention of America, Inc.; second vice president of the National Baptist Convention of America, Inc.; president of the Greater Kansas City Chapter of Operation PUSH; and an adjunct professor of the Central Baptist Theological Seminary in Kansas City, Kansas. Reverend Hartsfield is married to Matilda Hopkins and on August 28 of this year they celebrated their 46th wedding anniversary. Reverend and Mrs. Hartsfield are the proud parents of four wonderful children: Pamela Faith, Danise Hope, Ruby Love, and Wallace S. Hartsfield II.

I have known Reverend Hartsfield over the years through his extensive involvement in the community. He has been a leader in many worthwhile causes and a wonderful role model for our city's youth and young adults.

His leadership was invaluable in redeveloping a blighted part of Kansas City when he led the Baptist Ministers' Union of Kansas City in their efforts to demolish the old St. Joseph's Hospital and replace it with a much needed new shopping center, the Linwood Shopping Center. Residents of the city's central core had to travel some distances to buy groceries, drop off dry cleaning, or to have a prescription filled before the new development became a reality. Reverend Hartsfield successfully led the charge to secure sufficient investment capital for the project when resources for new development in that area of the city were scarce. He also was instrumental in the construction of a low income 60 unit housing development known as Metropolitan Homes, in that same geographical area. He was involved in faith based initiatives long before it was on the national agenda.

Reverend Hartsfield recently chaired the capital fund campaign to expand and update Kansas City's Swope Parkway Health Center, which provides invaluable assistance to many people who could not otherwise afford or have access to quality, state of the art health care. Millions of dollars were raised and the new health center stands as a testament to the untiring efforts of committed and dedicated people like Reverend Hartsfield.

Reverend Hartsfield has received numerous awards, among them the One Hundred Most Influential Award from the Kansas City Globe newspaper; the Greater Kansas City Image Award presented by the Urban League; the Minister of the Year Award from the Baptist Ministers Union of Kansas City; a Public Service Award from the Ad Hoc Group Against Crime; the Role Model for Youth Award from Penn Valley Community College and the Community Service Award from Kansas City, Missouri.

Additionally, he was named ''One of the Top 50 Ministers in America;' by Upscale magazine of Atlanta, GA and he received an honorary Doctor of Divinity degree from both Western Baptist Bible College in Kansas City and also from the Virginia Seminary and College of Lyncher, VA. Further, Reverend Hartsfield is a member of the board of directors for the national organization of Operation PUSH, and the Morehouse School of Religion in Atlanta, GA, among others.

This weekend in Kansas City, we are celebrating Reverend Hartsfield's 37th anniversary as pastor at the Metropolitan Missionary Baptist Church, and recognizing all of his critically important work and the leadership he has provided in the community for nearly four decades. Reverend Hartsfield loves people and he loves helping people. He has made a difference in the city he calls home, Kansas City, and we are proud to honor him as one of our outstanding citizens.

Mr. Speaker, please join me, the congregation of the Metropolitan Missionary Baptist Church, the family of Reverend Hartsfield, and the citizens of Kansas City, Missouri in congratulating Reverend Hartsfield on his 37 years of service to his church and many more years of service to his community.

PAYING TRIBUTE TO DUSTY SCHULZE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. MCINNIS. Mr. Speaker, it is with great pride that I pay tribute today to Corporal Dusty Schulze of Craig, Colorado. Dusty is a police officer with the Craig Police Department, whose recent selflessness and courage in coming to the aid of his fellow Coloradans demonstrated tremendous heroism. I, along with the citizens of Colorado, am proud of Dusty's extraordinary valor. It is appropriate to pay tribute to his actions before this body of Congress and this Nation.

On September 17th of this year, Dusty responded to a fire in a Craig apartment building. Risking his own safety, Dusty entered the building directly below the fire to search for people stuck inside. When all of the tenants were out of the building, Dusty assisted the paramedics and firemen in administering medical care to the injured.

Dusty's courageous and altruistic acts were no surprise to those who know him well. Dusty is a natural born leader and a brave and caring police officer. His genuine concern for the citizens of Craig is unwavering, and his remarkable actions that September day did not go unnoticed. The Craig City Council recently awarded Dusty a Meritorious Commendation, one of the highest honors a Craig Police Officer can receive.

Mr. Speaker, I am honored today to rise and pay tribute to Dusty Schulze, a man whose actions are the very essence of all that makes this country great. It is in times of tragedy that true heroes emerge, and I am proud to say that Dusty Schulze is a hero, not only to those he saved, but also to his community, state and nation. It is with a great deal of pride that I stand to honor him today.

INTRODUCTION OF THE POST OFFICE COMMUNITY PARTNERSHIP ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. BLUMENAUER. Mr. Speaker, one reason I came to Congress is to make the federal government be a better partner to communities. One of the simplest ways to achieve that objective does not require new rules or regulations for local or state governments, and it does not require massive outlays of our budget driving us even deeper into deficit. The simplest answer is for the federal government to follow the same rules that all others must follow.

To this end, I am reintroducing the Post Office Community Partnership Act. This bill outlines minimum community contact procedures that the United States Postal Service must pursue for any proposed closing, consolidation, relocation, or construction of a post office. Simply put, the bill requires the Postal Service to comply with local zoning, planning, or other land use laws.

This legislation has had the bipartisan support of the majority of the House of Representatives. Once, it even passed the Senate only to become the victim of the politics of postal reform. In recent sessions there have been efforts at more comprehensive legislation that all include some variation of this bill as an enticement for passage. The pressure from our legislation has in fact encouraged some within the Postal Service to make significant progress. I've met with members of the Board of Governors of the U.S. Postal Service, the Postal Rate Commissioners, and the National League of Postmasters, and they have made progress. There are outstanding examples of where they have worked with the local community to make the post office an integral part of a downtown or main street.

It is time, however, to make this relationship something that every community can count on.

It is time to make this relationship part of the Postal Service's regular activities. It should not be an exception, it should not require luck or extraordinary political action, and there should be no variation in the commitment to providing the finest examples of being a part of each and every community.

There has been a recent report from the President's Commission on the United States Postal Service that is going to prompt more discussion and analysis of postal operations. Now is the time to act on this key element that is the most important single item that this Congress can do to guarantee the Postal Service is a better partner. Congress has the opportunity to set the tone for the Postal Service and federal government to become a full partner in the livability of our communities, leading by example so our families are safer, healthier, and more economically secure.

PAYING TRIBUTE TO JIM DIEHL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. MCINNIS. Mr. Speaker, it is with a great deal of pride that I pay tribute today to Jim Diehl of Craig, Colorado. Jim recently risked his life in order to assist members of the Craig police department in the evacuation of a burning apartment complex. It was in this time of dire emergency that Jim's gallantry shone through and he proved himself a true hero. I am proud to call Jim's extraordinary acts to the attention of this body of Congress.

On September 17, Jim found himself outside the flame-engulfed Alpine Apartment complex in Craig. Realizing lives were in danger, Jim ran into the burning building to search for people trapped inside. Throughout the fire, Jim ran from room to room removing tenants from harm's path. For his brave and selfless act, the Craig City Council awarded Jim a Citizen Commendation.

Mr. Speaker, I am honored today to rise and pay tribute to a man whose actions are the very essence of all that makes this country great. Jim Diehl risked death in order to save the lives of fellow Americans. His acts are the embodiment of heroism and it is with a great deal of pride that I stand to honor him today.

FOAM FIRE SAFETY ACT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. LANGEVIN. Mr. Speaker, today I am joined by three of my colleagues in introducing the ''Foam Fire Safety Act'' to reduce the injuries, deaths, and property damage that result from polyurethane foam fires. This sensible legislation directs the Consumer Product Safety Commission (CPSC) to implement a rule within one year that ensures that polyurethane foam products meet a new open flame standard. The new level of protection will decrease the destructiveness of fires in homes and buildings around the country and prevent unnecessary tragedies.

Polyurethane foam is found in mattresses, upholstered furniture, carpet padding, soundproofing insulation, and many other common objects. It is also one of the most flammable consumer products, and firefighters refer to polyurethane foam as ''solid gasoline.'' Between 1980 and 1998, mattress, bedding, and upholstered furniture fires killed almost 30,000 people in the United States. During the same period, these fires injured more than 95,000 people.

The Consumer Product Safety Commission (CPSC) first began looking into creating stricter flame retardancy standards for foam in 1993. Ten years later, the process continues without results, and Americans are left without common sense standards similar to those already in place in California and Great Britain. My legislation requires foam to meet a new ''open flame'' test, which is equivalent to having a candle right next to the foam. Currently mattresses and furniture must only be able to withstand the equivalent of a lit cigarette.

Polyurethane foam serves as kindling for fires, and a stricter standard would prevent deaths and property damage. In my district, polyurethane soundproofing foam contributed to the deaths of 100 people at the Station nightclub fire in West Warwick, Rhode Island, on February 20, 2003. Because of the abundance of foam, the building was engulfed in flames within 3 minutes, and firefighters who were located just down the street could not arrive in time to save everyone.

I urge my colleagues to join me and the other co-sponsors of this bill to reduce the risk of polyurethane foam fires. Please co-sponsor this responsible measure, and help make American homes and workplaces safer.

NEW TOOLS NEEDED TO SUPPORT UROLOGIC HEALTH

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. LEACH. Mr. Speaker, each fall, the American Foundation for Urologic Diseases sponsors Prostate Health Month to remind people about the importance of maintaining good urologic health.

Prostate Cancer Awareness Week was held September 14–21 and urologists around the country offered free screenings for prostate cancer, the second leading cause of cancer deaths in men. Encouraging reports indicate these cancers are being found at an earlier and more curable stage, resulting in a decline in prostate cancer death rates. Sadly, we also know that prostate cancer screening tests are not perfect and that the causes of other prostatic diseases, like prostatitis, still elude our full understanding.

This problem is not limited to prostate diseases. Many other urologic conditions, such as painful bladder disease and interstitial cystitis, require further research. No gender, age or ethnic group is immune to these diseases.

The key to addressing these and other challenges to good urologic health is more and better research. Of particular importance is research supported by the National Institutes of Health (NIH). Congress has doubled the NIH budget over the last five years, providing our best scientists new resources for attacking these problems. Given the widespread impact of urologic diseases, however, the basic science research effort continues to lag.

H.R. 1002, the Training and Research in Urology Act, was introduced to provide urologic scientists the tools they need to find new cures. It will create a Division of Urology at the National Institute of Diabetes and Digestive and Kidney Diseases, the home of the urology basic science program, and expand existing research mechanisms, like the successful George O'Brien Urology Research Centers. This will give NIH new opportunities for investment in efforts to combat and vanquish these diseases.

Millions of men and women are afflicted by these diseases. I urge my colleagues to join me as cosponsors of H.R. 1002.

TRIBUTE TO MANUAL HERNANDEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. MCINNIS. Mr. Speaker, it is with great pride that I pay tribute to Manual Hernandez of Grand Junction, Colorado. Manual's selfless and courageous acts demonstrated tremendous heroism when he came to the aid of a fellow Coloradan. I am proud of Manual's extraordinary valor, and believe it appropriate to pay tribute to his actions before this body of Congress and this nation.

While eating breakfast in a Grand Junction restaurant, Manual heard a cry for help. Without hesitation, he rose to his feet and went to the rescue. Outside, Manual found an eight-year-old girl trapped beneath the tire of a car. He quickly recruited two additional men to help lift the vehicle. The men, fueled by a desire to save the young girl, raised the vehicle with Herculean strength and pulled her to safety. She is now recovering in a Grand Junction hospital.

Mr. Speaker, it is my great honor to rise before this body of Congress and this country, to pay tribute to Manual Hernandez, a humble and remarkable human being who risked his own life to save another. I join my colleagues in thanking Manual for his tremendous act of heroism.

TRIBUTE TO PERKINS T. SHELTON

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Perkins T. Shelton, a relentless fighter for equal rights and equal representation.

Perkins Shelton came to St. Petersburg thirty years ago and was a driving force in our community ever since. A leader in the St. Petersburg branch of the NAACP, he was elected secretary of the branch at the age of 88. Mr. Shelton was a mentor to numerous black leaders in the community and was a constant voice encouraging blacks to become active in the political process.

Most notably, Perkins Shelton left an indelible mark on our voting system. After successfully fighting to replace Florida's multi-member legislative districts with single-member districts, Mr. Shelton worked to obtain equal representation in Pinellas County. A driving force

for fair representation for all voters, Mr. Shelton was a leader in securing four single-member district representatives on the Pinellas County Commission.

An advocate of continuing education, Mr. Shelton went back to school to become a paralegal, specializing in elder law. Working for Gulf Coast Legal Services, he fought discrimination against the elderly. Mr. Shelton never gave up the fight—he was even writing letters on behalf of the St. Petersburg Commission on Aging at age 91.

Mr. Shelton was a Walter Mondale delegate to the 1984 Democratic National Convention. He served on the Environmental Development Commission, Housing Authority and Fair Housing Board and was a chairman of the legislative committee of the St. Petersburg Council on Human Relations. In 1988, the City of St. Petersburg gave Mr. Shelton a Senior Hall of Fame Award in honor of all his contributions to our community.

St. Petersburg is undoubtably a better place to live thanks to Perkins Shelton. On behalf of our community, I would like to extend my deepest sympathies to Mr. Shelton's family. His impact will not be forgotten.

TRIBUTE TO COMMAND MASTER CHIEF ROBERT CONKLIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. MCINNIS. Mr. Speaker, it is with a great deal of pride that I rise before this body of Congress and this nation today to pay tribute to an American hero. Command Master Chief Robert Conklin stands as a fine example of our fighting men and women of the Armed Services who have dedicated their lives to protecting their nation and their fellow citizens. Master Chief Conklin has given thirty-four years of service to his country, and I am honored to pay tribute to his accomplishments here today.

Robert Conklin enlisted in the Navy in 1969, and has accomplished a long and distinguished career. He has served as Command Master Chief, the highest rank for an enlisted man, on the USS *Conolly*, the USS *Dwight D. Eisenhower,* and the USS *Bataan*, and currently serves aboard the USS *Ronald Reagan*. Through his service, Master Chief Conklin has earned numerous awards, including the Meritorious Service Medal, the Navy Good Conduct Medal, and the Navy and Marine Corps Achievement Medal.

Mr. Speaker, Command Master Chief Robert Conklin is the kind of dedicated and devoted serviceman who young recruits look to for guidance and encouragement. He has enjoyed a stellar career, and has earned the admiration of his fellow shipmates, as well as the respect of the citizens of the country he has committed his life to serving. I am deeply honored to join with my colleagues in recognizing the tireless work and dedicated service of Master Chief Robert Conklin here today.

VERNON CHAPEL A.M.E. CHURCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the members of Vernon Chapel A.M.E. Church of Flint, Michigan, to congratulate them on their successful completion of a $2 million expansion/renovation project. The church will hold a dedication ceremony to celebrate this blessed achievement on Sunday, November 9, 2003. Bishop Philip R. Cousin, the Presiding Bishop of the Fourth District of the African Methodist Episcopal Church, will be the guest preacher and will preside over the dedication.

The expansion of Vernon Chapel A.M.E. Church started with a vision 10 years ago and now that vision has come to life. Proverbs 29:18 states that ''Where there is no vision, the people perish.'' Vernon Chapel A.M.E church is definitely alive, and growing by leaps and bounds. One proof of that growth is their newly constructed 8,700 square-foot family life center. The church and community will utilize the facility for wedding receptions, recreation events and banquets. Inside the church, seven new classrooms were added along with four offices, an elevator, and six restrooms. They have also added a day care and health care site. The church's purpose in starting this project was to give back to the community. They saw a need and they fulfilled it. With the newly expanded facility, the church will be able to spread the Gospel to more people in different ways. Reverend Darryl Williams, Pastor of Vernon Chapel for 13 years, stated to me that completion of this project is a testament to their faith, their progressive attitude and their desire to serve the people of Flint and Genesee County in a greater capacity. The members of Vernon Chapel A.M.E. Church are beyond doubt dedicated to the work of the Lord.

Mr. Speaker many people in Genesee County have greatly benefited from Vernon Chapel A.M.E. Church outreach. This church consistently thrives to make the community a better place to live and worship. I ask my colleagues in the 108th Congress to please join me in congratulating this fine Christian community on a job well done.

PAYING TRIBUTE TO WILLIAM ''SARGE'' BROWN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an outstanding citizen from my district. William ''Sarge'' Brown of Grand Junction, Colorado is an active member of the skiing community and a great citizen. For his years of hard work and many contributions to Colorado's ski industry and his local community, I am honored to pay tribute to Sarge here today.

Like many of his generation, Sarge heeded his country's call, serving in the Army during World War II and the Korean War. At the end of the Korean War, Sarge directed a mountain and winter warfare program for Dartmouth College's Reserve Officer Training Corps. He retired from the military in 1966 as a Sergeant Major, and began work at Vail Mountain where he worked his way up the ranks to become Mountain Manager. While at Vail, Sarge worked to help make the resort the world-class destination that it is today. Sarge retired from Vail in 1989, and was inducted into the National Ski Hall of Fame in 1990. Today, Sarge remains active in the skiing community by serving on the board of the Powderhorn Recreation and Development Company.

Mr. Speaker, William ''Sarge'' Brown has dedicated many years to serving his country and his community, first in the Army, and then as Mountain Manager at one of Colorado's most beloved ski resorts. His hard work and contributions to his community are an inspiration, and I am honored to join with my colleagues in recognizing the work of William ''Sarge'' Brown here today.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (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, and for other purposes:

Mr. ETHERIDGE. Mr. Chairman, I will reluctantly support this Iraq Supplemental Appropriations bill conference report for our troops and their families.

I will support this bill because we must support our troops and we must continue to engage the effort in Iraq to its successful conclusion. I have the honor of representing the Army's Fort Bragg, Pope Air Force Base and many Guard and Reserve units in North Carolina. Many of them are serving in Iraq while their families here at home pray for their safety and speedy return. This bill increases funds to purchase body armor for our troops and to contract for the clearing of unexploded ordnance. The bill provides funding for the contracting of security guards to replace reservists currently performing these duties. The Army has indicated this provision would permit the demobilization of 7,000 to 10,000 reserve component soldiers. The bill also includes a provision to continue the increased monthly rate of hazardous duty pay and Family Separation Allowances through September 30, 2004. These provisions are very important to the military families in my district because they have a very real impact in relieving some of their financial burden. I am proud my Democratic colleagues in the House and I have successfully led the fight to secure these needed funds.

I have serious reservations about this vote because despite the brilliant and valiant action of our soldiers to defeat the evil regime of

Saddam Hussein, this administration has failed to implement an adequate plan to win the peace. This Administration has failed to level with the American people and the Congress about the true costs and duration of the ongoing war in Iraq. The American people and their Representatives in Congress deserve true and honest presentation of the facts, especially on such weighty matters of war and peace. Before the Administration comes back to Congress with another request for more funds, I want to see an honest assessment of the duration and costs of the operations in Iraq and a realistic plan for a lasting peace in that troubled region of the world.

In conclusion, Mr. Chairman, I would prefer that the House could act on amendments to address this conference report's shortcomings, but we were not given that option. Despite my reservations, I will support this bill because it is the best option we have before us to win the peace in Iraq. I will support this bill on behalf of the people of North Carolina's Second Congressional District and the men and women in our armed forces.

PAYING TRIBUTE TO FIRE CAPTAIN FRANK NEMICK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an outstanding citizen from my district. Fire Captain Frank Nemick recently announced his retirement from the Pueblo Fire Department. For his selfless dedication and many years of service, I am honored to pay tribute to Frank here today.

From the time he was a young boy, Frank always wanted to be a firefighter. He joined the Pueblo fire department in 1964 and served at Station 4 in Bessemer. Over the years, he worked hard and quickly advanced up the ranks. Frank has dedicated his life to helping the citizens of the Pueblo community. Whenever someone was in trouble or in need of assistance, Frank was always ready to come to their rescue. His enthusiasm and dedication are infectious, and he has influenced several members of his family to follow him into a career as a firefighter.

Mr. Speaker, for thirty-nine years Frank Nemick selflessly served his community and his neighbors, and he will retire as a Captain from Station 10 at Pueblo Memorial Airport. His hard work and dedication are truly an inspiration. As he prepares for his retirement, I am honored to join with my colleagues in thanking Frank for all his hard work and in wishing him all the best in the years to come.

IN HONOR OF THE 2003 DALLAS VETERANS DAY PARADE AND PARADE GRAND MARSHALL HON. SAM JOHNSON

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. SESSIONS. Mr. Speaker, I rise today to honor the 2003 Dallas Veterans Day Parade and the Parade Grand Marshall, our friend and colleague Congressman SAM JOHNSON (Texas-3rd). We are honored to be here alongside our proud veterans and their caring supportive families who have made their country proud time and time again. It is important to recognize our veterans today. However, veterans should be honored everyday for their selfless sacrifices, not just simply only on Veterans Day.

The 2003 parade will pay special tribute to the 30th Anniversary of the return of Prisoners of War from Vietnam. Dallas CAN! Academy has prepared a special float in honor of these Vietnam POWs. In addition to the return of the Vietnam POWs, the 100th Year of Flight and the 50th Anniversary of the end of the Korean War are also given special recognition in the parade.

The 2003 Dallas Veterans Day Parade is also proud to welcome home and honor our nation's latest veterans. Today we pay tribute to many of the fine men and women that served in combat during military Operations Enduring Freedom in Afghanistan and Iraqi Freedom in Iraq and that have safely returned home. During this critical and turbulent time for our world, we continue to pray and ask for the blessings of our servicemen and woman who are currently serving in Afghanistan, Iraq, and throughout the rest of the world in service to our beloved nation.

We would like to congratulate our colleague Congressman SAM JOHNSON for serving as the Parade Grand Marshall for this outstanding annual Dallas tradition. Honoring a great American hero like Congressman SAM JOHNSON is especially appropriate with the Parade's special tribute to the 30th Anniversary of the return of our POWs from Vietnam. Congressman JOHNSON, after graduating from Southern Methodist University, began his 29 year career with the United States Air Force. Our colleague flew 62 combat missions during the war in Korea and was shot down on his 25th sortie during Vietnam. Sam was captured and held as a prisoner of war for over 7 years, with half of this time being spent in solitary confinement. His courage and strength serves as an inspiration to our veterans and current servicemen and woman, and we are proud to serve with him today in the House.

The Parade's military keynote speaker, Lieutenant General Thomas P. Stafford is a veteran astronaut and we are delighted to hear his remarks. General Stafford went into space on two Gemini missions and later commanded Apollo Ten. General Stafford served as the U.S. Commander for the Apollo-Soyuz rendezvous in 1975.

We would like to thank one of our favorite native sons for being with us here today for the Parade, General T. Michael ''Buzz'' Moseley, Vice Chief of Staff for the United States Air Force. General Moseley is a loyal Aggie alum, having served in the Corps of Cadets at Texas A&M. He is a distinguished officer and aviator, and is a true leader for the Air Force.

We appreciate the assistance of current military units that will be participating in the parade all of the local business and community leaders for their financial support. Thank you Congressman JOHNSON for your service to America, and God Bless our current men and women in uniform and all those that have preceded them in service to the country.

NATIONAL CEMETERY EXPANSION ACT OF 2003

SPEECH OF

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. CRENSHAW. Mr. Speaker, I rise today in support of H.R. 1516—because it keeps a commitment, a sacred commitment to the men and women of our military.

As a country we honor our veterans for their service, their commitment, their sacrifice.

Our veterans did not serve to become heroes. They did not fight because they enjoyed battle. They went to war because this country asked them to go to war. They served to defend our freedom.

This supreme dedication deserves supreme recognition.

Mr. Speaker, Florida has almost 2 million veterans and only four veterans cemeteries. One is full. One only accepts cremated remains. The other two are at least half a state away from my district. This leaves no option for Northeast Floridians who served without question.

Veterans want this cemetery. Veterans need this cemetery. Veterans deserve this cemetery.

Mr. Speaker, I am pleased this House is acting.

PAYING TRIBUTE TO HUGH THACKABERRY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. MCINNIS. Mr. Speaker, it is my great honor to rise and pay tribute today to a remarkable man from my district. Hugh Thackaberry of Fruita, Colorado, a fine man and devoted citizen, was wounded many years ago in service to our nation. I am proud today to bring his valor, courage, and patriotism to the attention of my colleagues here today.

Hugh was a squad leader in the Army's 2nd Infantry Division during the Korean War. In May of 1953, Hugh was injured in battle in North Korea's Chorwon Valley. After being removed from the battlefield, Hugh was transported to a mobile field hospital. At one point during Hugh's recovery, the hospital was overcome with American casualties. Although injured, Hugh selflessly climbed from his bed to render aid to his fallen countrymen. This action epitomizes the integrity and self-sacrifice that defined Hugh's service to his country. For his bravery, Hugh was awarded the ''Wharang Distinguished Military Service Medal'' by the government of South Korea.

Recently, the United States awarded Hugh the Purple Heart, recognizing his many sacrifices for his country. I am proud to have the privilege of presenting him that medal for his honorable service.

Mr. Speaker, I am honored to rise and pay tribute to the heroism of Hugh Thackaberry. His personal sacrifice and patriotism are an illustration of the spirit of a great American. I am extremely proud and honored to recognize

a national Hero. Thanks Hugh for your service.

REAUTHORIZING CERTAIN SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS FOR FY 2004

SPEECH OF

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. PUTNAM. Mr. Speaker, as the House takes action to extend authorization of School Lunch and Child Nutrition Programs, I wish to take this opportunity to raise an important issue relating to achieving greater nutritional benefits for the children of this nation.

Today we face a continuing challenge in improving the quality of the American diet, particularly among our nation's children as we see an alarming increase in obesity that leads to coronary heart disease, cancer, stroke and diabetes. As Congress considers comprehensive reform of School Lunch and Child Nutrition Programs in the near future, it is imperative that federal nutrition services provide the fundamental tools to promote lasting health through sound nutritional choices.

The U.S. Surgeon General reports that fruit, juice and vegetable consumption are a central part of a commitment toward better health and provide protective effects from most cancers, heart disease and obesity. Unfortunately, most children and adults do not meet the recommended guidelines of five servings a day of fruit and vegetables, with only 15 percent of elementary students and a quarter of adults consuming the recommended requirement. Unbelievably, one of our major nutrition programs, the Women's, Infants and Children's (WIC) program, does not even allow participants access to fresh fruits and vegetables.

The Healthy America Act (H.R. 2592), bipartisan nutrition legislation that I have sponsored, is aimed at promoting better health and the prevention of chronic diseases by expanding and enhancing policies that encourage the consumption of fruits, vegetables and juices in schools and in the WIC program. Particularly among needy Americans, school feeding and other nutrition programs often provide the primary opportunities for consumption of nutritionally valuable foods. This legislation would provide students and WIC participant's greater access to fruits, vegetables, and juices in federal feeding programs and expand the extremely successful Fruit and Vegetable Pilot Program nationwide.

Current federal nutrition guidelines also must be revised so that they are consistent with current dietary and nutritional science for some of the neediest Americans, including expectant and nursing mothers, infants and children. The WIC program is nearly 30 years old and has changed little during that time. The Healthy America Act would require that dietary guidelines be revised regularly in keeping with modern dietary science and allow WIC participants access to fresh fruits and vegetables currently prohibited under the program.

As Congress continues to consider long-term reauthorization of Child Nutrition and School Lunch Programs in the coming year, I urge adoption of these critical provisions in the Healthy America Act to give the children of this nation the access to nutritional benefits they deserve.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S13839–S13945

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 1815–1819, and S. Res. 258. **Page S13909**

Measures Passed:

Federal Court Proceedings: Senate passed S. 1720, to provide for Federal court proceedings in Plano, Texas, after agreeing to the committee amendment in the nature of a substitute.

Pages S13944–45

National Consumer Credit Reporting System Improvement Act: Senate began 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, taking action on the following amendments proposed thereto:

Pages S13848–91

Adopted:

Shelby/Sarbanes Amendment No. 2053, in the nature of a substitute. (Amendment, as agreed to, will be considered original text for the purpose of further amendment.) **Pages S13849–60**

Cantwell/Enzi Amendment No. 2059, to provide for certain information to be provided to victims of identity theft. **Pages S13876–77**

Boxer/Feinstein Amendment No. 2060, to address the duration of certain consumer elections and to define the term ''pre-existing business relationship''.

Pages S13877–78

Feinstein Amendment No. 2061, to address restrictions on the sharing of medical information among affiliates. **Pages S13878–79**

Corzine Amendment No. 2064, to require financial institutions and other users of consumer reports to provide notice to appropriate Federal agencies in cases in which consumer information is compromised. **Pages S13884–85**

Shelby (for Nelson (FL)) Amendment No. 2067, to ensure proper disposal of consumer information and records derived from consumer reports.

Pages S13889–90

Rejected:

Feinstein Amendment No. 2054, to create a national opt-out standard for affiliate sharing to prevent personal customer information from being shared by affiliated companies. (By 70 yeas to 24 nays (Vote No. 434), Senate tabled the amendment.)

Pages S13860–76

Feingold Amendment No. 2065, to provide for data-mining reports to Congress. (By 61 yeas to 32 nays (Vote No. 435), Senate tabled the amendment.)

Pages S13885–86, S13890–91

Withdrawn:

Durbin Amendment No. 2062, to require reporting to national consumer reporting agencies regarding Federal student loans in order to promote the responsible repayment of such loans and ensure the completeness of information contained in consumer credit reports and scores. **Pages S13879–81**

Feingold Amendment No. 2066, to require a report to Congress regarding Federal acquisitions of American-made products. **Pages S13886–89**

A unanimous-consent agreement was reached providing that the Senate vote on final passage of the bill on Wednesday, November 5, 2003, at a time to be determined by the Majority Leader after consultation with the Democratic Leader; following which Senate will insist on its amendment, request a conference with the House thereon, and the Chair be authorized to appoint conferees on the part of the Senate; further, that today, S. 1753 be returned to the calendar. **Page S13891**

Agriculture Appropriations Act—Agreement: A unanimous-consent agreement was reached providing that following morning business, at approximately 10:30 a.m., on Wednesday, November 5, 2003, Senate will begin consideration of H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004.

Page S13891

Fallen Patriots Tax Relief Act—Amendment Modified: A unanimous-consent agreement was reached providing that notwithstanding the November 3, 2003 passage of H.R. 3365, to amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity payable with respect to deceased members of the Armed Forces and to exclude such gratuity from gross income, to provide additional tax relief for members of the Armed Forces and their families, the following amendment, previously agreed to, was modified: **Page S13945**

McConnell (for McCain) Amendment No. 2051, in the nature of a substitute. **Page S13945**

Appointments: (The following appointment was announced by the Chair on November 3, 2003.)

National Council of the Arts: The Chair, on behalf of the Majority Leader, pursuant to Public Law 105–83, announced the appointment of the following Senator to serve as a member of the National Council of the Arts: Senator Bennett, vice Senator Sessions. **Pages S13836–37**

Nomination Considered: Senate resumed consideration of the nomination of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit. **Page S13944**

A second 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, November 6, 2003. **Page S13944**

Nomination—Agreement: A unanimous-consent agreement was reached providing that the nomination of Michael J. Garcia, of New York, to be an Assistant Secretary of Homeland Security, be referred to the Committee on the Judiciary for a period not to exceed 30 days of Senate session. **Page S13944**

Nominations Confirmed: Senate confirmed the following nomination:

Gwendolyn Brown, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration. **Page 13945**

Messages From the House: **Pages S13906–07**

Measures Referred: **Page S13907**

Executive Communications: **Pages S13907–09**

Additional Cosponsors: **Pages S13909–10**

Statements on Introduced Bills/Resolutions: **Pages S13910–12**

Additional Statements: **Page S13906**

Amendments Submitted: **Pages S13912–43**

Notices of Hearings/Meetings: **Page S13943**

Authority for Committees to Meet: **Page S13943**

Privilege of the Floor: **Page S13943**

Record Votes: Two record votes were taken today. (Total—435) **Pages S13876, S13890 91**

Adjournment: Senate met at 9:33 a.m., and adjourned at 7:58 p.m., until 9:30 a.m., on Wednesday, November 5, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S13945.)

Committee Meetings

(Committees not listed did not meet)

FINANCIAL RECONSTRUCTION IN IRAQ

Committee on Banking, Housing, and Urban Affairs: Subcommittee on International Trade and Finance concluded a hearing on current financial reconstruction efforts in Iraq, focusing on activities to develop a sound infrastructure for economic recovery, after receiving testimony from M. Peter McPherson, Michigan State University, East Lansing, former Director of Economic Development, Coalition Provisional Authority in Iraq; and Mark Malloch Brown, United Nations Development Programme, New York, New York.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Cheryl Feldman Halpern, of New Jersey, to be a Member of the Board of Directors of the Corporation for Public Broadcasting, who was introduced by Senator Lautenberg, Elizabeth Courtney, of Louisiana, to be a Member of the Board of Directors of the Corporation for Public Broadcasting, Jeffrey A. Rosen, of Virginia, to be General Counsel of the Department of Transportation, who was introduced by Senator Allen, Kirk Van Tine, of Virginia, to be Deputy Secretary of Transportation, who was introduced by Senator Allen, and Michael D. Gallagher, of Washington, to be Assistant Secretary of Commerce for Communications and Information, after each nominee testified and answered questions in their own behalf.

NOMINATIONS

Committee on Finance: Committee concluded a hearing to examine the nominations of Michael O'Grady, of Maryland, and Jennifer Young, of Ohio, who was introduced by Senator Voinovich, both to be an Assistant Secretary of Health and Human Services, and Bradley D. Belt, of the District of Columbia, to be a Member of the Social Security Advisory Board, after each nominee testified and answered questions in their own behalf.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of William J. Hudson, of Virginia, to be Ambassador to Tunisia, Margaret Scobey, of Tennessee, to be Ambassador to Syria, and Thomas Riley, of California, to be Ambassador to the Kingdom of Morocco, after the nominees, who were introduced by Senator Chafee, testified and answered questions in their own behalf.

NORTH KOREA

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs concluded a hearing to examine the human rights situation in North Korea, focusing on prison camps, six-party peace talks, the United Nations Human Rights Commission efforts, and strategies for those seeking asylum, after receiving testimony from David Hawk, U.S. Committee for Human Rights in North Korea, Mark Palmer, Capital Development Corporation, Sandy Rios, North Korea Freedom Coalition, Mike Mochizuki, George Washington University Sigur Center for Asian Studies, T. Kumar, Amnesty International, and Joel R. Charney, Refugees International, all of Washington, D.C.

MENTAL HEALTH REPORT

Committee on Health, Education, Labor, and Pensions: Subcommittee on Substance Abuse and Mental Health Services concluded a hearing to examine the report from the President's New Freedom Commission on Mental Health relating to recommendations to improve mental health care in America, after receiving testimony from Charles G. Curie, Administrator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services; Stephen W. Mayberg, Member, President's New Freedom Commission on Mental Health; Paul S. Appelbaum, University of Massachusetts Medical School Department of Psychiatry, Worcester; Michael M. Faenza, National Mental Health Association, Washington, D.C., on behalf of the Campaign for Mental Health Reform; Carlos Brandenburg, Nevada Division of Mental Health and Developmental Services, Carson City; and Ann Buchanan, Cockeysville, Maryland.

DATABASE SECURITY: IDENTITY THEFT

Committee on the Judiciary: Subcommittee on Terrorism, Technology and Homeland Security concluded a hearing to examine database security, focusing on identity theft and S. 1350, Notification of Risk to Personal Data Act, after receiving testimony from David J. McIntyre, Jr., TriWest Healthcare Alliance, Phoenix, Arizona; Mark MacCarthy, Visa USA, Inc., Washington, D.C.; and Evan Hendricks, *Privacy Times*, Cabin John, Maryland.

House of Representatives

Chamber Action

Measures Introduced: 12 public bills, H.R. 3428–3439; and; 4 resolutions, H.J. Res. 76; H. Con. Res. 320, and H. Res. 431–432 were introduced. **Pages H10339–40**

Additional Cosponsors: **Pages H10340–41**

Reports Filed: Reports were filed today as follows:

H.R. 3145, to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation, amended (H. Rept. 108–339);

H.R. 3181, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program (H. Rept. 108–340);

H.R. 1274, to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county, amended (H. Rept. 108–341);

Conference report on H.R. 2559, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004 (H. Rept. 108–342);

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. Rept. 108–343);

S. 677, to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado (H. Rept. 108–344);

S. 924, to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior (H. Rept. 108–345);

H.R. 506, to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, amended (H. Rept. 108–346);

H.R. 1204, to amend the National Wildlife Refuge System Administration Act of 1966 to establish requirements for the award of concessions in the National Wildlife Refuge System, to provide for maintenance and repair of properties located in the System by concessionaires authorized to use such properties, amended (H. Rept. 108–347);

H. Res. 428, providing for the consideration of H.R. 1829, to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations (H. Rept. 108–348);

H. Res. 429, waiving points of order against the conference report to accompany H.R. 2559, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004 (H. Rept. 108–349);

H. Res. 430, providing for consideration of H.J. Res. 76, making further continuing appropriations for the fiscal year 2004 (H. Rept. 108–350); and

H.R. 2420, to improve transparency relating to the fees and costs that mutual fund investors incur and to improve corporate governance of mutual funds, amended (H. Rept. 108–351).

Pages H10253–81, H10338–39

Speaker: Read a letter from the Speaker wherein he appointed Representative Renzi to act as Speaker Pro Tempore for today. **Page H10239**

Chaplain: The prayer was offered today by Rev. Johnny L. Green, Senior Pastor, Bethel Assembly of God in Savage, Maryland. **Page H10242**

Recess: The House recessed at 12:49 a.m. and reconvened at 2 p.m. **Page H10241**

Messages from the Clerk: Read letters from the Clerk stating that he received messages from the Senate on Monday, November 3. **Page H10239**

Suspensions: The House agreed to suspend the rules and pass the following measures:

John G. Dow Post Office Building Designation Act: H.R. 3166, to designate the facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, as the John G. Dow Post Office Building; **Pages H10242–43**

S. Truett Cathy Post Office Building Designation Act: H.R. 3029, to designate the facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, as the S. Truett Cathy Post Office Building; **Pages H10243–45**

Major Henry A. Commiskey, Sr. Post Office Building Designation Act: H.R. 2438, to designate the facility of the United States Postal Service located at 115 West Pine Street in Hattiesburg, Mississippi, as the Major Henry A. Commiskey, Sr. Post Office Building; **Pages H10245–46**

Sense of Congress supporting the National Anthem "SingAmerica" project: H. Con. Res. 262, expressing the sense of the Congress in support of the National Anthem "SingAmerica" project; **Pages H10246–47, H10301**

Supporting Financial Planning Week: H. Con. Res. 176, supporting the goals and ideals of Financial Planning Week, recognizing the significant impact of sound financial planning on achieving life's goals, and honoring American families and the financial planning profession for their adherence and dedication to the financial planning process, by a ⅔ yea-and-nay vote of 381 yeas with none voting "nay", Roll No. 602; **Pages H10247–48, H10312–13**

Orville Wright Federal Building and the Wilbur Wright Federal Building Designation Act: H.R. 3118, to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia; **Pages H10248–49**

Recognizing the American Concrete Institute: H. Res. 394, recognizing the American Concrete Institute's 100-year contribution as the standards development organization of the concrete industry and for the safe and technologically current construction activity it has enabled, which contributes to the economic stability, quality of life, durability of infrastructure, and international competitiveness of the United States; **Pages H10249–50**

Recognizing the National Stone, Sand, & Gravel Association: H. Con. Res. 280, recognizing the National Stone, Sand & Gravel Association for reaching its 100th Anniversary, and for the many vital contributions of its members to the Nation's economy and to improving the quality of life through the constantly expanding roles stone, sand, and gravel serve in the Nation's everyday life; **Pages H10250–53**

E–911 Implementation Act of 2003: H.R. 2898, amended, to improve homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 wireless services; **Pages H10288–93**

Animal Drug User Fee Act of 2003: S. 313, amended, to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs; **Pages H10293–97**

Recognizing the Contributions of Christian Colleges and Universities: H. Res. 300, amended, recognizing the outstanding contributions of the faculty, staff, students, and alumni of Christian colleges and universities; **Pages H10297–H10300**

Direct Support Professional Recognition Resolution: H. Con. Res. 94, amended, expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce, by a ⅔ yea-and-nay vote of 382 yeas with none voting "nay", Roll No. 603; **Pages H10301–04, H10313–14**

Honoring the Late Rick Lupe: 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; **Pages H10304–05**

Arapaho and Roosevelt National Forests Land Exchange Act of 2003: H.R. 2766, amended, to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado; **Pages H10305–07**

Canyon of the Gunnison Boundary Revision Act of 2003: S. 677, to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado—clearing the measure for the President; **Pages H10307–08**

Alaska Native Village Corporation and the Department of the Interior Land Exchange Act: S. 924, to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior—clearing the measure for the President; **Pages H10308–09**

Galisteo Basin Archaeological Sites Protection Act: H.R. 506, amended, to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico; and **Page10309–11 H**

Clarifying the tax treatment of bonds and other obligations issued by the Government of American Samoa: H.R. 982, to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa. **Pages H10311–12**

Suspension Postponed: The House completed debate on the following motion to suspend the rules. Further proceedings were postponed until Wednesday, November 5:

Trafficking Victims Protection Reauthorization Act of 2003: H.R. 2620, amended, to authorize appropriations for fiscal years 2004 and 2005 for the Trafficking Victims Protection Act of 2000. **Pages H10281–88**

Recess: The House recessed at 5:35 p.m. and reconvened at 6:30 p.m. **Page H10312**

Labor/HHS Appropriations—Motion to Instruct Conferees: Representative DeLauro announced her 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 H10314**

Tax Relief, Simplification, and Equity Act of 2003: Representative Becerra announced his intention to offer a 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. **Page H10314**

Medicare Prescription Drug and Modernization Act of 2003: Representative Capps announced her intention to offer a 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. **Page H10314**

Senate Message: Message received from the Senate today appears on page H10239.

Senate Referrals: S. 1210 was referred to the Committee on Resources; S. Con. Res. 58 was referred to the Committee on the Judiciary; S. 1400 was referred to the Committees on Resources, Science, Armed Services, and Transportation; S. 269, S. 1757, S. Con. Res. 76, S. 1132 and S.J. Res. 22 were ordered held at the desk. **Page H10336**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H10341–44.

Adjournment: The House met at 12:30 p.m. and adjourned at 10:46 p.m.

Committee Meetings

"MUTUAL FUNDS: WHO'S LOOKING OUT FOR INVESTORS?"

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises hearing entitled "Mutual Funds: Who's Looking Out for Investors?" Testimony was heard from Stephen M. Cutler, Director, Division of Enforcement, SEC; Eliot Spitzer, Attorney General, State of New York; Arthur Levitt, former Chairman, SEC; and public witnesses.

Hearings continue November 6.

FEDERAL PRISON INDUSTRIES: COMPETITION IN CONTRACTING ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 1829, Federal Prison Industries Competition in Contracting Act of 2003. 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 the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and that each section shall be considered as read. 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 Coble, Hoekstra, Toomey and Scott of Virginia.

CONFERENCE REPORT—MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 2559, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and 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 closed rule providing 1 hour of debate in the House on H.J. Res. 76, making further continuing appropriations for 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 bill. Finally, the rule provides one motion to recommit.

BRIEFING—AFGHANISTAN UPDATE

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Afghanistan Update. The Committee was briefed by departmental witnesses.

Joint Meetings

MILITARY CONSTRUCTION APPROPRIATIONS ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2559, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004.

COMMITTEE MEETINGS FOR WEDNESDAY, NOVEMBER 5, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: to hold open and closed hearings to examine aviation security, 9:30 a.m., SR–253.

Committee on Foreign Relations: to hold hearings to examine the nominations of Edward B. O'Donnell, Jr., of Tennessee, for the rank of Ambassador during his tenure of service as Special Envoy for Holocaust Issues, Jon R. Purnell, of Massachusetts, to be Ambassador to the Republic of Uzbekistan, Marguerita Dianne Ragsdale, of Virginia, to be Ambassador to the Republic of Djibouti, and Stuart W. Holliday, of Texas, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador, 9 a.m., SD–419.

Full Committee, to hold hearings to examine the nominations of Mary Kramer, of Iowa, to be Ambassador to Barbados and to serve concurrently and without additional compensation as Ambassador to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines, Timothy John Dunn, of Illinois, for the rank of Ambassador during his tenure of service as Deputy Permanent Representative to the Organization of American States, James Curtis Struble, of California, to be Ambassador to Peru, and Hector E. Morales, of Texas, to be United States Alternate Executive Director of the Inter-American Development Bank, 2:30 p.m., SD–419.

Committee on Governmental Affairs: to hold hearings to examine the report of the Presidential Commission on the U.S. Postal Service, 2 p.m., SD–342.

House

Committee on Agriculture, Subcommittee on Livestock and Horticulture, hearing to review domestic policies affecting the specialty crop industry, 10 a.m., 1300 Longworth.

Committee on Armed Services, hearing on Sustaining Global Commitments: Implications for U.S. Forces, 11 a.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, to continue hearings entitled ''The Financial Collapse of HealthSouth,'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled ''Reforming Insurance Regulation—Making the Marketplace More Competitive for Consumers,'' 2 p.m., 2128 Rayburn.

Subcommittee on Financial Institutions and Consumer Credit and the Subcommittee on Housing and Community Opportunity, joint hearing entitled ''Protecting Homeowners: Preventing Abusive Lending While Preserving Access to Credit,'' 10 a.m., 2128 Rayburn.

Committee on International Relations, Subcommittee on Western Hemisphere, hearing on the Case for a Social Investment Fund for the Americas, 2 p.m., 2172 Rayburn.

Committee on Resources, to mark up the following bills: H.R. 521, Steel Industry National Historic Site Act; H.R. 1798, Upper Housatonic Valley National Heritage Area Act; and H.R. 2693, Marine Mammal Protection Act Amendments of 2003, 10 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Environment, Technology, and Standards, hearing on ''Mercury Emissions: State of the Science and Technology'', 2 p.m., 2318 Rayburn.

Subcommittee on Space and Aeronautics, hearing on H.R. 3245, Commercial Space Act of 2003, 10 a.m., 2318 Rayburn.

Permanent Select Committee on Intelligence, hearing on Building Capabilities: The Intelligence Community's National Security Requirements for Diversity of Languages, Skills, and Ethnic and Cultural Understanding, 2212 Rayburn.

Joint Meetings

Conference: meeting of conferees on H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, 11 a.m., HC–5, Capitol.

Joint Economic Committee: to hold hearings relating to rethinking the tax code, 9:30 a.m., SD–628.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, November 5

Senate Chamber

Program for Wednesday: After the transaction of routine morning business (not to extend beyond 10:30 a.m.) Senate will begin consideration of H.R. 2673, Agriculture Appropriations Act. Also, Senate will continue consideration of S. 1753, National Consumer Credit Reporting System Improvement Act, with a vote on final passage to occur thereon; and begin consideration of H.R. 1828, Syria Accountability and Lebanese Sovereign Restoration Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, November 5

House Chamber

Program for Wednesday: Consideration of suspensions:

(1) H.R. 3349, to authorize salary adjustments for Justices and judges of the United States for fiscal year 2004;

(2) H.R. 3214, Advancing Justice Through DNA Technology Act of 2003;

(3) H.R. 3348, to reauthorize the ban on undetectable firearms; and

(4) H. Res. 425, recognizing and honoring the firefighters and other public servants who responded to the October, 2003, historically devastating, outbreak of wildfires in Southern California.

Consideration of postponed suspension: H.R. 2660, Trafficking Victims Protection Reauthorization Act of 2003.

Consideration of H.R. 2443, Coast Guard and Maritime Transportation Act of 2003 (open rule, one hour of debate).

Consideration of H.R. 1829, Federal Prison Industries Competition in Contracting Act of 2003 (open rule, one hour of debate).

Consideration of H.J. Res. 76, making further continuing appropriations for fiscal year 2004 (closed rule, one hour of debate).

Consideration of the conference report on H.R. 2559, Military Construction Appropriations Act of 2004 (rule waives all points of order).

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