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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 7, 2003.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

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

PRAYER

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

We bless You and praise You, Lord God, for the colorful season of autumn. As the days grow shorter and the light dims, we face the inevitable winter. Among the falling leaves You seed the Earth with hidden life. Amidst the dying You are already planting a future. Washed deep by rain and snow, You nurture the promise. Help us to live through our abandonment to Your loving providence, that the sacrificial plans and the decisive ideas of this Congress may flourish with new life for 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 Tennessee (Mr. DUNCAN) come forward and lead the House in the Pledge of Allegiance.

Mr. DUNCAN led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minutes per side.

THE ECONOMY

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

Mr. DREIER. Mr. Speaker, as we prepare this morning to deal with one of the most important pieces of legislation, the Department of Defense authorization bill conference report, which my friends, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON), will be managing, I would like to take this 1-minute to talk about a different issue, and that is the report that we got this morning of the improvement in our Nation's unemployment rate.

We are so gratified that the policies that President Bush has put forward are working. We obviously have a long way to go, but based on the numbers as they used to exist, a 6 percent unemployment rate, which is where we are today, used to be considered full employment. Now, we obviously in the last several years have seen it drop to the 4 percent level, and we want it to get there.

But, Mr. Speaker, with the report of a 126,000 increase, nearly triple what had been estimated in the payroll numbers, we are on the track; and our policies of reducing the tax burden on working Americans to encourage economic growth and, yes, Mr. Speaker, our goal of free trade, opening up new markets for U.S. goods and services around the world and ensuring we have the opportunity for imports to come here, are beginning to pay off. Let us make sure that we stay on that track.

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DEMOCRACY BUILDING

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

Mr. SNYDER. Mr. Speaker, Stephen Kinzer, in his book, ''All the Shah's Men,'' describes the events of the overthrow of the Iranian Government in 1953 in a coup staged by the United States and the British. President Truman did not support overthrowing the government of Prime Minister Mossadeq. In this picture taken in 1951 here in Washington, D.C., you can see his relationship with Mossadeq, who he respected as a nationalist. However, the Eisenhower government came in, President Eisenhower supported the coup, and the government was overthrown in 1953.

I thought of these events on hearing the President's speech yesterday calling for the spread of democracy in the Middle East. Stephen Kinzer in his interviews with Iranians asked them in the past what they had thought of American overtures talking about democracy in Iran, and their response was we had a democracy, but you Americans overthrew it.

We all support democracy and democratic ideals, but when it comes to remaking societies, Mr. Speaker, we should approach this with humility, realism, and a sense of history.

LT. COLONEL WEST SHOULD BE GIVEN MEDAL, NOT COURT MARTIALED

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

Mr. DUNCAN. Mr. Speaker, this coming Monday, Lt. Colonel Allan West is scheduled to face an article 32 hearing to see if he should be court martialed.

Colonel West is accused of threatening an Iraqi prisoner. According to news reports, Colonel West shot his handgun into a firing barrel and also fired it near this prisoner. He did not harm the prisoner in any way, but he apparently scared him into giving information that foiled an attack on American soldiers.

If these news reports are accurate, Colonel West saved many American lives. This is a man who has served honorably for almost 20 years in the United States Army. He should not be court martialed. He should be given a medal for saving American lives.

ECONOMIC GROWTH

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

Mrs. MILLER of Michigan. Mr. Speaker, if we needed any more proof of an improving economy following last week's outstanding economic growth figures, we just got it. The manufacturing sector of our economy, which is important to so many States, including my home State of Michigan, appears to be turning around with a vengeance.

October's indices showed manufacturing expanding more rapidly than at any time since January of 2000. The report also showed new orders for manufactured goods, the key to future growth, are at their highest levels since 1999. Overall construction spending has reached its highest level ever. Existing home sales are at record highs. And, of course, this morning we got the greatest news of all: unemployment fell in October and the economy created 126,000 new jobs.

Every American should be happy. The Bush tax cuts are working; the economy is on the rise. But what is the response to all this good news from my friends on the other side of the aisle? More pessimism. More gloom and doom. Mr. Speaker, I am beginning to wonder if they view good economic news as good news at all.

DISABLED VETERANS TAX

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

Mr. DEFAZIO. Mr. Speaker, the disabled veterans tax: more than one-half million disabled veterans, career military, have their disability benefits offset dollar for dollar against their retirement. What does that mean? It means a retired master sergeant, 100 percent disabled, is taxed at a rate of 50 percent.

Now, the President rushed through relief for millionaires who had to pay a tax of 35 percent on the dividends they clipped off their stocks, and this House accommodated that, but he says there is no money to help out those disabled veterans. We cannot afford, the President says, to offset or reduce that tax or eliminate that unfair tax on our disabled veterans.

Well, that is pretty strange when we can do that for millionaires and billionaires; but somehow, as Veterans' Day comes upon us, we can only give a tiny bit of relief phased in over 10 years to some of these veterans who are subjected to this outrageous tax, despite the fact that almost every Member of the House is a sponsor of a bill to totally repeal it. But they are afraid to put their names from the Republican side on a petition to force that bill to the floor of the House.

Sign the petition. Have the guts to deliver for your veterans.

REPUBLICAN TAX RELIEF SPURS JOB CREATION

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

Mr. WILSON of South Carolina. Mr. Speaker, yesterday we learned that jobless claims dropped to a 2½-year low, further signifying the success of the Republican tax relief championed by President George W. Bush. This follows last week's historic news that the economy is growing at the highest rate in nearly 20 years, as the GDP grew by 7.2 percent in the last quarter.

Last week was the fourth straight week in which jobless claims were below 400,000, as claims dropped to 348,000. In headlines across America today, Federal Reserve Chairman Alan Greenspan said of the decrease in jobless claims, that ''the odds increasingly favor a revival in job creation.'' As Democrats continue to try to talk down the economy, the news of the recovery is just too clear to ignore: 126,000 new jobs in October were announced this morning.

Republican policies of tax relief, fiscal discipline, corporate accountability, and national defense to protect American families from terrorists have restored our Nation's confidence and promoted a healthy business environment.

In conclusion, God bless our troops.

THE ECONOMY

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

Mr. KINGSTON. Mr. Speaker, the economy is turning around: a 7.2 percent growth last quarter in the gross domestic product, the largest since Ronald Reagan cut taxes in 1984. The jobless claims have fallen. More people are working than ever before. Productivity has increased. Tax cuts work.

Why do they work? Because the more money a worker has in his pocket, the more money he is going to spend. When he goes out and buys more clothes, tires, or hamburgers, small businesses react by expanding their inventory. When they do that, they also hire more employees. When more people have jobs, more people are working, more people pay taxes, and less people are dependent on government welfare checks.

Tax cuts work. The best solutions are always seen in the private sector and not in government. I hope the next time when we have an opportunity to make these tax cuts permanent that we can get the Democrats, particularly those in the other body, to join us in making these tax cuts a permanent part of our Tax Code.

CONFERENCE REPORT ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 437 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 437

Resolved, That upon adoption of this resolution it shall be in order to consider the

conference report to accompany the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

This morning, the Committee on Rules met and granted a normal conference report rule for H.R. 1588, the Defense Authorization Act for Fiscal Year 2004. The rule waives all points of order against the conference report and against its consideration.

In addition, the rule provides for 1 hour of debate equally divided and controlled between the chairman and ranking minority member of the House Committee on Armed Services.

Mr. Speaker, this should not be a controversial rule. It is the type of rule we grant for every conference report we consider in the House. And I want to especially give my thanks to the chairman and ranking member of this committee, because they have done a phenomenal job with this bill. It is a bill that sets an example for the rest of the committees in the House as far as working together and doing what is right for the country and what is right for our servicemen.

This legislation firmly shows our commitment to restoring the strength of our Nation's military. The conferees authorize $400.5 billion in budget authority for the Department of Defense and the national security programs of the Department of Energy, which matches the President's request.

The legislation authorizes the funding necessary to defend the Nation and our interests around the globe. It contains important provisions, such as concurrent receipt pay for the Nation's veterans, commonsense environmental reforms allowing our troops to properly train, and important new benefits for military personnel and their families.

The Iraqi conflict and our continuing war on terrorism have brought a renewed and proper focus on national defense. We owe much to our men and women in uniform; and their success in Iraq and Afghanistan is a testament to their bravery, training and equipment, and their commitment to defend our freedoms. It is the means by which we meet our commitment to provide them a decent quality of life with an across-the-board 4.15 percent increase for military personnel, so as to sustain the commitment and professionalism of America's all-volunteer armed services and the families that support them.

The pay raise will cut the pay gap between military and civilian jobs from 6.4 to 5.5 percent. This will be the fifth consecutive year that pay raises have exceeded that of the private sector.

For our active soldiers, the conferees increased the rates of special pay for those subject to hostile fire and imminent danger worldwide from $150 a month to $225 per month for the period beginning October 1 of 2003, through December 31 of 2004.

We also want to acknowledge where these active soldiers get the source of their strength. It is from their families here at home. And we are increasing the family separation allowance for servicemembers with dependents from $100 a month to $250 a month for the period October 1 this year through December 31 of 2004.

I also want to take a moment to personally thank the gentleman from California (Mr. HUNTER) for tirelessly fighting for the solid ''Buy American Provisions'' that are included in this conference report. That is extremely important to my State of North Carolina.

The ongoing war on terrorism dictates the need to have reliable domestic sources of weapons and equipment. Unfortunately, fewer American companies are designing and manufacturing the components and materials used in our military systems, as the U.S. industrial base is becoming more dependent on foreign sources. And this is a disturbing factor to me, as I know it is to the gentleman from California (Chairman HUNTER). We have got to be able to produce these equipment needs here in the United States so we are not at the mercy of some other country if they decide for some reason to cut us off.

However, I am very disappointed, and I know the chairman is too, that the conference report did not include a key provision that was passed by the House that would ensure that all the components of the Department of Defense uniforms come from American companies. The language specifically worked to more adequately cover domestic textiles and leather industries.

I would also like to congratulate my good friend and colleague on the Committee on Rules, the gentleman from Washington (Mr. HASTINGS), for authoring the 1-year citizenship provision for our valiant servicemen and women. It reduces the length of service requirement for naturalization to 1 year. And I would also like to note that the ranking member on the Committee on Rules, the gentleman from Texas (Mr. FROST), worked hard on this issue as well.

On a positive note, I am extremely pleased and proud that H.R. 1588 establishes a payment program to simultaneously compensate disabled military retirees who were injured in combat for their full retirement pay from DOD and disability compensation from the Veterans Administration beginning January 1, 2004. Over the next 10 years, this bill will provide concurrent receipt to more veterans than have ever been covered by current law. Our veterans have given deeply and heroically, and it is only fair we recognize their service.

So let us pass this rule and pass the underlying defense authorization conference report. At the end of the day, we will be making our homeland safer, and we will be supporting our sons and daughters serving in our military. We are also preparing for war, thereby ensuring victory. At this crucial time in our history, this bill is most important.

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

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

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

Mr. FROST. Mr. Speaker, for all of my 25 years in this Congress, I have worked to strengthen America's military and to increase our national security. Like other defense proponents on both sides of the aisle, I have bent over backwards to put politics aside and work together to support America's men and women in uniform.

For instance, nearly 18 months ago, I introduced the Citizenship for America's Troops Act, a bill to help U.S. troops who are legal immigrants by easing the costly and burdensome obstacles that they face in the current citizenship process. Working with Democrats and Republicans in the House and the Senate, a good compromise was finally reached, one that is in this defense authorization conference report. It is not perfect, but it does provide much-needed relief to the more than 37,000 patriotic legal immigrants on active duty in the U.S. military, brave men and women who have been fighting and dying for a country in which they could not even vote.

This kind of cooperation and bipartisanship approach, Mr. Speaker, is fundamental to our efforts to keep America's military strong, especially at a time when so many Americans are losing faith in President Bush's ability to win the peace in Iraq.

While this conference report offers much to be proud of, Mr. Speaker, like the military pay raise and health care benefits for the National Guard and Reserves that Democrats have fought for, it also demonstrates how bipartisanship is becoming increasingly rare under this all-Republican government.

During the conference committee negotiations on this bill, Republican leaders shut out Democrats, including the distinguished ranking member of the Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON), on some key areas of the conference. And the gentleman from Missouri will speak about those in more length. This is part of a clear and dangerous pattern by Republican leaders. We have seen it on the energy bill, the

Medicare bill, and the FAA bill; but it is extraordinarily disappointing to see America's national defense policy treated in such a partisan manner.

Moreover, the conference report itself contains several provisions where Republican idealogy clearly trumped solid national defense policy. In the interest of time, I am going to just mention three examples.

First, why will President Bush and the Republicans not listen to the veterans and Democrats who are fighting to repeal the disabled veterans tax? Right now it penalizes nearly 560,000 disabled veterans, denying them $3 billion in military retirement benefits each year. As the American Legion has said, Mr. Speaker, the right thing to do is repeal the tax for all service-disabled military retirees. Democrats have proposed a plan to do that; but Republicans, led by President Bush, continue to block it. In fact, in this bill, Republicans refuse to help almost 70 percent of those disabled veterans, Mr. Speaker.

So when Republican Members are at home for Veterans' Day celebrations next week, I hope they will be honest with the people about the provisions in this bill which provide only partial relief to only a fraction of America's disabled veterans. I hope they will explain that they did not think they could afford to restore military retirement benefits to 390,000 disabled veterans because they spent so much of the U.S. Treasury on tax breaks for the wealthiest few.

Second, does anyone really believe that national security requires that we gut landmark environmental protections? Of course not. But rolling back America's environmental protections is a Republican priority. So Republicans stuck into this bill provisions that attack the Endangered Species Act and the Marine Mammal Protection Act.

And, third, is it really necessary to weaken the workplace protections of 746,000 patriotic Americans employed at the Pentagon, the same people who responded so courageously to the September 11 attack on that building? And is it really necessary to eliminate the rules prohibiting patronage at the Pentagon? Of course not. But gutting important worker rights is another key Republican priority, and they are shamefully using this national defense bill to do it.

Fortunately, Mr. Speaker, there are some areas of this conference report where bipartisanship and sound defense policy have prevailed. These include the substantial quality-of-life improvements that Democrats have fought for. Those include a 4.1 percent increase in basic pay for all members of the Armed Forces, plus targeted increases for midgrade and senior noncommissioned officers and select warrant officers to enhance retention. And they also include an increase in imminent-danger pay and the family separation allowance for U.S. troops serving in harm's way.

The conference report also builds on our efforts to support the National Guard and Reserves, who bear more and more of the burden of defending America at home and abroad. For instance, it ensures that when the Ready Reserves serve in areas where those on active duty get hazardous duty pay, they will too. And if members of the Ready Reserve cannot get health insurance through their employer, it gives them access to the same TRICARE system that serves the military.

Additionally, Mr. Speaker, I am pleased that the conference report includes my own legislation to make life easier for the Guard and Reserves, both active duty and retirees, and their families, by allowing them unlimited access to commissaries. They and their families are making great sacrifices for this Nation and they deserve our support.

Finally, the bill continues to make important investments in the wide range of weapons that ensure America's military superiority throughout the world. It includes full funding of $4.4 billion for the F–35 Joint Strike Fighter, the next generation multirole fighter of the future for the Air Force and the Navy and the Marines. It fully funds the F/A–22 Raptor aircraft, the high-technology air dominance fighter for the Air Force, by providing $3.5 billion for 22 planes, and it includes the full $1.2 billion needed for the V–22 Osprey aircraft.

Mr. Speaker, all these important prodefense provisions have strong bipartisan support. They reflect the longstanding commitment of Democrats and Republicans to work together to ensure the U.S. military has the resources it needs. That is the type of bipartisanship and cooperation that our national security policy requires. It builds strong public support for a U.S. foreign policy here at home and ensures our troops have the resources they need to do the dangerous job we ask of them.

Unfortunately, Mr. Speaker, Republican leaders seem to have forgotten these lessons. And the President too often ignored them in the run-up to the war in Iraq, which is a big reason it will be so hard to restore President Bush's credibility and the public's confidence in his ability to win the peace in Iraq. The American people deserve better than that, and so do our troops in the field. I urge my Republican friends to remember that, especially as U.S. troops and U.S. taxpayers continue to shoulder almost the entire burden for rebuilding Iraq.

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

Mrs. MYRICK. Mr. Speaker, I am very pleased to yield such time as he may consume to the gentleman from California (Mr. DREIER), our distinguished chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and the underlying conference report which we are going to consider this morning.

I want to begin by thanking my friend, the former mayor of Charlotte, the gentlewoman from North Carolina (Mrs. MYRICK), for the fine work she has done not only in managing this rule but her important support of provisions in this measure dealing with concurrent receipt, making sure that those veterans who have been wounded and suffered will also receive their retirement pay. This I know was a very high priority for her. She also was very involved, Mr. Speaker, in addressing the Buy American Provision, which my very dear friend and classmate, the gentleman from California (Mr. HUNTER), the chairman of the committee, has pursued. And I believe that we have come to a reasonable compromise on it.

I am not in total agreement with the gentleman on this provision, at least the way he had originally had it, because I believe we need to focus on ensuring we get the best quality product at the lowest possible price for our taxpayers. But at the same time, obviously, we do want, as a first choice, to focus on, in the area of machine tools and other areas, American workers and American job opportunities here.

I want to say that there is another provision that my friend, the gentleman from Washington State (Mr. HASTINGS), worked on, and I know the gentleman from Texas (Mr. FROST) worked on as well, which is very important, and that is to ensure that we provide citizenship to those who have risked their lives and fought on behalf of the interests of the United States of America. I am pleased that the conference has in fact chosen to follow the direction of this House in ensuring that we have brought about the Hastings language on this. We know that President Bush strongly supports this as well, and I would like to congratulate him on this.

□ 0930

Mr. Speaker, this legislation is very important. As we opened the Committee on Rules meeting at 7 o'clock this morning, I said that if you look at most of the things that we do here in Washington, D.C., most all of them can be handled by State and local governments. We are obviously involved in health care and education and a wide range of areas, but clearly those are things that can be handled at the local level. There is really one preeminent issue that cannot be handled by a city, a county or a State government, and that happens to be the overall security of the United States of America and our interests overseas. And that is why I feel as a Member of this body very fortunate to have both the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) working hard to ensure that we have the very, very best defense for our Nation.

Now, I want to say that as I listened to my friend from Dallas go through his prepared statement on this he did end by talking about the fact that Democrats and Republicans alike stand together in support of a strong defense, but I have to disabuse my colleagues of the notion that was made that somehow Republicans are interested in gutting worker rights, murdering our environment. Nothing could be further from the truth, Mr. Speaker.

I will state that when it has come to the environmental issues, and I know the gentleman from California (Mr. HUNTER) will get into this as he has in our meeting upstairs this morning and he has repeatedly here in the well, he has talked about the responsibility to ensure that our men and women in uniform are not playing second fiddle to some obscure environmental priorities that one has. This measure, in fact, pursues a very balanced approach to environmental issues.

Similarly, this notion that we somehow want to plunder workers rights, that we want to gut the rights of workers, again, nothing could be further from the truth. This measure pursues a very balanced approach which focuses on worker rights. And so I want to say that I believe this measure is going to pass with strong bipartisan support.

As the gentlewoman from North Carolina (Mrs. MYRICK) pointed out, the issue of concurrent receipts is important for us to address, especially as Members prepare to go back to their States and districts and talk about the important sacrifice that has been made and, of course, as we think today, and the gentleman from Missouri (Mr. SKELTON) was the first one to report this to us in the Committee on Rules this morning, we heard the tragic news overnight of a Black Hawk helicopter that was downed and the loss of six lives.

We continue to live in a very dangerous world. And the chairman of the Permanent Select Committee on Intelligence, the gentleman from Florida (Mr. GOSS), I think made a point very clearly in our hearing this morning and that is that we need to take action now. We want to make sure that the conflict exists there and not here, and that is why this legislation is so important, so that we can in fact deal with those who want to do us in.

The training that continues to take place in the madrasas, which is virulently opposed to the United States and our Western values, the other kind of terrorist activity that we are seeing, we have to be prepared to deal with that.

Lives are being lost on a regular basis because of this battle against international terrorism, but with passage of this legislation we will be able to diminish the threat of loss of life and ensure that our men and women in uniform are equipped and compensated to deal with this very, very serious issue.

Mr. Speaker, I urge strong support of this rule and the conference report.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the ranking member on the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I rise in support of the rule and thank the gentlewoman from North Carolina (Mrs. MYRICK) and the gentleman from Texas (Mr. FROST) for presenting it this morning.

This was a difficult bill, and shortly we will talk about some bumps along the way. But, Mr. Speaker, we are at war. We must do our very best, and I think we have done a good job as it relates to the troops of the United States of America. They are superb. They are doing a good job. We must pay respect to them legislatively as well as to their families legislatively, and I think we have done that by the various items. The family separation allowance, the combat pay, the pay raise and all of these personnel items that we touched upon is our way of saying thanks for a good job well done.

So I support this rule. In the process I want to express my deep appreciation to everyone in uniform and to those families who support those in uniform. And, sadly, we have lost some and I hope that this is some consolation that we continue to support the American men and women who are wearing the uniform of the United States of America.

Mrs. MYRICK. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. HUNTER), the distinguished chairman of the Committee on Armed Services.

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

Let me congratulate my colleague, the gentleman from Missouri (Mr. SKELTON), my good partner on the Committee on Armed Services, and all the Members, Republican and Democrat, who helped to put this bill together. I want to thank the gentlewoman from North Carolina (Mrs. MYRICK), the chairman on the committee, the gentleman from California (Mr. DREIER), who gave us a lot of time and attention, and all the members of the Committee on Rules.

Let me just say a word or two about what this bill does because this bill makes what I consider to be some sweeping reforms and it is a great bill. It covers a number of major areas, and along with what I call the ''people issues''; that is, the pay raise that has been mentioned, the additional monies for housing that brings down the amount that a service member has to pay out of their pocket, all of the things that go to quality of life for personnel. It also covers some major areas that have needed reform.

One aspect of that is what I call freedom to train, and today if you go to a place like Camp Pendleton, I have used that as an example, it has some 17 miles of shoreline. Only a very small area can actually be utilized for Marines who basically practice Iwo Jima. They practice assaulting a defended beach area. They can only do that practice in a very, very limited area of about one kilometer because of environmental considerations. And if you go to bases around the country, rifle ranges, air space for our Air Force and our other services to undertake integrated training with multiple aircraft, all of that is being hindered and obstructed because of a collision with our environmental laws.

Now, we have an answer to that, and the answer is a management plan called an inramp, and that is where the military gets together with State Fish and Wildlife and Federal Fish and Wildlife and they make an agreement. They make an agreement and they say, okay, the habitat for the gnatcatcher will be over here, we will set aside this 400 acres, and the Marines will have this area for rifle training or the Army will have this area for tank training or the Air Force will have this area for aircraft training.

Once you make that agreement and you put it in place, it is not open for groups to come in and sue under the Endangered Species Act to close down that rifle range, to close down that tank range, to close down that air space that is so vital so that our people can survive in theaters like Iraq and Afghanistan.

So this is offered under the proposition that the real endangered species here is a 19-year-old Marine rifleman who needs the very best training that he can get here at home before he projects American power overseas, and in this bill we put together this balance between conservation and military requirements.

Also, with respect to allowing our submariners to utilize the best of their sonar devices that will keep them alive when they are in the littorals, in shallow water areas around the world, where they will be faced with very quiet diesel submarines which are now being proliferated in certain adversaries' navies. We say that, whereas before the standard was that if a mammal, maybe a sea lion, was potentially disturbed that military training could not take place in his neighborhood. Now we say he has to actually be significantly disturbed. He has to actually be disturbed or that disturbance has to be significant enough to alter the way he migrates or feeds or the way he goes about his daily life.

So we are trying to give as much value to the sailors' survival as we have given to the sea lions' survival. I think that is a good balance. In this case we put the sailor ahead of the sea lion. I think the American people want that.

With respect to personnel, right now we are facing a war that is a new war. It is a war in which we see terrorists with high technology. We have to be flexible. We have to move quickly, and that involves people who not just wear the uniform of the United States, it also involves people who wear the civil service uniform.

So we are empowering Mr. Rumsfeld with the ability to reshape his civil service so that instead of taking 4 or 5 or 6 months to go through the bureaucracy to qualify a civil servant to work at a job so you get to the point where you just direct a sergeant to go do it and he salutes and goes and does it, we will now be able to quickly move civil servants into that job. We will be able to hire them quickly, and when people show an extraordinary ability to work and an enthusiasm and dedication that rises above the community, that they will be rewarded for that. And we have tested these ideas in pilot projects around the country, and the members who have participated in the pilot projects have voted that they like it.

So we are undertaking important reforms in this bill. We are giving the military the tools they need to fight this new type of war. I would urge everyone to support the rule and support the bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. HARMAN).

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

Mr. Speaker, as the ranking member of the House Permanent Select Committee on Intelligence, I am a conferee on the Defense Authorization Act. Virtually all of the funding for intelligence is contained in this bill.

This bill is far from perfect. Like a number of conferees, I am enormously concerned about developing bunker buster nuclear weapons, weakening nonproliferation programs, and an assault on collective bargaining, all of which is unfortunately part of this legislation.

Nonetheless, I signed the conference report and I intend to vote for final passage. The lives of American soldiers, sailors, airmen and women, Marines and civilians are on the line in Iraq and in the global war on terrorism. Accurate and actionable intelligence is vital if we are to prevail, and I intend to do everything I can to provide our forces with the best intelligence possible.

The funds in this bill meet important intelligence needs vital to our Nation's security and, in contrast to the recent $87 billion supplemental, these funds come through the regular budget process.

Still, the following needs to be said: The Permanent Select Committee on Intelligence on a bipartisan basis has identified serious shortcomings in the prewar intelligence on Iraq's weapons of mass destruction and ties to terrorism. Sketchy and often circumstantial evidence produced estimates that likely were substantially wrong. At a minimum, I believe the Intelligence Community overstated the strength of the underlying data supporting the conclusions.

The Intelligence Community has yet to acknowledge any flaws in prewar intelligence. With American lives on the line now, the shortcomings in prewar intelligence must be addressed now. A ''lessons learned'' study cannot await the conclusion of David Kay's ongoing WMD search. Regardless of what he finds, there were problems with collection, analysis and the way policy makers used the information.

I strongly support this bill's requirement of an Iraq ''lessons learned'' report by the Department of Defense due March 31 of next year. As a conferee on the intelligence authorization bill, I plan to push for an interim ''lessons learned'' report from the Intelligence Community on the same date as the military's report is due, and I hope that the gentleman from Florida (Chairman GOSS) will join me in this request.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me time.

Mr. Speaker, I also want to thank the chairman of the Committee on Armed Services, the gentleman from California (Mr. HUNTER), who has just gone through very difficult negotiations at a very difficult time. Some Members may not know that he lost his home to the California wildfires that swept through southern California. So I thank the gentleman from California (Mr. HUNTER).

This is good news. This defense conference report is good news for our young men and women who serve in the Armed Services and are required to carry out the will of this Nation overseas. We want to give them the tools necessary so they can do their job and come home safely to their families, and this bill provides many of the tools necessary for that to happen. It is also good news for our veterans in addressing the issue of concurrent receipts.

It is also very good news for the KC–767 program. This is a critical part of our defense program and it completes the circuit for the start of a new program in fulfilling a great need by replacing our KC–135's, the tanker fleet that we currently have.

□ 0945

For those who are not familiar with the KC–135, this is basically a gas station in the sky. It refuels other aircraft, and it is a very necessary link in projecting power for this country. Afghanistan and Iraq once again confirmed the necessity that in today's war on terrorism, we must have tankers to fulfill the role of carrying out and projecting power. The problem has been that they are an aging fleet. The average age of the KC–135s is 43 years. Can the Members imagine, Mr. Speaker, coming back and forth to work in a 1960 automobile? This is basically what we have asked our young men and women to do. The average age of 43 years is the equivalent of driving a 1960 Dodge Dart. And just like an older automobile would suffer from rust and need repair, these aircraft are suffering from corrosion and have high maintenance costs. So the KC–135 must be replaced, and this is good news because this defense authorization conference report does that.

But, Mr. Speaker, I would like to place the House on notice that we will have to correct some of the problems that have been created by this agreement in the current legislation. The conference report changes the original plan for the KC–767. It changes the delivery rate and purchasing method that was supposed to save approximately $4 billion, an estimated $4 billion, but the short-term plan was shortsighted. It does create a long-term problem. I will submit for the RECORD the letter from Deputy Secretary of Defense Paul Wolfowitz outlining the plan to change the delivery schedule for the first 100 aircraft. It essentially changes it from a 20-per-year delivery rate to a 12-per-year delivery rate.

When we assume the total program of 400 aircraft, instead of ending this program in fiscal year 2025, it will now end in fiscal year 2039. That moves the midpoint of this entire program 7 years to the right. If we assume an average cost of $150 million per aircraft and a 5 percent inflation rate, that is for increased labor cost, increased material cost, increased cost of money, it raises the cost of the entire program by 40.7 percent. So instead of 60 billion over 21 years for the KC–767 program, the Federal Government will have to spend approximately $84.4 billion over 35 years.

What needs to be done? We are going to address the delivery schedule. It must be accelerated so that we can reach an optimum production rate and a lower cost per aircraft. We also need to provide adequate budget authority to serve the taxpayers with significant reduction in the cost of this program by accelerating the production rate. But over all, Mr. Speaker, this is a very good conference report, and it is going to be something that is going to help our young men and women as well as veterans. I support the rule, and I support the defense conference report.

DEPUTY SECRETARY OF DEFENSE,
Washington, DC, November 5, 2003.

Hon. JOHN WARNER,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you again for your consideration of the Department of Defense's proposal to lease 100 KC–767A aircraft. As you know, there has been a vigorous debate on the best way to get this program started. Your most recent amendment would allow the Air Force to lease no more than 20 of the 100 tankers. The Air Force has developed a proposal to implement that arrangement, and I hope that you will find it acceptable.

Our proposal strikes a necessary balance between the critical need for new air-refueling tankers and the constraints on our budget. As reflected in the enclosed chart, we intend to lease the initial 20 aircraft and then buy aircraft at a steady rate of 11 to 13 aircraft per year until delivery of the 100th. We commit to add $2.4B, in Fiscal Years (FYs) 2008 through 2010, to the funding profile for the original proposal to lease 100 aircraft. We also will add $1.4B in FY 2012 to 2013. The

combination of these added funds achieves an immediate start to the program and allows us to purchase the last 80 aircraft at time of delivery.

I appreciate the support that you have provided in the past and look forward to working with you in the future. If you require further information, please do not hesitate to contact me. A similar letter has been sent to the chairmen and ranking minority members of each of the defense committees.

Sincerely,

PAUL WOLFOWITZ.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I support this bill, and I am glad to see us put some quality-of-life provisions in it; and I commend the chairman, whom I have worked with for 20-odd years, for once again bringing a bill to closure.

I do have to call attention to the fact that this rule waives all points of order, which is typical; but in this case, as ranking member of the Budget Committee, I feel obliged to make my colleagues aware what it is we are waiving because it is not a good way to do business; it is not a good way to keep a budget.

This conference report contains two provisions that entail significant spending over and above the amounts allowed in the budget resolution. One allows concurrent receipt of military retirement benefits for retirees who also get VA disability benefits. The other commits the government to lease and purchase up to 20 or maybe even 100 new tanker aircraft.

No funds were added to this conference report to pay for either of these programs, and that is my problem. Between the two of them, they will entail new unfunded future commitments of approximately $40 billion, $22 billion for concurrent receipt, $18 billion for 100 new tanker aircraft.

As a member of the Committee on Armed Services, I support the compromise on concurrent receipt, and I understand the need for new tankers; but I am concerned, and have to be, about the way we are doing this. The rule before us would waive the point of order that would otherwise lie against the conference report for some clear and substantial departures from the budget resolution that is supposed to be prevailing in this House.

We just finished the fiscal year 2003, Mr. Speaker, with the largest deficit in our peacetime history, $374 billion. The deficit for next year, fiscal year 2004, is likely to break that by $100 billion, even without the additional cost of these programs which are not included in any of CBO's or OMB's projections.

All I am saying is if concurrent receipt is a worthy benefit, and I think it is, then let us pay for it or at least let us recognize fully in the budget the cost of it. If we need these tankers, and I accept the arguments that we do, then let us pay for them. Let us make the argument and pay for them and set the priority in the budget. This bill does not do that, and this rule would allow Congress to flout the budget resolution without facing up to these costs. If Congress feels that it is necessary to abandon the budget resolution that supposedly prevails in the House and further increases the deficit, then we ought to be accountable for that decision. But this rule would make sure that no Member of this body will have the opportunity to demand such accountability.

Let me tell the Members specifically the two problems in the conference report with respect to these items that give me trouble. The conference report phases in a compromised version of concurrent receipt. In 2004 this would increase direct spending by $800 million. By 2013 this would increase annual cost to as much as $3.5 billion. This provision would cost an estimated $22 billion in additional direct spending over the next 10 years, none of which is provided for in the mandatory spending provisions of the budget resolution. That is why I call it a substantial departure.

There is another anomaly in the way concurrent receipt is treated. Since the mid-1980s, we have recognized military retirement costs through an accrual system that sets aside funds to cover the cost of retirement benefits we owe in the future for today's military service. The concurrent receipt provisions in this bill eliminate a reduction or offset in military retirement and thus increase military retirement benefits. Under current procedures, we should increase our accrual payments to account for the fact that we have just increased future spending on retirement benefits. This bill does not do that. It departs from a convention we adopted 20 years ago for reporting military retirement programs.

The conference agreement also includes language that was not in either bill to lease 20 tankers and then buy 80 more. In effect, what it allows is incremental funding, something we have not done for big procurement programs for a long, long time. It entails at least a liability of $4 billion, maybe as much as $18 billion, and yet none of this money is in the Air Force budget. None of this authority has been recognized. What we have here is an effort to obscure the fact that we are increasing the defense budget but not adding BA commensurate to the amount of the increase.

There are committees right now and next week railing against corporate misaccounting in this country and should be. But we should keep our own books in proper order in order to make such criticisms. This is not a way to budget. I support the bill and hope it does not constitute a precedent for the future.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

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

I rise in strong support of the rule and of the conference report with a deep sense of gratitude to the gentleman from California (Chairman HUNTER), as well as the gentleman from Missouri (Mr. SKELTON), ranking member, for their extraordinary and bipartisan leadership on behalf of that fundamental function of our Nation and this Congress to provide for the common defense and in meeting the urgent needs of soldiers in the field of today, our intelligence community, but also meeting the needs of those who have served in uniform. I believe this conference report goes a long way toward discharging that duty.

Mr. Speaker, in the survival of freedom we literally as American citizens owe our veterans everything. But in a world of limited resources, we can only in this Congress do the right thing. I rise specifically today on virtually the eve of Veterans' Day to point out how this Congress, thanks to the bipartisan leadership of the defense authorizing committee, is doing the right thing by veterans in the area of concurrent receipts.

Since arriving in Congress, I have heard from one veteran after another, men and women who had worn the uniform of the United States of America, about the injustice of losing disability benefits for which they were eligible as veterans at the time they reached the age of retirement. Thanks to this legislation, in most cases disability benefits incurred in uniform or earned in uniform will not be forfeited simply because a veteran reaches the age of retirement. The Good Book tells us if we owe debts, pay debts; if honor, then honor; if respect, then respect. By meeting the urgent needs of the defense of the Nation today, we pay a debt to those who risk and expend their lives in the advancement of our freedom. But by addressing the injustice of current veterans benefits, Congress today goes a long way toward paying the debt we owe to those we can never repay.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership.

I rise to point out that this conference report does not adequately address the needs of our disabled military retirees. Later today we will be considering a motion to recommit. And I strongly urge Members to support that motion and urge that we fix a tremendous injustice in this conference report.

The conference report provides no relief whatsoever to two-thirds of disabled veterans who are now paying the Disabled Veterans Tax. Further, it provides only limited relief from the unfair tax burden to those it does cover. Under this report, veterans with disabilities rated at 50 percent or more would have to wait 10 years before receiving their full military retirement pay. The vast majority of eligible veterans are left out. In fact, 400,000 veterans with disabilities rated under 50

percent would not receive any relief at all. In other words, some veterans who lost their limbs while serving their country are not considered worthy of relief after they get back to the States.

This is not ''full concurrent receipt'' as has been claimed. This is clearly not a victory for veterans. It is an attempt to divide and conquer veterans so as to deprive most retirees of their earned retirement benefits. A vote for the motion to recommit is a vote for full concurrent receipt and an end to the tax on our disabled veterans.

I urge all Members to vote for this motion and support what 374 Members have already said by cosponsoring legislation for full, not partial, concurrent receipt.

Mr. Speaker, I believe the veterans of our country are wise enough to make judgments about where they want to go, and I salute them for raising the issues that we have been dealing with the last few years.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I want to say right up front that I will vote for this defense authorization. The gentleman from California (Mr. HUNTER), the gentleman from Missouri (Mr. SKELTON), and a whole range of people have done an outstanding job to ensure the safety not only of the United States and our security but of those young men and women who are out there basically buttressing the pillars of civilization.

The gentleman from California (Mr. HUNTER) mentioned a little while ago that a 19-year-old rifleman ought to get the best training in the world. I agree with him 100 percent. I was a 19-year-old Marine Corps rifleman who worked with the Navy over a period of years, went into assaulted-fortified positions from Navy ships. So I personally recognize the absolute need, the uncompromising need, to ensure the best available training, the best equipment, the best of support that this country can offer to U.S. soldiers, sailors, Marine Corps, and airmen.

I would like to work with the Committee on Armed Services and the chairman and the ranking member. Over the next several months, the Committee on Resources will be reauthorizing the Marine Mammal Protection Act. The language in the defense authorization bill dealing with the marine mammals was something that we worked out. The language that is in the defense bill now, I think, goes beyond what is necessary. There are some issues dealing with small numbers versus negligeable numbers. There are some issues dealing with confined geographic areas. There are issues dealing with permits. There are issues with civilian scientific research.

I think the model we can use for the marine mammals and the Marine training is laid out before us in this thing called INRMPs, Integrated National Resources Management Plans, that there is consultation, there is collaboration with the Committee on Resources and the other agencies throughout the Federal Government. That model that deals with INRMPs, that assures those guys on the ground, that young 19-year-old rifleman, is going to get the best training, no compromise on that. And I would like to work with the Committee on Armed Services to deal with those issues over the next several months.

□ 1000

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. WAXMAN).

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

I rise to express my opposition to the conference report on the Department of Defense authorization bill. I want to pick up with where the last speaker finished. He said he thought in this bill they went a little further than was necessary in the area of the Endangered Species Act and Marine Mammal Protection Act. I want to say what I believe to be the case, that the problem with this bill is that it has been hijacked by the Republican leadership and the White House, who insisted on provisions that weakened environmental laws relating to the Endangered Species Act and the Marine Mammal Protection Act.

I am also the ranking member of the Committee on Government Reform, and I want to address the civil service provisions in this bill. I am not opposed to reasonable reform that makes the Federal Government function more efficiently and still protects the basic rights of Federal employees, but this bill is not reasonable.

Senator COLLINS developed a bipartisan compromise that safeguarded the collective bargaining rights of 700,000 DOD employees, yet gave DOD much of the flexibility it requested, but this bill abandons that compromise. This bill makes a mockery of labor relations at the Defense Department. At the same time that the bill claims to protect collective bargaining, it allows DOD to waive these requirements for the next 6 years. During these 6 years, the Department can run rough-shod over its unions. The Department can decide what issues will be bargained, how labor and management impasses will be resolved and whether it will discriminate against union members.

This bill also makes it harder for DOD employees to gain redress for unfair treatment. Currently employees have the ability to file appeals with the independent Merit Systems Protection Board, but under this bill employees first would have to go through an internal DOD appeals process. An administration that says it is against bureaucracy and red tape wants to create so much bureaucracy for employee appeals that employees will simply give up trying to protect their rights.

The bill removes requirements for DOD employees to receive overtime pay or pay for working on holidays or weekends. This is ironic, since both the House and the Senate recently voted to protect overtime pay for private sector employees.

As the war efforts in Iraq have demonstrated, DOD employees do not work only Monday through Friday, 9 to 5. Frankly, it is shameful that Congress is going to give those employees who safeguard our national security less overtime protection than it gives private employees.

Finally, I have concerns about some of the provisions dealing with government-wide procurement policy. In particular, the bill extends to all civilian agencies something known as ''other transaction authority'' for research and development projects related to defense against terrorism. This would essentially waive all Federal procurement laws for these contracts. The bill also includes excessive waivers of procurement rules for contracts related to other anti-terrorism products and services.

It is wrong to take important must-pass legislation like the DOD authorization and load it up with right-wing policies that damage the environment and strip employees of basic rights, but that is what this bill is doing, and I am going to urge my colleagues to oppose it.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentlewoman from North Carolina for her leadership and appreciate her yielding me time.

Let me say that the gentleman from Florida (Mr. BILIRAKIS) for 18 years in this Congress supported legislation that would give concurrent receipt to our veterans; 18 years. People in this Chamber need to know that, because there are people here who have been present during that time, and during that time the people who are now saying that Republicans will not support our veterans need to remind themselves that not a one of them joined sponsorship for his bill while that was there.

Since I came to Congress, Mr. Speaker, I have been working to strengthen the Berry Amendment to help ensure that the Department of Defense use American manufacturers and products in its procurement programs. This past spring, and this good rule supports these efforts, I became very concerned when there was a blanket waiver issued for commercial aircraft.

Among other products, this largely jeopardizes our domestic titanium industry. The number of companies that currently comprise this industrial base has shrunk to three domestic producers of titanium. Maintaining this base is not only vital for our economy, but also our national security. We simply cannot be relying on the Russians and the Chinese, who are developing their own economies, to supply significant amounts of titanium for our Nation's defense.

The gentleman from California (Chairman HUNTER) has been tenacious in working to make sure that our industrial defense base is strengthened, not protected, strengthened, so that our national security is foremost.

I would like to yield to the gentleman from California (Chairman HUNTER) for his comments on this issue.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank my colleague, and we are going to describe during the general debate the great industrial base provisions, like the machine tool provision that we came out of this conference with, some excellent stuff.

But with respect to titanium, we know that we have three major makers of titanium left in this country. Otherwise, you have to rely on foreign sources. I want to thank the gentleman from North Carolina (Mr. HAYES) personally for putting together the working group between industry and the Air Force and Members who are interested, and putting together what we call the basket approach to titanium.

The basket approach says basically this: If you are going to take a domestic system, like the planes that are candidates for this tanker operation, and you convert them into a military system, right now the Berry Amendment says you have to use American-made titanium on American military systems.

We have agreed that since some of these civilian aircraft will have some foreign-made titanium, we got with the industry leaders and they agreed that they would take and require the same amount of American titanium, with in fact a 10 percent increase, and spread that across the rest of their lines to make up for the foreign titanium that was in those civilian aircraft. I have talked with industry leaders. They feel a strong commitment to that policy.

I want to thank the gentleman for putting that in place. I think it is going to accrue to the benefit of not only our tanker program, but also the health of the titanium industry.

Mr. HAYES. Mr. Speaker, reclaiming my time, I thank the chairman very much, and thanks again to the gentlewoman from North Carolina (Mrs. MYRICK). This is a great rule. It is for our troops, it is for our Nation, The spirit and intent of what we discussed is there.

Vote for this rule.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. DICKS).

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

Mr. DICKS. Mr. Speaker, I want to thank the gentleman from Texas for yielding me this time.

Mr. Speaker, I rise in support of the conference report and this rule. I have concerns about this bill, too. I represent the Puget Sound Naval Shipyard in Bremerton, Keyport, Bangor. Many of these work rules are very much deplored by the workers there, and I regret that they have been attached to this legislation, but we will continue to work to try and deal with them as we proceed in this session of Congress.

I want to rise in very strong support of the provision my friend the gentleman from Kansas (Mr. TIAHRT) talked about earlier, the question of tankers. I became interested in this issue several years ago with a visit to Tinker Air Force Base where we saw the condition of our KC–135–Es. I believe that this is a crucial national priority, to get a new tanker replacement program started.

The Air Force has chosen the 767. We have had a lot of controversy about whether we should buy or lease. We have come up with a combination here. The Secretary of Defense's office, led by Mr. Wolfowitz, sent a letter on Thursday, which has brought us together. I want to commend the Speaker, the gentleman from Illinois (Mr. HASTERT), for his dedicated leadership on this issue. Without his tremendous effort and tenacity, we would not have gotten this far.

I intend to have a colloquy later with the chairman of the committee when we get to the authorization bill on this matter, but I just want to say that I want to compliment everyone who has worked on this. For 2 years, we had to get an effort under way to get this replacement effort going.

Not to understate it, every single plane that flew into Afghanistan and into Iraq had to be refueled multiple times. Our whole effort to improve our bomber capability with the B–2 and smart weapons and all of the aircraft coming off of our carriers, Navy and Marine Corps aircraft, all of them had to be refueled multiple times. So you do not get anything done without tankers.

We have planes now, 544 of them, that were built between 1957 and 1963. These are very old aircraft. We have serious corrosion problems, and I am glad that this conference committee was able to come together and put together a package and that the administration has said they will make it work.

I believe this is one of the most important things we can do. If you think about it, tankers and the EA–6–Bs, which are also old and in terrible condition, are two weapons systems that have become absolutely fundamental to our U.S. ability to project power around the world. I am glad we can get this tanker thing moving forward and that it is in this bill.

I appreciate the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) for their leadership on this issue.

Mrs. MYRICK. Mr. Speaker, I reserve my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, I would like to express my deep disappointment at the failure to deal with challenges for one-half of our patriotic team in the war against terrorism. We have done some good things in here for our folks in the Armed Services, but for our civilian employees, who are a crucial part of our defense team, we are removing protections for overtime pay and other matters, and that is just abominable.

When I went out to greet with the gentleman from Washington (Mr. DICKS) the Carl Vinson when she came back from the Afghanistan war, I talked to the folks about their incredibly successful safety record of thousands of sorties without a loss, and they told me it is in large part because of the incredibly adept maintenance done on that ship by our civilian employees. This bill is a jab and a mark of disrespect for those civilian employees, who are every bit as patriotic as our folks in the Armed Services today, and there is no reason for this to have happened.

Now, this is just the first step in this effort. We are going to continue to work on this, that this effort of flexibility does not mean disrespect for our civilian employees. We are going to stay on it like a dog with a bone.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I rise in very strong support of this rule and the underlying bill which will follow immediately thereafter.

I want to just point out to my colleagues that the concurrent receipt victory that is in this bill is significant, it is profound, it is historic, and will make a major difference in the lives of our men and women who have served ably and honorably in our military, have served for 20 years or more, and also have been disabled. It will provide that anyone who is service-connected disabled 50 percent or more or combat-related of any rating will get the full concurrent receipt after a phase-in of 10 years.

Let me point out to my colleagues that this adds about $22 billion in benefits over 10 years to veterans compensation. This is not an insignificant amount of money.

After the phase-in period, let me remind my colleagues as well that this bill adds about a $3.5 billion every year to service connected disabled vets. So the next 10 years we are talking about another $35 billion more that will go to our disabled veterans. That is in excess of $57 billion to our disabled veterans as a result of this legislation.

I want to thank the gentleman from California (Mr. HUNTER), the chairman of the committee, for his work, the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Missouri

(Mr. BLUNT), and so many others who worked on this to make sure that we get concurrent receipt resolved.

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

I would only point out to the previous speaker and to speakers on the other side that if the Republicans in the House were willing to forego a little bit of the tax cuts for the wealthy, we could fully fund concurrent receipts, rather than just partially funding concurrent receipts.

Mr. Speaker, I urge adoption of this rule and adoption of this conference report.

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

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

I want to again thank the chairman and ranking member of this committee for the good work they have done in bringing this bill forward. It is a good bill at the right time in history to help our men and women and to be sure that we are doing all we can in this war on terrorism.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HUNTER. Mr. Speaker, pursuant to House Resolution 437, I call up the conference report on the bill (H.R. 1588), to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Clerk read the title of the bill.

(For conference report and statement, see proceedings of the House of November 6, 2003, Book II.)

The SPEAKER pro tempore. Pursuant to House Resolution 437, the conference report is considered as having been read.

The gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

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

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

Mr. Speaker, first, I want to thank all of my colleagues who participated in putting this bill together from the earliest hearing that we had early in the year on the threat that America faces, on the status of our Armed Forces, and on what we need to do to give the President and our troops the tools to get the job done. My partner, the gentleman from Missouri (Mr. SKELTON), is every bit a 50–50 partner in this operation, Mr. Speaker. When we really get down to what it takes to protect our freedom, there are no Republicans or Democrats, and we have a very bipartisan committee, and I am proud of that. I want to thank the gentleman from Missouri (Mr. SKELTON) as not just a friend, but a real full partner in helping to shape America's defenses, along with all of the members on the Democrat side on the Committee on Armed Services and, of course, our great, great folks on the Republican side, along with the subcommittee chairmen and ranking members who have done such a great job.

Now, Mr. Speaker, we face a new era. This is an era of what I would call terrorists with high technology; and probably Jim Woolsey said it best when he said we have killed the big dragon, that is, we have disassembled the Soviet Union, but there are lots of poisonous snakes out there, and we are seeing those poisonous snakes and the effect of their bites every day around the world, not just in the theatres in Afghanistan and Iraq, but elsewhere. And I think probably the American people since 9–11 still have an acute understanding of the venom and the poison that is manifest in that capability of our adversaries in this new era of terrorists with high technology.

Our job is to meet that threat, and our job is further, in meeting that threat, to shape the U.S. military and our defense apparatus to meet the threat, to defeat it, and to equip it; to give it the tools that it needs to do its job most effectively, and this bill does that, Mr. Speaker.

I wanted to talk about a number of issues with respect to this bill. This is a sweeping bill; and it does a number of reforms, a number of changes, a number of things that I think are important to change our military as we move into this new era.

Let me talk about, first just talk about the last subject that came up during the rule, and that is the tankers. Because, yes, the tanker agreement is in this bill. Let me tell my colleagues a little bit about that.

First, anyone who does a security analysis or a briefing on potential threats around this world and present threats understands that tankers are extremely important. I just might add that I undertook a series of classified and unclassified briefings, as have most members of the Committee on Armed Services over the last many years, and paramount to our ability to project power is American air power.

Whether we are talking about B–2 bombers that can fly literally from Whiteman Air Base to strike a target in Kosovo with precision munitions, or talking about tactical aircraft flying off a carrier and hitting targets in Afghanistan or Iraq, we need tankers. Tankers, that big gas station in the sky that the gentleman from Kansas (Mr. TIAHRT) talked about, are necessary to project American air power. If we have American air power and, specifically, if we have stealth, and we couple that stealth with precision munitions, that is, instead of carpet-bombing a bridge, we send in that one precision munition, it hits one strut on that bridge and brings the whole bridge down, if we have that combination and we have the legs to get it there over the target in whatever remote part of the world we are operating in, we can project American power, we can protect our military forces, and we can drive them in a blitzkrieg attack against the enemy target, whether it is enemy forces surrounding Baghdad or some other area of the world; and Americans now understand that.

So we have to have tankers. If we do scenarios around the world, every single scenario requires lots of American tankers and, I might say, Mr. Speaker, more than we have now, newer than we have now, more capable than we have now. That is the reason we are putting the tanker deal together, and that is the reason that this is being carried in this bill.

Now, let me tell my colleagues, with respect to personnel, we have had some arm wrestling over this. But I think that the guy with whom we are trusting millions of young American lives, the Secretary of Defense, can be trusted with reshaping our personnel system in civil service in the Department of Defense to be more effective, and I think be more rewarding for those workers. I think they like the idea that we are going to be able to hire people right out of that job fair instead of telling them, in 3 months, maybe the Federal Government can hire you, while IBM and the private concerns are picking them up immediately. I like the idea that they are going to be able to be qualified for a job within a few days instead of after 3 or 4 months of bureaucracy, and that will allow them to take jobs that military people are doing now. When we have tested these things in places like China Lake, a majority of the workers, the workers have voted that they like this new system, this new flexible personnel system. This is an important new part of shaping the military.

So I think that is good.

Freedom to train, Mr. Speaker, we have talked about that. We have to give our young people the freedom to train, and once we make that agreement that the bird hatchery is going to be over here and the rifle range is going to be over here, we cannot let groups then go sue to close down the rifle range on the basis that they want to get that one too. We have to allow a balance to be maintained. One Marine said it best. He said to our members of the Committee on Armed Services, he said, for years we have done work-arounds. He said, we cannot work around it anymore, there is no land left to work around. So we need to have this. This is very, very important legislation, freedom-to-train legislation, Mr. Speaker.

Let me talk about the industrial base. We have got in this bill a great foundation for bringing back and maintaining the industrial base of this

country, and the centerpiece of this is what I think is the centerpiece of American production, the machine tool industry of this country, which used to be second to none. We have a provision in this bill, it is not a mandatory provision, so it is not going to make anybody have to go in and take out billions of dollars of machine tools, but it says that if you are an American contractor bidding on a DOD job, if you use an American machine tool instead of a foreign machine tool, you are going to get points in the competition. And I think that is going to incentivize some of our companies, big and small, to say instead of looking at another foreign-made machine tool, let us call up that American company and see what they have. Maybe we can use that machine tool. And that is going to, I believe, Mr. Speaker, start to bring back this base of machine tools upon which a lot of our defense manufacturing capability was founded. We do a lot of other great things in our industrial-based provisions, Mr. Speaker; but that is the centerpiece, and I think it is a very important foundation.

Now, we also reauthorize for 10 years the maritime security program. This is a program that brings in the strong right arm of America's maritime unions and makes sure that they are the ones that are moving men and materiel across the ocean into theaters of action instead of having to rely on rental operations where we are taking unions and working people from other countries and having to rely on foreign personnel to move the wherewithal for military victories around the world. That is what is going to bring our maritime unions, our ship-builders, and our maritime operators back into preeminence; and we have worked hard on that, Mr. Speaker, and that is a great aspect of this bill.

Concurrent receipt is very important, Mr. Speaker. We started out last year by saying people who are actually hit in combat, people who have won the Purple Heart, are going to get now two checks. They get the full check for everything that they have been disabled, for all of their disability, and they get the full check for their retirement for everything that they have done to serve the U.S. military. We now also say, and incidentally, I see the gentleman from New York (Mr. MCHUGH) here, our chairman of the Subcommittee on Total Force, who very much has been a leader in putting this thing together. We also now are going to give full concurrent receipt, that is that full disability check, to all of those people who are wounded in the combat area or who are disabled or hurt in the combat area, who are hurt or disabled while training for combat. Maybe that guy who is jumping out at the 82nd Airborne, with the 82nd Airborne at Fort Bragg hurt his back, he is going to get it; and also people who are hit by instrumentalities of combat, like people who are hit by agent orange, Mr. Speaker. Then we go to the entire population of veterans who were not hurt in combat, were not hit by enemy bullets, were not hurt while training for combat but, nonetheless, have disabilities. And all of those people who are over 50 percent, Mr. Speaker, are going to receive both checks.

Now, that is going to bring in about 250,000 people, new people into the system. It is a big, big victory for veterans. It is a wonderful thing.

Mr. Speaker, let me just say, too, along with the gentleman from New York (Mr. MCHUGH), the gentleman from Florida (Mr. BILIRAKIS), obviously, the guy that I call the father of concurrent receipt, it has been a big part of his career. And the gentleman from New Jersey (Mr. SMITH), the gentleman from Missouri (Mr. BLUNT), lots of great people; I might say that Senator WARNER also, working on Purple Heart Plus last year, had a good hand in starting to put this thing together, lots and lots of people. Lots of our veterans and veteran supporters in this House have been involved in putting this program together. This is a great program.

Mr. Speaker, this is a great bill. It is a far-reaching bill. It gives the President and the troops the tools to get the job done. Let us pass this bill.

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

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

Mr. Speaker, I rise in support of this bill, the National Defense Authorization Act. I will explain the reasons why, but I first want to compliment my friend, the gentleman from California (Mr. HUNTER). This was the gentleman's inaugural voyage as chairman of the Committee on Armed Services and the seas were far from smooth. Many of the issues we faced were particularly difficult. I applaud the gentleman's leadership in recognizing that the totality of the bill is more important, especially when our country is at war in Iraq.

I do want to raise several issues of caution about process, however. First, the conference process has not been totally inclusive. Many issues, three in particular, civil service reform, concurrent receipt, and Air Force tanker leasing have been decided without substantive Democratic consultation. Second, there were few conference meetings that involved all the conferees or even all the House conferees. Finally, it is highly undesirable to consider a conference report on a large and highly complex defense bill in just a few hours after the conference report has been filed. It is not possible for Members to make best judgments about voting on this bill when there has not been adequate time after it has been filed.

The fact that we are considering this bill today, however, reflects the commitment of the Committee on Armed Services members that we must provide for the men and women of our military when they are sacrificing in so many ways to defend our country and our issues. They are depending on us. We will not let them down. And we are at war.

I want to highlight just a few issues that cause me to support this bill. The bill includes a 4.1 percent pay raise for the troops. The bill provides an increase in imminent-danger pay. It provides for family separation allowance, which will directly benefit our servicemen and -women who are serving in Iraq and Afghanistan and other dangerous spots away from their homes. The conference report further authorizes TRICARE coverage in the military health care system for our National Guardsmen and for our Reservists who played such a vital role against terrorism.

□ 1030

Finally, very, very important, this bill includes increasing the Army's size 2,400 additional soldiers. That is so terribly important because the troops are so strained at this time, and the gentleman from New York (Mr. MCHUGH) knows that so well as chairman of the subcommittee.

We need the pay raise. We need the special pay to compensate and help retain those who have those special skills. Our bases need the military construction and family housing authorizations. We need to authorize the money for military operations, for flying hours and steaming days and tank miles, to allow our troops to be the best trained and prepared in the world.

I want to mention concurrent receipt. Overwhelming majorities of both Houses clearly support providing this benefit to all disabled retirees. Nevertheless, the conference agreement, which would provide this benefit to those at least 50 percent disabled, is a significant step in the right direction. There will, however, be a motion to recommit regarding this issue, and I hope people will support it.

I am pleased, Mr. Speaker, that we were able to reach agreements on many difficult issues, but I know many of my colleagues will not be happy with some of the substantive outcomes. The conference agreements concerning low yield nuclear weapons, civil service reform, and changing environmental laws are particularly problematic, and I point those out.

Now, perhaps more than any time in the last decade, however, Mr. Speaker, it is essential that the House take action to provide for our men and women in uniform. This vote will not only be seen in Kabul or Baghdad but also Diego Garcia, Fort Irwin, Norfolk, Fort Leonard Wood, Whiteman Air Force Base. We need to send a message to the American public, and to our adversaries and allies, that we as a Congress are prepared to give our men and women in uniform the support, the strong support and protection that they deserve.

So I urge my colleagues to vote for this conference report.

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

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON), who is chairman of the Subcommittee on Unconventional Warfare, Terrorism and Capabilities and oversees these very important special operations forces who are doing such a great job for our country.

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

Mr. SAXTON. Mr. Speaker, let me begin by thanking and commending the chairman of the committee, the gentleman from California (Mr. HUNTER), and the ranking member, the gentleman from Missouri (Mr. SKELTON), for the great bipartisan job that has occurred in bringing this bill to the floor.

Mr. Speaker, I rise in strong support of H.R. 1588 and do so with a great deal of pride after a lengthy but productive conference. The conferees have hammered out an excellent bill that will go a long way in enhancing our national security and providing our troops and their families with the assets they need.

I have the honor of chairing, as the chairman said, the new Subcommittee on Terrorism, Unconventional Threats and Capabilities on the Committee on Armed Services. As many in this body know, I have worked for many years to stand up such a subcommittee, and with good reason, for there is much that is left to be done.

The subcommittee's ranking Democrat, the gentleman from Massachusetts (Mr. MEEHAN), and I have worked hard together to explore a multitude of ways to provide the Department of Defense with the capabilities to defeat and defend against terrorists at home as well as abroad, and many of these ideas are contained in the conference report before you.

For example, the conference report includes many provisions that will prepare our Armed Forces and, in particular, the Special Operations Command, to combat terrorism worldwide as well as several items that will enhance homeland defense. In addition, the conference report establishes several programs addressing issues that arose in the recent war with Iraq and items that will speed the transformation of the military services.

It is critically important that all Members vote for this measure. There is much to applaud in many areas. I am proud to be a conferee and proud of the work that the chairman, and my good friend, the gentleman from California (Mr. HUNTER), as I said before, and the gentleman from Missouri (Mr. SKELTON) did in this regard. They have set a standard for us, and this is a bill which must be passed, hopefully with a very good vote.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 3 minutes to myself.

Mr. Speaker, last night, yesterday in Iraq 7 brave young Americans died. This is the committee that makes the decisions to arm those people, to pay those people, take care of their families, and to take care of their injuries when they get home. And, so, as earlier this year I voted to send those young people to Iraq, I share in the responsibility and for those things that go wrong I share in the blame.

Having said that, although I have grave reservations about parts of this bill, I will be supporting it because they deserve to be paid, they deserve a pay increase, they deserve the better weapons, the better ships that are in this bill. But there are a couple of things that trouble me greatly.

Number one is the Bush administration's insistence on another round of base closures. Anyone in this body knows, who has taken the time to look at it, knows the United States Army is too small, that the entire United States Army is spoken for. If they are not deployed, they are getting ready to be deployed. So how on earth can we close one base out of four as the Bush administration wants to do?

The fleet is too small, 295 ships. Again, how can we close one Navy port out of four if the fleet is too small?

If the Bush administration truly thinks the base closures is a good idea, then they ought to have the courage to announce which bases they want to close prior to the Presidential election and not after in 2005. I think it just stands to reason. You do not hear Congressmen saying let us close bases. I cannot find one Service Secretary who is saying let us close bases. I cannot find one Admiral or General who will name one base that should be closed.

So if the Bush administration wants to close bases, let them do it prior to the Presidential election.

Second thing is, Mr. President, for the sake of those people fighting, let us pay for this war. This supplemental, and I am going to vote for it, is going to spend $400 billion for our Nation's defense.

A couple weeks ago we had a supplemental for $87 billion, earlier in the year another supplemental for $79 billion. That adds up to about $565 billion. Every penny of that is borrowed. It is borrowed from the Social Security Trust Fund. It is borrowed from the Medicare Trust Fund. It is borrowed from the military retirees trust fund. It is borrowed from the civil servicemen's retirement trust fund. It is borrowed from the communist Chinese, and it is borrowed from average Americans.

See, those of us who were lucky enough not to have to fight this war ought to at least be willing to pay for it and not stick the brave young men and women who will be coming home from this deployment with the bill. Every other generation of Americans tried to pay their own bills during wartime. This generation of Americans passes the buck to somebody else, and it is wrong.

So for the sake of the great young men and women who are serving our country in the Army and the Navy, the Air Force, Marines, those great Guardsmen and Reservists who are being pulled away from their families to serve as we speak, and a young person from Mississippi who was a Guardsman died just yesterday, I am going to vote for this bill. But I would ask my colleagues to let us do this in the future in a more sensible way.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MCHUGH), who has a high responsibility of overseeing the total force of the military, our Reserves, our Active, our Guard, with respect to all the personnel issues, pay, personnel issues, family benefits, the chairman of the Subcommittee on Total Force.

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

Mr. MCHUGH. Mr. Speaker, I thank the chairman, the gentleman from California (Mr. HUNTER), for his gracious comments and for his courageous leadership, certainly on this bill, but also day in and day out.

I think it is obvious there are a couple lessons we can learn from this bill. One is an old lesson, and that is happily this is one of, if not the most, bipartisan committees to operate in Congress, and that is so critical in times such as these. We have heard the gracious comments and enlightened comments of the ranking member, the gentleman from Missouri (Mr. SKELTON), someone who I respect so much. I want to thank my ranking member, the gentleman from Arkansas (Mr. SNYDER), for his partnership in our portion on this mark, and all of the members of the committee on both sides of the aisle. But I give a special tip of the hat to our chairman who, in a very difficult time was experiencing personal loss, the loss of his private home during the California fires, still kept a focus on this vital piece of legislation.

The second lesson is that important as all the military is, the troops are key. And you have heard my colleagues comment about the positive things in this bill, active industry, the increases for the Army in difficult times, similar end strength increases for the Guard and Reserve, for those good citizen soldiers the military pay raise average 4.1 percent, the imminent danger and family separation allowances at these difficult times. But I want to focus on concurrent receipt.

The third lesson of this bill is we always want to do better, but I would note to my colleagues who have concerns that this is a program that has been in place since the Civil War era. And until all of this work together over the last several years, there had never been a change in it.

With this bill today we will have started at 35,000 troops, veterans who are receiving full concurrent receipt, and we will have expanded that to over a quarter of a million. And that is progress, $22 billion. So we will continue to fight to do better, but this is amazing progress for more than 160

years when nothing had been done, and I urge all my colleagues to support this bill.

Mr. Speaker, I rise in strong support of the conference report on H.R. 1588, a wartime bill that directly addresses committee concerns about the inadequacy of military manpower and the damaging effects of excessive operations and personnel tempos.

H.R. 1588 also reflects the House Armed Services Committee's belief in the need to be proactive in military personnel policy and pay matters so as to sustain the commitment and professionalism of the men and women of America's magnificent all-voluntary armed services, and the families that support them.

Finally, H.R. 1588 contains legislative and funding initiatives to enhance the ability of the active, National Guard and reserves to operate as an integrated total force.

Among the more important provisions of H.R. 1588 are:

Active end strength increases of 2,400 for the Army, with an additional $68 million to support the increases;

Growth in selected reserve and fulltime National Guard and reserve strengths;

Military pay raises that average 4.1 percent;

Continuation of increases in imminent danger pay and family separation allowances.

A significant expansion of concurrent receipt that will when implemented wean that benefit more than 250,000 military retirees.

Commissaries and exchange provisions to better define and protect those important benefits.

DOD health care improvements, to include expanded health care coverage of the National Guard and reserves, and

Expanded and expedited naturalization procedures for active and reserve component personnel.

None of these great outcomes is achieved in a vacuum. The conference report before you is a bi-partisan measure, reflecting the active input and involvement of committee members, as well as the leadership and judgment of Chairman DUNCAN HUNTER and Representative IKE SKELTON, the committee's ranking Democrat.

H.R. 1588 is a very good bill that addresses a range of needs of our wartime military. I urge my colleagues to support it.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER.)

Mr. SNYDER. Mr. Speaker, as the ranking member of the Subcommittee on Total Force I rise in support of this conference report. I would like to take this opportunity to thank the chairman of the Subcommittee on Total Force, the gentleman from New York (Mr. MCHUGH), for his leadership and also to thank the committee chairman, the gentleman from California (Mr. HUNTER), and the ranking member, the gentleman from Missouri (Mr. Skeleton), for their many years and efforts that has resulted once again in a conference agreement coming to the floor.

This bill continues several years of improvements to quality of life programs for our military personnel, retirees, and their families. We provided a targeted pay raise of up to 3.7 percent and additional targeted pay increases for mid-career and senior enlisted personnel.

We fixed a problem for our reservists who were called up after September 11 and were forced to pay their lodging expenses when they went home on leave. We extended the increase in imminent danger pay to $225 and family separation allowance to $250 until the end of next year. Our service members are still in conflict in Iraq and Afghanistan and face months of separation from their loved ones. These increases are necessary and deserved.

We increased access to TRICARE benefits for reservists and their families. We expanded commissary access to selected reservists and Reserve retirees under 60.

We allow individuals who volunteer to defend our Nation but are not U.S. citizens to become naturalized after 1 year of service. We also allow their families to become naturalized if a service member is killed in action.

I am disappointed that the committee was not able to include full concurrent receipt. Approximately 60 percent of Arkansas disabled veterans who are currently penalized by current law will not be helped by this compromise. We should do better.

While I am supporting of this bill, the process that brought us here is not good. The bipartisanship for which our committee has been known is slowly vanishing. The responsibility to provide for our Nation's defense and security is an area in which partisanship should be minimized, particularly at a time of war.

Sadly, it is becoming clear that this partisanship is becoming the norm in the way we conduct business. Both Democrats and Republicans have a duty and obligation to protect our citizens and the freedom Americans enjoy.

We need to work together in a bipartisan fashion to ensure that our rights and freedoms are preserved for future generations.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. DICKS.)

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

Mr. DICKS. Mr. Speaker, I would like to enter into a colloquy with the gentleman from California (Mr. HUNTER), the chairman of the Committee on Armed Services.

Mr. Chairman, the conference report on H.R. 1588, the Fiscal Year 2004 Defense Authorization Act, contains a provision, section 135, which authorizes the Air Force to enter into a contract for 100 tanker aircraft under the terms and conditions of section 8159 of the Fiscal Year 2002 Defense Appropriations Act.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, the gentleman is correct. Section 135 of the conference report does authorize a tanker acquisition program as did the Fiscal Year 2002 Defense Appropriations Act.

Mr. DICKS. Mr. Speaker, it is my further understanding that section 135 was written after extensive negotiation with the Department of Defense and the administration and that that section represents a common understanding between the conferees and the administration on the terms under which this tanker program will be executed.

□ 1045

Mr. HUNTER. The gentleman is again correct. Section 131 codifies an agreement reached with the administration. The conferees relied upon a letter sent on November 5, 2003, to the chairman and ranking member of the Committee on Armed Services in the other body by the Deputy Secretary of Defense, Mr. Wolfowitz, in coming to agreement on the tanker acquisition program authorized by section 135.

Mr. TIAHRT. Mr. Speaker, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Speaker, it is further my understanding that section 135 of the conference report will authorize the Air Force to enter into a single contract to acquire 100 767 tanker aircraft through a combination of lease and purchase.

Mr. HUNTER. The gentleman is correct. Section 135 authorizes the Air Force to enter into one contract for 100 aircraft, 20 by lease and 80 by purchase, or more than one contract for the same combination of aircraft.

Mr. TIAHRT. Finally, it is my understanding that section 135 of the conference report authorizes the Air Force to enter into a multi-year contract for the purchase of 767 tanker aircraft, and that payment under this contract may be made at the time of aircraft delivery, a process sometimes referred to as incremental funding.

Mr. HUNTER. The gentleman from Kansas (Mr. TIAHRT) is correct. The conferees in their joint report language agree that this section would ''authorize the Secretary to enter into a multi-year procurement program, using incremental funding.'' This language indicates that the multi-year procurement program authorized by section 135 would allow the Air Force to make payments as agreed to in the contract and that the Air Force would not be required to have the full budget authority required to purchase an aircraft in order to place an order for that aircraft under the contract.

Mr. DICKS. We thank the chairman for his hard work on this issue.

Mr. Speaker, the letter sent to the Committee on Armed Services by Deputy Secretary of Defense Wolfowitz is as follows:

DEPUTY SECRETARY OF DEFENSE,
Washington, DC, Nov. 5, 2003.

The Hon. JOHN WARNER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you again for your consideration of the Department of Defense's proposal to lease 100 KC–767A aircraft. As you know, there has been a vigorous debate on the best way to get this program started. Your most recent amendment would allow the Air Force to lease no more than 20 of the 100 tankers. The Air Force has developed a proposal to implement that arrangement, and I hope that you will find it acceptable.

Our proposal strikes a necessary balance between the critical need for new air-refueling tankers and the constraints on our budget. As reflected in the enclosed chart, we intend to lease the initial 20 aircraft and then buy aircraft at a steady rate of 11 to 13 aircraft per year until delivery of the 100th. We commit to add $2.4B, in Fiscal Years (FYs) 2008 through 2010, to the funding profile for the original proposal to lease 100 aircraft. We also will add $1.4B in FY 2012 to 2013. The combination of these added funds achieves an immediate start to the program and allows us to purchase the last 80 aircraft at time of delivery.

I appreciate the support that you have provided in the past and look forward to working with you in the future. If you require further information, please do not hesitate to contact me. A similar letter has been sent to the chairmen and ranking minority members of each of the defense committees.

Sincerely,

PAUL WOLFOWITZ.

Mr. SKELTON. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, one of the most time-honored traditions of America's servicemen and women is to keep their promise to leave no troops behind on the battlefield. This revered tradition is based on the principle that it would be wrong to leave those behind who have served in sacrifice for their country. Our Nation should honor this tradition, this principle of respect when it comes to the treatment of veterans. No veterans should be left behind when it comes to providing them the benefits they have earned.

Unfortunately, the Republican compromise on the disabled veterans tax known as concurrent receipt leaves over 397,000 veterans behind, 397,000 veterans, most of whom have served our Nation in uniform 20 to 30 years. They would not benefit whatsoever from this so-called compromise that represents a lot of broken promises and a lot of patriotic veterans left behind.

Many of the military retirees who might be benefitted from this compromise will never see its benefits because it is phased in over 10 years. How many World War II veterans will even be alive 10 years from now?

When Republicans passed a $230,000 tax break just earlier this year for wealthy Americans making over $1 million a year in dividend income, those massive tax benefits were made effective this year. Why then are veterans forced to wait 10 years to see a limited reduction in the disabled veterans tax? Where is the fairness in that?

One hundred sixty Republicans in this House have co-sponsored the Bilirakis bill to fully repeal the disabled veterans tax. Unfortunately, only two of those 160 Republicans have signed the discharge petition to require a vote on that bill.

Well, today there is a second chance to do what is right for veterans. By voting yes on the motion to recommit we can repeal the disabled veterans tax. If just a few of the 160 will join with Democrats, we can repeal the disabled veterans tax and we can do it fully and we can do it today. We can keep the promise we made to veterans when we co-sponsored the Bilirakis bill.

Keeping promises and leaving no troops behind, those are quintessential American values. On the eve of Veterans Day, let us apply those American values to the treatment of our veterans. Our promise to veterans should be more important than Republican Party loyalty. Vote yes on the motion to recommit. Vote yes to keep our promises to America's veterans.

Mr. HEFLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT), the chairman of the Subcommittee on Projection Forces.

Mr. BARTLETT of Maryland. Mr. Speaker, as chairman of the Subcommittee on Projection Forces, I am pleased to highlight the issues within the jurisdiction of our subcommittee.

This conference report increases the requested authorization for programs within the jurisdiction of the Subcommittee on Projection Forces by $1.3 billion to $30 billion dollars. Authorization is included for the administration's request of one Virginia class submarine, 3 DDG–51 destroyers, one LPD–17 amphibious assault ship, and two cargo and ammunition ships.

Additional authorizations of $75 million for advance procurement of LPD–17 and $248 million for SSN refueling overhaul are also included. Our conference report addresses 100 aircraft KC–767 Air Force proposed lease program by restricting the lease portion of the program to 20 aircraft, requiring the Air Force budget to procure the remaining 80 aircraft. This approach will save the taxpayer at least $2 billion over the originally-proposed program.

We have also taken several initiatives to begin to address shortfalls in important requirements of the Department of Defense. An additional $20 million to sustain a force structure of 83 B–1's, 23 aircraft above the level planned; and an additional $208 million for Tomahawk missiles, an additional $40 million for the Affordable Weapon, an additional $100 million bomber R&D initiative for the next generation, follow-on stealth, deep strike bomber.

In addition, the recommended mark includes several important legislative proposals. First, a multi-year procurement authorization for several programs. Second, a limitation on C–5A aircraft requirement. Third, an electromagnetic gun initiative. Fourth, a requirement that the Secretary of Defense complete two independent studies on potential future fleet architectures for the Navy.

In conclusion, I urge my colleagues to support the conference report. I would like to thank the gentleman from Mississippi (Mr. TAYLOR) for all his support in completing in conference report. I would also like to thank our chairman, the gentleman from California (Mr. HUNTER), and our ranking member, the gentleman from Missouri (Mr. SKELTON), for their leadership, commitment and steadfastness in completing this process.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Speaker, I thank the distinguished member of the Committee on Armed Services for yielding me time and for his great services to our country throughout his whole life which continues here in Congress. As a veteran himself, his service on the Committee on Armed Services is very informed and we thank him and recognize his leadership.

Mr. Speaker, I rise today to honor the commitment of our Nation's veterans. We will have a motion to recommit, as has been indicated, and it is to support our veterans.

No group of Americans has stood stronger and braver for our Nation than our troops and our veterans. From the bitter cold winter at Valley Forge to the boiling hot Iraqi terrain, our soldiers have courageously answered when called, gone where ordered, and defended our Nation with honor.

As a Nation we have a sacred pact with those who have served us in uniform. They have taken care of us and, in turn, we will always take care of them. That is our solemn pledge.

Today, just before Veterans Day, we stand on the floor of the House of Representatives prepared to vote on the Department of Defense authorization conference report. And on this day we have young men and women, the sons and daughters of America on the ground, engaged in war in Iraq. We salute them for their courage, their patriotism and the sacrifice they are willing to make for our country. But this bill in many respects does not honor their service.

Democrats are fighting to live up to our promise to our veterans by ending the unfair practice of the disabled veterans tax. The gentleman from Georgia (Mr. MARSHALL) will be offering the motion to recommit to this effect. He is leading our fight for a complete and total repeal of the disabled veterans tax for all of our veterans. We have made this long-standing issue too hot to handle for the Republicans and they have offered a proposal in today's conference report in response. Their proposal is a step, but it is not nearly good enough.

The Republicans have put forth a proposal that leaves far too many veterans behind. Under their Republican proposal, two-thirds of our veterans, two-third of our veterans still will not receive one penny of compensation for their disabilities.

The Republican deal will address the tax for some veterans but not for others. For the select few it does address, the tax may not fully end for them for 10 years. Many of these are veterans of World War II. Ten years is a long time to wait in any event, but especially if you are a World War II vet. That is not good enough.

America's veterans deserve better. On the battlefield of war our soldiers pledge to leave no one behind. As a Nation, it must be our pledge that after our soldiers come home we will leave no veteran behind. Our veterans served for all of us. We must be there for all of them.

In June, Democrats launched a discharge petition to give Members a chance to vote to end completely the disabled veterans tax for all military retirees. Two hundred and three Members, 201 Democrats, only 2 Republicans, signed the discharge petition, despite the fact that 160 Republicans have co-sponsored the legislation. So we know that our Republican colleagues believe that this is the right course of action. Democrats are giving you a way to honor our own commitment. The right thing to do was obvious then when this discharge petition was signed to completely end the disabled veterans tax.

The right thing to do today, just before Veterans Day, is also obvious. Vote to recommit this bill with instructions to strip out the failed Republican language on disabled veterans tax and add the Democratic language to completely and totally end the disabled veterans tax. Indeed, this language is the language of the gentleman from Florida (Mr. BILIRAKIS), a distinguished member of the Republican Caucus.

The current language again leaves two-thirds of our vets behind. The Democratic motion to recommit leaves no veteran behind. We have a moral obligation to those who have paid the high price for our freedom, those who have worn our Nation's uniform. Our words must be as bold as their deeds, and we must honor what they have done for our country.

So let us give a great gift to our veterans on this Veterans Day. I urge my colleagues to honor our veterans service and vote yes when the opportunity comes for the motion to recommit.

Mr. HEFLEY. Mr. Speaker, I yield myself 3½ minutes.

Let me just respond just a second to the gentlewoman who just spoke.

The Democrats controlled this House for 40 years, and I went to Sonny Montgomery, who was chairman of the Committee on Veterans Affairs, and I asked him years ago, why do we not do something about this concurrent receipt thing? And he said, we are not doing anything about that concurrent receipt and we are never doing anything about that concurrent receipt.

They had a Democrat President. They had a Democrat Senate. They had a Democrat House. They could have done something about it, but they did not, and now we get this phony posturing after a deal has been worked out to really try to deal with the problem. I think that is a cheap shot, Mr. Chairman. But that is not why I rise today.

I rise to support H.R. 1588, the National Defense Authorization Act for Fiscal Year 2004. We are a Nation engaged in an ongoing global war on terrorism. American soldiers, sailors, airmen and Marines are deployed all over the world in support of Operation Enduring Freedom and Operation Iraqi Freedom. The bill supports all of our service members who are fighting terrorism and defending our homeland.

H.R. 1588 strikes a careful balance between ensuring that our military is able to train in a realistic manner while remaining good stewards of the environment. The bill amends the Marine Mammal Protection Act so that it can be read and implemented in a common sense fashion. The Navy, for example, will now be able use new sonar technology vital to the protection of U.S. ships, submarines and global interests, without harming marine mammals.

The bill also changes the Endangered Species Act to ensure that military training lands are used for their primary purpose, to train America's troops in realistic environments. These changes will protect the environment and also enhance the readiness of our military personnel.

H.R. 1588 also recognizes that the military services will face significant challenges as personnel and equipment return home from war. The level of effort necessary to resurge this equipment at our maintenance depots will be extraordinary. This conference report recognizes these consequences and includes additional funding for key readiness accounts.

The bill includes $9.7 billion for military construction and family housing projects around the world. This is an increase in the President's budget of more than $420 million, with additional funds targeted at projects to improve the facilities in which America's service members live, work, train and operate. Such projects are extraordinarily important to the quality of life for our military personnel and their families, as well as U.S. military readiness.

The National Security Personnel System established in this bill will provide the Secretary of Defense flexibility to hire, fire and promote a more agile workforce; the authority to tie pay to performance; increased ability to classify positions and to administer pay and allowances; and a better basis on which to establish a labor relations system.

□ 1100

The new personnel system will also ensure that employee representatives are included in the planning, development, and implementing of new human resources management systems. There also will be a separate process to ensure that employee representatives participate in the development and implementation of a new management relations system.

There are some things that did not get in this that we were beat back on in the Senate. I think the BRAC provisions were one that I wish were changed. I think the firefighting provisions were very important to be changed; but, in balance, H.R. 1588 will make real improvements in U.S. military readiness and ensure the continued strength of U.S. Armed Forces for years to come, and I urge my colleagues to support this bill.

Mr. SKELTON. Mr. Speaker, I yield 3½ minutes to the gentleman from South Carolina (Mr. SPRATT).

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

Mr. SPRATT. Mr. Speaker, with a defense budget of $400 billion and an enormous range of issues, it is not easy to bring a conference to closure, and I commend the gentleman from California (Mr. HUNTER), as well as the gentleman from Missouri (Mr. SKELTON), for what they have achieved.

I rise in support of H.R. 1588, the conference report thereon, but I have some real concerns. First of all, I have already spoken to the failure of the underlying bill to accrue properly the budget authority that will be necessary to implement the compromise on concurrent receipt or the provisions for lease purchase of 100 tankers. I am concerned about the radical reform of civil service laws in the Department of Defense and the dispensation this bill gives to the Department of Defense from environmental laws that apply to everybody else. Also, I am concerned about the new and cumbersome strictures on cooperative threat reduction.

I am particularly disappointed in the provisions of this report that deal with low-level nuclear weapons. I believe the conferees should have stuck with the bipartisan compromise reached by the Committee on Armed Services and set forth in the defense bill that we passed last May. That compromise was sound enough that in July of this year when I offered a motion to instruct, those provisions were accepted and upheld by the House without dissent.

The administration began this year by stepping up its push for repeal on a ban of low-level nuclear weapons research and development, a ban which has been in the law for 10 years. There was little opposition here to broadening research into low-yield nuclear weapons, but there was bipartisan concern about going so far as engineering development. And so both the House and Senate authorization bills proposed changes to allow research into

low-yield nuclear weapons, but restricted any move into engineering development.

The Senate, on the other hand, repealed the so-called Spratt-Furse amendment entirely, but then backfilled the cavity with caveats barring testing or deployment of low-yield nuclear weapons. They also added language requiring specific congressional authorization to move into development of any advanced nuclear concept project. These are the provisions included in the conference report.

By contrast, the House version amended existing law rather than repealing it. We explicitly authorized research, but we maintained a bar on development beyond detailed feasibility studies, the so-called 6.2a level of research and development.

Our compromise may have similar in consequences to the Senate approach, but I think it was superior in form because it makes clear that it is the policy of the United States not to develop low-yield tactical nuclear weapons. The House compromise, thus, gives stronger assurance that Congress will be an equal partner if that policy is reversed, if that decision is taken, and if there is a move to go beyond research.

When we adopted the Spratt-Furse amendment in the early 1990s, it came in the wake of an issue taken by the first President Bush whereby we withdrew a number of tactical nuclear weapons from Europe and the Soviets responded in kind. This was a step back and a step forward for nuclear security throughout the world. This initiative helped us later on to persuade Ukraine, Kazakhstan, and Belarus to forswear nuclear weapons.

If today the United States should move toward renewed development of nuclear weapons, especially weapons designed to be more usable due to their low-yield warheads, it sends the wrong signal.

Mr. Speaker, I support the conference report because it does many things I support, particularly for the quality of life for our troops, and also because I trust that the effect of the language in the report will be enough to forestall development of mini-nukes. I recommend support for the bill.

Mr. HEFLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. TOM DAVIS), who is chairman of the Committee on Government Reform.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, this legislation has a number of component parts, concurrent receipt. It has a $500 million human capital performance fund that will reward civil servants for outstanding performance, something we have never had before. It has a services acquisition reform act element that will reform the way we buy and purchase services which can save literally billions of dollars for America's taxpayers, and it has a national security personnel system that we have created that will allow the Department of Defense to shed the shackles of its 50-year-old civil service structure, because when it comes to our civil service, the tradition of preserving traditions has become a tradition. It is time for that to change.

Some of my colleagues on the other side of the aisle have come up with some statements on this that I think are off the mark. They have noted that this bill makes a mockery of labor-management relations. This conference report includes chapter 71, the labor-management relations in the list of nonwaivable chapters in title V of the U.S. Code. The agreement sets up an extensive collaborative process that requires the Department to work side by side with the unions and employee groups in setting up the human resources management system for the Department of Defense. The agreement sets up an extensive collaborative process that requires the Department to work side by side with the unions in setting up the process in which management and labor work together in the future.

The second and third requirements are new to Federal law. No other agencies are required to coordinate with their employees, a good precedent.

Another gentleman said that the bill eliminates overtime pay for civilian employees. That is absolutely false. Overtime pay is not eliminated. The agreement, in addition to having $500 million in a human capital performance fund for civil servants who perform in an outstanding fashion, the agreement provides the Department the authority to improve the current provisions in law relating to overtime pay for some of the Department's most valuable employees. It asks for this language not to scrap overtime pay; instead, they are asking for authority not to be bound by the voluminous restrictions and requirements in title V that dictate how, when, and where DOD is authorized to administer overtime pay. This will allow the Department of Defense to move into the modern age.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Speaker, I rise today in support of H.R. 1588, the National Defense Authorization Act of 2004. I want to thank the gentleman from California (Chairman HUNTER) and the gentleman from Missouri (Mr. SKELTON), the ranking member, for their hard work on this bill. I must, however, express my deep reservations with regards to what I see as the inadequacy of the concurrent receipt provision. This Congress is expanding concurrent receipt to only 30 percent of disabled retirees. Where is our commitment to all of our veterans? Congress must not forget those veteran retirees who will still be denied their hard-earned retirement pay. All veteran retirees give at least 20 years of service to this country. They have stood ready to serve in times of war and times of peace. This country owes them more than a tax on the disability compensation.

I fear the partial phase-in of concurrent receipt will create two classes of veterans: those who will continue to suffer under the disabled veterans tax and those who will be deemed disabled enough to receive their compensation. Their sacrifice and service was equal. Congress should treat them with the same equity with which they served. Whether being drafted into service or volunteering, every disabled veteran was prepared to give their last full measure. Each was prepared to demonstrate the ultimate commitment; yet Congress cannot even muster for them half a loaf.

Mr. Speaker, as we head home to observe Veterans' Day, this is no way to honor our veterans. To divide veterans into the haves and have-nots is not befitting the sacrifices they made. They gave our country 100 percent, whether in times of war or peace; and they deserve 100 percent of what they earned.

In closing, I will be supporting H.R. 1588, but also will be supporting the Marshall motion to recommit to expand concurrent receipt to all of our disabled veterans.

Mr. HEFLEY. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Alabama (Mr. EVERETT).

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

Mr. EVERETT. Mr. Speaker, I rise in support of this bill. It is very important that for the first time in well over 40 years we do something about concurrent receipt.

Mr. Speaker, I rise in strong support of the conference agreement on the National Defense Authorization Act for fiscal year 2004.

This is a solid bill that broadly serves our national security interests and addresses the needs of our armed forces as we continue the fight against terrorism. I will get to some of its strengths in a minute. But first I want to thank you Chairman HUNTER and Ranking Member SKELTON for the leadership you have provided in putting this bill together. And I particularly want to recognize the ranking member of the Strategic Forces subcommittee, Mr. REYES, for his efforts on this bill. Together we have tackled some very tough issues.

The first long range missiles and nuclear weapons were developed almost 60 years ago. Yet today, we have no means to defend the territory of the United States against even a single long range missile, and have only recently begun to deploy defenses against theater range missile threats. In December of last year, the President announced his intention to enhance the capabilities of our Pacific missile defense test bed to field a modest, initial defensive operational capability to defend the territory of the United States by the end of fiscal year 2004. The President requested $9.1 billion to support that—and other—missile defense efforts.

I am pleased to report that this bill fully funds the request, providing the resources required to meet this great and historic challenge. The conferees have also agreed to shift

funds from longer term, less mature efforts in order to accelerate nearer term fielding of systems like Patriot that are designed to protect our troops deployed worldwide who face increasing threats from theater range ballistic missile threat.

Some of the most difficult issues we addressed in this bill involve nuclear weapons. Since the end of the cold war, we no longer face a monolithic threat. The new national security environment in which we find ourselves requires that we adopt a more flexible and adaptive approach to planning for our strategic deterrent. It further requires that we examine the weapons in our aging stockpile to determine if they continue to meet the Nation's needs for a credible and robust deterrent. Provisions of this bill would allow our scientists and engineers the freedom to explore the full range of options for defeating existing and emerging threats. At the same time, the bill includes ''checks'' that reserve for Congress the authority to approve the development of certain classes of new nuclear weapons.

The bill would also authorize the budget request of $6.4 billion for the weapons activities of the National Nuclear Security Administration. The United States has observed a moratorium on nuclear testing for over a decade, and NNSA programs continue to maintain the safety, reliability and performance of the nuclear stockpile in the absence of testing.

However, recognizing that circumstances may require a return to testing at some point in the future, and that the current test readiness posture of almost 3 years does not provide a real option for any President, the conferees have included a provision that would require the Secretary of Energy to achieve and maintain a readiness posture of not more that 18 months.

The conference agreement provides strong support for the military space and intelligence activities that have proven so effective in Afghanistan, and more recently Iraq. Notably, the bill would promote development of the U.S. commercial space-based imagery industrial base, enhance space-based communications to support the warfighter, and robustly fund development of unmanned aerial vehicles for intelligence, surveillance and reconnaissance.

Mr. Speaker, the men and women of our armed forces are doing their part everyday in places far from home. Let us do our part, and pass this bill.

Mr. HEFLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. GINGREY), a member of the Committee on Armed Services.

Mr. GINGREY. Mr. Speaker, I rise today in strong support of the conference report on H.R. 1588, the National Defense Authorization Act for Fiscal Year 2004. This critically important legislation provides our brave men and women in uniform the tools they need to accomplish their missions, but it also contains many provisions to improve their quality of life.

This bill increases the combat capabilities of our Armed Forces with appropriate levels of spending for readiness, procurement, research and development. It funds programs such as the M1 Abrams tank and Bradley fighting vehicles that are used in current conflicts, and transforms our military to meet the threats of tomorrow with futuristic systems like the Air Force's F/A–22 Raptor. The bill provides funding to make our homeland safe by combating terrorism at home and abroad and continuing to develop a ballistic missile defense system.

Most important in this legislation, however, are the provisions aimed to benefit our current and past servicemembers. H.R. 1588 provides a 4.1 percent pay raise, and it increases imminent-danger pay. It also funds important military family housing, education and military facilities. H.R. 1588 directs improvements to the TRICARE system and survivor benefit, and it contains many other provisions for members of the National Guard and the Reserves.

I thank the chairman of the Subcommittee on Total Force, the gentleman from New York (Mr. MCHUGH), for his tremendous dedication to these quality-of-life issues.

This bill also recognizes the inherent unfairness that disabled military retirees have their retirement benefits offset by the amount of their disability benefits by providing concurrent receipt for more veterans than have ever been covered before.

Finally, I thank the gentleman from California (Chairman HUNTER) and the ranking member, the gentleman from Missouri (Mr. SKELTON), for not only their leadership of our committee but also for their work in shepherding this bill through the legislative process. They recognize that we owe all of our freedom and safety to our brave men and women in uniform and that Congress can help them in a major way with the passage of this bill. They also know how important this bill is to my district and Fort Benning in Columbus, Georgia, the home of the infantry where 37,000 active duty troops go to work every day.

In conclusion, I urge my colleagues to vote in favor of H.R. 1588.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I rise in support of this conference report, and I thank the gentleman from Missouri (Mr. SKELTON) for yielding me this time.

I am happy to see we are finally making some progress on eliminating the unfair disabled veterans tax, but it is not enough. We must keep working to ensure that no disabled veteran has to give up their hardearned military retirement pay just because they earn disability compensation.

Under the Republican plan, veterans who are more than 50 percent disabled will begin to receive a benefit that will be phased in over the next 10 years; but this still leaves two-thirds of disabled veterans behind. In Oregon, 5,500 disabled veterans are currently penalized by this sick tax. Under this compromise, 2,000 veterans will receive some sort of relief at some point over the next 10 years, but the remaining 3,500 retired disabled veterans in Oregon who are currently penalized by this sick tax will receive no benefit under this Republican compromise.

While I am pleased we were able to take this first step, we cannot stop until all of our Nation's military retirees who are disabled as a result of service to this country are able to receive the compensation they have earned and deserve. This is a promise we must keep.

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

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, the conference report before us is one I will support. It will provide adequate pay, housing and training for the men and women serving our country on active duty and in the Guard and Reserves. It funds important modernization priorities that will ensure that the weapons systems with which we equip our troops are the most advanced and capable in the world for years to come.

□ 1115

However, the report is not perfect. I am disappointed by the way in which the conference report treats civilian employees of the Department of Defense. Simply stated, the report will strip more than a third of our Federal civilian employees, over 700,000 hard-working men and women, of their most basic worker protections and rights.

I am sorry the gentleman from Virginia (Mr. TOM DAVIS) left the floor. He indicates 71 and some of the other articles that protect Federal employees will not be waived. That is technically true, but the bill allows them to be suspended for the next 10 years. So although they technically cannot be waived, they will not be in effect at the decision of the Secretary.

Let me be clear. I am not opposed to thoughtful reform of our civil service system. However, the report goes too far. It will undo decades of some of the most important worker protections enacted by Congress and supported for decades by Republican and Democratic Presidents alike.

Notwithstanding these concerns, Mr. Speaker, I will support this important agreement. I expect it to pass by a wide margin with broad support from both House Democrats and Republicans who stand squarely behind our troops and in favor of protecting our national security.

Mr. HEFLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. SMITH), chairman of the Committee on Veterans' Affairs.

Mr. SMITH of New Jersey. Mr. Speaker, the Democratic motion to recommit is among the most cynical and political motions I have seen in my 23 years in Congress. And I believe, Mr. Speaker, it is a cheap shot, cynically designed and crafted to politicize disabled veterans and to mock the historic benefits increase contained in

this bill, $22 billion in the first 10 years and at least $57 billion over the next 20 years for disabled veterans. For example, a 100 percent service-connected disabled veterans over the next 10 years may see an increase of approximately $167,000. That is brand new money. They do not have it now. Under this bill these deserving men and women will get it. The same goes for those whose wounds are combat related or rated 50% or above by the VA.

For the last 100 years, as we know, the unfairness of concurrent receipt has been with us. For most of those years, the Democrats had a hammer lock on the House and Senate and did nothing. In the early 90's the Democrats had it all. Bill Clinton was in the White House for 8 long years. Yet nothing was done on the Bilirakis bill. Nothing was done to reform concurrent receipt. Even this year, it wasn't in the Democratic budget. We tried to make this a bipartisan effort—today's motion is pure politics.

I am sickened by this kind of posturing. I know the game you are playing. This is all about the next election. Our bill is a victory for veterans. This will make a significant addition to the benefits received by our disabled veterans. I hope Members will vote for it.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. I thank the distinguished gentleman for yielding me this time.

Mr. Speaker, I cannot speak for former Members of Congress because I am a freshman this year, but had I been a Member of Congress in the past, I definitely would be fighting strongly for the repeal of concurrent receipt.

Mr. Speaker, I rise in strong support of the motion to recommit to provide full concurrent receipt for disabled military veterans. For years, the lack of concurrent receipt, or as some have called it the disabled veterans tax, has taken benefits from the pockets of deserving military retirees. It is an embarrassment that Congress has gone this long without taking care of that disabled veterans tax. I am glad that some veterans will get relief under this bill. But all veterans deserve relief. This is a matter of keeping sacred promises.

The so-called compromise today is leaving a lot of veterans behind, including 2,038 veterans in Maine who would get benefits if we enacted full concurrent receipt for all.

I urge my colleagues to vote for the motion to recommit to provide a full benefit to all veterans. If that fails, I definitely will support the final bill to give relief to at least some of our deserving veterans, including 1,219 in Maine who will now get concurrent receipt under this bill. That is a good step forward.

But I will not give up and I will keep working until all veterans get full concurrent receipt and we eliminate the unfair disabled veterans tax on these veterans.

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

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in full support on the eve of Veterans' Day of a full compensation and total concurrent receipts for all of our veterans. I want the unwarranted tax against veterans to be eliminated. I do not like the fact that 390,000 of our veterans will be left behind in this bill and will be supporting the motion to recommit but will add my support to this legislation because I hope that we can take a baby step in order to make a giant step toward providing for all our veterans.

I would ask my colleagues to go back to the drawing boards on helping our civil service employees at DOD, because overtime is a precious commodity for those trying to provide for their families. Then I think it is appropriate that we hear from Secretary Rumsfeld and Paul Wolfowitz on an exit strategy that will help our young soldiers on the front lines in Iraq because we do believe they are fighting for our freedom but it is crucial that we understand the loss of life has exceeded all speculation. And then, of course, I do appreciate the compromise that has allowed us to buy more equipment for the Air Force and the Boeing compromise of lease and option to purchase. This approach will be an effective way to balance need and costs.

And then on the eve of this very fine Veterans Day, let me pay tribute to all of our veterans, our combat wounded, and particularly those young men and women on the front lines in Iraq, those families who have lost their loved ones in Iraq and, yes, those who languish in our hospitals who are wounded. It is time now that we stand for them and provide the full support that they need. Let us leave no veteran or soldier behind.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 1588 the National Defense Authorization Act for 2004. I am supporting this legislation because our fighting men and women deserve to be properly funded. However, I have grave concerns in regards to how this legislation has been handled by the majority party in the House Armed Services Committee. I stand with Ranking Member IKE SKELTON in expressing my dismay that Democratic members were not consulted on very important provisions of this significant legislation. This Authorization bill while momentous cannot truly be considered the work of this entire body if it was not inclusive of Democratic members. Even so, I add my appreciation to Chairman DUNCAN and Ranking Member SKELTON for their sincere commitment to our Armed Forces.

CIVIL SERVICE REFORM

My concern is most evident in the lack of power civil service reform addressed in this bill. The bill claims to protect collective bargaining rights but removes all of the protections provided under the current law. Chapter 71 of Title 5 of the U.S. Code sets forth requirements for federal agencies to engage in good faith bargaining with unions and protects against discrimination based on union membership. This bill claims to make Chapter 71 nonwaivable but essentially allows the Department of Defense to waive Chapter 71 requirements for the 6-year period following enactment. During these 6 years, the Department of Defense can unilaterally establish a new labor relations sytem after only minimal consultation with unions and minimal notification to Congress. This new system will supersede all existing agreements negotiated between the Department of Defense and its unions.

During the 6-year period, the Secretary of Defense will have the authority to decide what issues will be bargained, whether labor-management impasses will be resolved by an outside third party, and what protections union members will have against discrimination. This authority will allow the Department of Defense to run roughshod over its unions for the 6 years, making a mockery out of the collective bargaining process. Mr. Speaker the lack of proper protection for our hard working civil service employees is unacceptable. My concern for civil service reform in this bill does not end with collective bargaining rights. In addition, this Authorization removes many vital due process and appeal rights for Department of Defense employees. Perhaps most striking is the fact that this bill removes the requirement that Department of Defense employees must receive additional pay for working overtime, working on holidays or weekends, or working in jobs involving unusual physical hardship or hazard. Both the House and Senate voted recently to protect overtime pay for private sector employees. Mr. Speaker it is disheartening that we are removing many basic rights from our civil service employees that we would normally guarantee for most Americans.

CONCURRENT RECEIPTS

Mr. Speaker I rise in full support with my Democratic colleagues in asking for the immediate elimination of the disabled veterans tax. I will support the motion to recommit. This Authorization bill leaves two-thirds of our military retirees to continue having their compensation compromised by this tax. Disabled military retirees should not be prohibited from receiving the full amount of their retirement pay while still receiving the full amount of their full disability compensation—these benefits are their entitlement; after all, we are forever indebted to them for their service. Our disabled veterans should be amongst our most cherished and recognized individuals in society, they deserve better than to be penalized for their sacrifice in battle. This body must move as a whole to adopt the proposal on concurrent receipts and eliminate this tax that is an undue burden on our disabled veterans who have already sacrificed enough for their nation.

EXIT STRATEGY FOR IRAQ

Mr. Speaker while this Authorization bill provides necessary funding for our brave fighting men and women this body must insist on receiving a report on the exit strategy from Iraq. It is pertinent that this Congress be informed how long our soldiers will have to face mortal danger. How can we reasonably assume the cost of funding our Armed Services when we have little information as to when our current conflict will end? Secretary Rumsfeld has an obligation to this body and indeed to our brave

troops to report on the administration's exit strategy from Iraq.

CHINOOK HELICOPTER

Mr. Speaker, I feel that this Authorization bill while supporting the needs of our Armed Forces may not address the need for greater protection for the Chinook helicopter that is widely used by our Armed Forces. The tragic loss of life that occurred by the downing of Chinook helicopters in Iraq illustrates the need for the implementation of defense technology to provide greater protection for the Chinook helicopters. Indeed, the Chinook is a vital instrument used by our Armed Forces to transport troops and supplies to our fighting forces on the ground. However, it is also one of our most vulnerable pieces of our military arsenal. The infrared technology aboard the Chinook makes it more susceptible to ground-to-air missile attack. I am disappointed that this Authorization bill may not address the need for modifications to the Chinook helicopter that can counteract its vulnerability. We must not allow our Armed Forces to lose more brave men and women because we did not address this glaring need, let's move to insure the safety of all fighting equipment.

While I have grave concerns about this momentous legislation I am voting in support of this Authorization. I do so because we must support our Armed Forces, as well it is long overdue that our civil service and defense employees receive pay increases.

I am also heartened by the purchase compromise reached with Boeing in this legislation. Boeing and their supporting suppliers who are based in Texas are innovative, when called upon, they are capable of responding to national security and civil market needs. It is also important in the future that contracts with the Department of Defense rely on both the lease and purchase of this vital equipment.

Mr. Speaker I hope in the future that such significant legislation as this will involve the debate and full consideration of this entire body.

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

Mr. SKELTON. Mr. Speaker, I yield 30 seconds to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentleman for yielding me this time. I profoundly appreciate the hard work that has gone into this legislation but, my friends, we know that it is 1,200 pages long, it spends $400 billion of the taxpayers' money and no one in this body save the conference members have had more than 3 hours to read this.

It is a fine thing to stand up and say we support our troops, and we all do. But the fact is we should not be voting on this today because we have not read it. We should vote next week on this, after we have had time to think about this seriously. If we truly care about our veterans, let us care enough to read the legislation, and if we truly care about our troops, let us care enough to read this legislation.

I will vote ''present'' because I do not have enough information to vote yea or nay, and I regret that profoundly.

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

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I want to thank the distinguished gentleman from Missouri, who is a classmate, for yielding me this time. I want to compliment him and Chairman HUNTER on this bill. We have worked for 2 years on the tanker provisions in this legislation. I am convinced that modernizing our tankers is absolutely crucial to national security. The gentleman from Missouri and I have worked for many years to implement and upgrade the B–2 bombers which fly out of Whiteman, Missouri. We have found that in all of these deployments that tankers are absolutely crucial.

I must tell the House that the condition of our tankers today is not good. The KC–135–Es have significant corrosion. They were all built between 1957 and 1963 in the Eisenhower and Kennedy administrations. I have been on them. I have talked to the pilots who fly them. I have talked to General Handy, General Jumper and they are convinced that replacing these tankers is one of the most important things we can do to preserve our military capability. When you think about it, every time we deploy, we have to have tankers. We have to have EA–6–Bs, those jammers. Both of them are very, very old and both of them need to be replaced and we need get on with it.

One of the things that I am concerned about that we still have not addressed since the Bush administration took office is the fact that we are short in procurement still 30 to $40 billion. The big argument in the tanker issue is lease versus buy. The only reason we had to do a lease is the Air Force did not have the money to buy these airplanes. That is why we have got to get the procurement account up, General Myers says somewhere between 100 and $110 billion. We are at $72 billion. We have got work yet to be done here.

I am also very concerned about the provisions in this bill that deal with worker rights. We are going to continue to work on that. I hope that down the road we can exempt shipyards from those new restrictions.

PARLIAMENTARY INQUIRY

Mr. SKELTON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman will state it.

Mr. SKELTON. Who has the right to close?

The SPEAKER pro tempore. The gentleman from Colorado has the right to close.

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

Let me take a moment, Mr. Speaker. This is deadly serious business that we are about. We are providing for the troops, those who wear the uniform of the United States of America as provided by the Constitution of the United States. This is of the highest calling of our Congress. No, all the provisions in this bill do not meet with my approval wholeheartedly or with others'. But on the other hand there is so much in this bill that takes care of the troops, their families, their needs, their capability of waging war, and we are at war, Mr. Speaker.

With that in mind, I hope that every person in this Chamber, despite the misgivings of some provisions, will support this bill with the understanding that in so doing, a vote for this bill is a vote of confidence and appreciation for those who are wearing the uniform and those families at home in whose prayers those young soldiers, sailors, airmen and Marines are.

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

Mr. HEFLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise, number one, to congratulate the Committee on Armed Services, led by Chairman HUNTER, Chairman HEFLEY and Ranking Member SKELTON. It is a good bill. I rise in support of the bill and against the motion to recommit.

Primarily, though, I want to compliment my friend and colleague from Florida (Mr. BILIRAKIS) for the work that he has done over the years on the issue of concurrent receipt. Veterans all over America will appreciate the determination and the tenacity that he has brought to this issue of concurrent receipt. Today is a recognition of total dedication and hard work and not willing to give up, while it has been very frustrating on occasion. The gentleman from Florida has done an outstanding job. I just want to rise today to say that. It is a heartfelt thanks to the gentleman from Florida and on behalf of all the veterans all over our great country for him having been able to make this happen today.

Mr. SKELTON. Mr. Speaker, I yield the balance of my time to the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) for their leadership in pulling together a good bill. Not all of the provisions of this bill are satisfactory to everyone in this Chamber and ultimately I think this bill will pass, but I want to give us an opportunity to improve the bill by increasing the tax cut that this bill contemplates for disabled American veterans.

I have heard a reference to this being cynical. I have heard a reference to the history of the House in which there were other opportunities to end the disabled veterans tax, but I am a new guy here and I think today we have an opportunity to do what is right. If it was right 20 years ago or 50 years ago or 10 years ago, it is right now.

I am going to offer a motion to recommit. I want everybody to understand what that motion to recommit does.

□ 1130

It leaves the entire bill intact. It changes nothing in the bill with the exception of one thing: it instructs that the House conferees go as far as they can toward the Senate position with regard to the disabled veterans tax, also known as concurrent receipt. If we do that, we effectively eliminate the disabled veterans tax. We are not doing that in this bill.

We do give a tax cut to disabled veterans in this bill. It is the compromise, frankly, that has been forced as a result of all of the attention brought to this issue during this session by many veterans groups, by many on the Democratic side, by the discharge petition that I filed earlier, and because so many people have supported the Bilirakis bill in the past. Right now we have got about 370 cosponsors of the Bilirakis bill. House Resolution 303 is designed to end the disabled veterans tax. There are many on the other side of the aisle who have signed on as cosponsors of H. Res. 303 to end the disabled veterans tax. We have got an opportunity to do that right now with this motion to recommit. It is a rifle shot. It does only one thing, and that is do right by our veterans.

Some have said that we cannot afford more than this. I like tax cuts. While I was the mayor of Macon, I led the fight to lower our property taxes for the first time in 20 years. I think I am one of the few Democrats, fewer than 10, I suspect, that voted for the compromise administration tax cut that we passed earlier this year. I will vote for other tax cuts as well.

We have got to prioritize our tax cuts. We will have an opportunity right now to give tax cuts to disabled veterans that they well deserve and that we can afford if we are willing to put that tax cut toward the top of the priority list. Others here have voted for tax cuts beside this one. Now is an opportunity to vote for this. That is why I am doing this motion to recommit.

Mr. HEFLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Florida (Mr. BILIRAKIS), who is not a Johnny-come-lately on concurrent receipt. He has led this fight longer than I have been a Member of the United States Congress.

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

Mr. BILIRAKIS. Mr. Speaker, as to the issue of concurrent receipt, which the other side keeps referring to as a tax on disabled veterans, as the Members know, and I appreciate all the kind remarks that I have received from both sides of the aisle, but I have worked on this for 18 years, and during the first half of those 18 years, the other party was in charge, and we have to ask ourselves what was done during all that period of time. I say to the Members nothing, nothing. I am searching my mind to try to find out how many hearings we were able to have on this issue during that period of time. We may have had one. I am not even sure we had even that. Never in any of their budgets had they even put a single penny into their budgets for full concurrent receipt, even the most recent ones. The discharge petition would bring H.R. 303 on the floor. There is going to be a motion to recommit, which basically says we have got to have the entire amount.

Why did you all not crank those dollars into your budget? You have not chosen to do so.

The gentleman has talked about his discharge petition. My discharge petition back in the early 1990s, 1993 I believe it was, failed. Where were all the signers from that side of the aisle back in 1993, or whatever that year was, when we had that discharge petition? Politics, I might say, politics, politics.

Starting January 1 of next year, the proposal will phase in full concurrent receipt for all retirees who have disability ratings 50 percent or more. It expands the combat-related special compensation program to cover all 100 percent combat-related disability categories, as opposed to those that are 60 percent now. It also extends these benefits to the Reserve and National Guard, who have not been getting it up to now.

Despite this breakthrough, Mr. Speaker, full concurrent receipt remains a priority goal for all of us. Only let us show it. Rather than just discharge petitions, let us put the dollars into the budget, if we will, on both sides of the aisle if we are really serious.

I ask everybody to vote for this bill and to oppose the motion to recommit, Mr. Speaker, for the reasons stated.

Mr. MEEHAN. Mr. Speaker, I rise today in support of the Department of Defense authorization conference report. But before I address the issues raised by this bill, I want to thank the staff for their hard work on this bill. I especially appreciate the efforts of Bill Natter of the Committee staff and Bill McCann from my personal staff. I also want to extend a special thank you to Faye Virostek, who has worked in my office as a Brookings Fellows for almost a year. Faye is tremendously talented and dedicated. She has contributed greatly to my work on the Armed Services Committee and to my office, and I wish her the best as she prepares to return to her permanent executive branch job.

I did not sign the conference report because I object to the exclusion of the minority members of the Conference Committee from deliberations over several important issues. In some cases, we were able to work constructively to reach reasonable compromise, but in others the majority was unwilling to work with us in an attempt to produce a consensus position. I do not believe that our Nation's interests or this institution are well-served by this process.

For example, the conference report mirrors the House report language to rewrite the Endangered Species Act and Marine Mammal Protection Act, two critical environmental laws.

In addition, the resolution on concurrent receipt of disability and retirement benefits fails to resolve the unfairness and hardship faced by many veterans. I believe the debate needs to be continued on this very important issue, and I was disappointed that the majority chose to adopt a half-measure rather than solving the problem in its entirety.

I also am dismayed that efforts to clarify the Berry amendment failed. This is not a failure of the conference process, but it is a serious blow to the textile industry in Massachusetts and across the country.

Having said that, I believe the conference report is on the whole a solid proposal. At a time when members of our Nation's military are being asked to make tremendous personal sacrifices, this bill represents a step in the right direction.

I recognize the importance of providing a truly bipartisan authorization package in order to maintain the world's most capable military. To this end, the Subcommittee on Terrorism, Unconventional Threats and Capabilities, where I serve as ranking member, authorized increased spending on DARPA, chemical and biological defense, and special operations. I applaud Subcommittee Chairman SAXTON for his leadership and work on these issues, and I also want to thank Ranking Member SKELTON for all of his efforts.

While this bill generally represents a sound approach to most of the issues before the Committee, I am disappointed that its flaws were not corrected. In the coming months, I hope that we will be able to move forward and address the shortcomings in this conference report.

Mr. DINGELL. Mr. Speaker, I would have liked to offer my support to this conference report. The conference report includes a much needed pay raise and much needed support for our military families. In typical fashion, however, my Republican colleagues have taken a good bill and bogged it down with extraneous and extreme measures. The conference report does not include the stronger House language on Buy America and allows research on low-yield nuclear weapons—a practice prohibited by Republicans and Democrats over the last 20 years because it violates the non-proliferation treaty and makes it easier for questionable regimes to obtain nuclear weapons. The conference report also exempts the military from complying with two of our most important environmental laws, the Endangered Species Act and the Marine Mammal Protection Act.

When this authorization process began, Secretary Rumsfeld came to Congress and told us that in order to maintain readiness, they needed exemptions from the Clean Air Act, the Resources Conservation Recovery Act, Superfund, the Endangered Species Act, and the Marine Mammal Protection Act. Fortunately, the Congress saw fit to exclude most of what the DOD asked for with regard to environmental exemptions.

The conference report directs the Secretary of Interior to substitute the Department of Defense's land management plan, known as an Integrated Natural Resources Management Plan, for critical habitat designation under the Endangered Species Act, if the plan provides a ''benefit'' for threatened species. Further, the conference report does not require that the Integrated Natural Resources Management Plan benefit the species.

This is a much lower standard than the current law, not to mention the DOD has enough trouble coming up with a management plan for

things it is supposed to know about, let alone fish and wildlife. If the military is able to escape the critical habitat designation, private property owners will have to bear the burden of providing for the recovery of threatened and endangered species. This is simply not right.

Just this week, the Committee on Resources passed a bipartisan reauthorization of the Marine Mammal Protection Act. That legislation was the culmination of over 4 years worth of hearings and the testimony of dozens of witnesses. Contrary to what happened in the committee of jurisdiction, where they were able to successfully compromise to address the definition of harassment, the language in the conference report would overturn a recent court decision and construct a wall against any further litigation against the Navy.

Over the last 5 years our troops have toppled a dictator in Iraq, stopped a genocide in Kosovo, and defeated the Taliban in Afghanistan. Our troops prepared for those missions without exemptions from our cornerstone environmental laws—laws that administration officials and the General Accounting Office do not believe are hampering our military readiness.

Indeed, former NATO Supreme Allied Commander, General Wesley Clark recently stated, ''Additional exemptions aren't needed. I spent a lot of time in the Army and, in all my years of service, complying with the environmental laws never compromised the military readiness of troops under my command.'' Mr. Speaker, we need to ask ourselves why we are passing language that neither the Resources Committee nor a four-star general deem necessary.

In short, Mr. Speaker, I regret that I cannot support this conference report. I must draw a line in the sand. My Republican colleagues have got to stop looking for ways to put bad and extraneous language in good bills in an attempt to force the hands of those who disagree with them.

Mr. LANGEVIN. Mr. Speaker, as a member of the House Armed Services Committee, I am pleased to speak in support of the bill before us. I wish to thank Chairman HUNTER and Ranking Member SKELTON for their leadership in completing action on this legislation, which provides our military—and the men and women who serve in it—the resources they need to keep America strong in the 21st century. The military pay increase and the enhanced benefits for active and reserve personnel recognize the valiant efforts of the men and women who have ably served our Nation, and the development and procurement of state-of-the-art weapons systems will provide them with the tools they need to continue their mission of excellence.

I am particularly pleased with provisions in the legislation that demonstrate Congress's commitment to the role of submarines as an essential part of a strong naval fleet. Passage of the conference report today will represent the final step in a historic agreement to permit multi-year procurement for the Virginia-class submarine. This agreement will encourage more rapid and cost-effective production of this important system—saving the U.S. taxpayer an estimated $115 million per submarine—while giving the United States Navy new capabilities to respond to future threats. Multi-year procurement will also provide greater stability in southeastern New England's defense industry, and I know that the people of Rhode Island are proud to have a role in this important aspect of military transformation. I wish to convey my deepest gratitude to Chairman HUNTER and Ranking Member SKELTON of the Armed Services Committee, as well as Chairman JERRY LEWIS and Ranking Member JACK MURTHA of the Defense Appropriations Subcommittee, for their work to help this effort reach fruition.

This legislation takes another step toward providing concurrent receipt to our Nation's disabled military retirees, though the language falls short of our obligations. As a cosponsor of H.R. 303, I believe we must fulfill our promises to our Nation's veterans by allowing them total access to both their retirement pay and disability benefits. Next Tuesday, our Nation honors those Americans that have protected our Nation, and we must honor their service by providing them with the benefits they have earned.

Unfortunately, today's agreement contains language that may undermine important civil service safeguards for civilians within the Department of Defense, as well as existing environmental protections. I urge Chairman HUNTER and Ranking Member SKELTON to schedule hearings on these topics in the coming months so that our committee may exercise appropriate oversight authority and ensure that the implementation of these new policies does not undermine decades of efforts by Congress to protect our environment and federal workforce.

Overall, this legislation represents an important investment in the defense of our Nation, and I urge my colleagues to support its passage.

Mr. ACEVEDO-VILÁ. Mr. Speaker, the Defense Authorization Conferees should be commended for rejecting efforts to undermine the agreement signed by President Bush that provides important protections for how Naval Station Roosevelt Roads is to be closed. It was particularly critical because this is a very sad week in Puerto Rico, as Puerto Rico has lost three of our young men and one woman who were serving on active duty in Iraq. It would have been a cruel irony for the Defense authorizers to remove fundamental BRAC protections for Puerto Rico at the same time Puerto Ricans were paying the ultimate sacrifice by serving our country.

Last spring the U.S. Navy announced downsizing plans for Roosevelt Roads. The Navy followed its announcement with the planned departure from the Vieques training range—a result that was the fruit of innumerable debate and struggle. In subsequent testimony to Congress, the Navy professed high operational costs and personnel requirements stemming from the continued operation of Roosevelt Roads and implied the base should close.

Of course, downsizing and the implications of closure have taken their toll and it has been a sordid year for Roosevelt Roads, those who work or worked there and Ceiba, Puerto Rico—the community the base has called home for the past 60 years. The Navy's own pronouncements estimated the base brought $300 million annually to the local economy. The region around base, with 14 percent unemployment, can ill afford a drawn out redevelopment process.

During negotiations with defense appropriators and the U.S. Navy, we reached a compromise that was enacted under which Roosevelt Roads would close in a 6-month timeframe in accordance with the BRAC (base realignment and closure) process. This compromise would afford the Navy a quick departure and cost savings, while keeping with the important protections and procedures required by BRAC. It would also provide Puerto Rico with the much-needed economic development opportunities provided through redeveloping the base. This proposal was agreed to and signed into law on September 30.

In the midst of the defense authorization conference, out of scope proposals surfaced to thwart such progress. The proposals ranged from requiring a report to Congress and subsequent 360-day waiting period for any and all Roosevelt Roads property disposals to mothballing, or leaving the base on inactive status, allowing the land to waste away without a clear plan for redevelopment and creating additional uncertainty among the community. While I appreciate that all out of scope items in conference have been dropped, I fear that punitive efforts may surface yet again as base closure and redevelopment continues.

The recent proposals are stalling tactics void of merit and driven by angry politics stemming from deep resentment held by those who strongly opposed closing the Vieques training range. Let the past become the past. Let's move forward with the best interest of the U.S. military and the American citizens in Puerto Rico in mind.

If enacted such tactics would have continued to cost the Navy money and drain personnel resources, while hindering meaningful economic opportunity for Puerto Rico. Under such a scenario, American citizens in Puerto Rico would remain without jobs while base redevelopment plans sat in limbo.

Puerto Ricans care deeply about their common citizenship and continue to serve valiantly in our military. What should soldiers think of such punitive, political squabbling about a base closure at home, while they fight overseas? As it was President Bush who authorized the Navy's departure from Vieques, he too has stated on many occasions that we all should avoid politicizing military affairs when our troops are abroad.

I have included for the RECORD a letter cosigned by fellow Members of the Congressional Hispanic Caucus. Such support is much appreciated. Further, I want to thank Ranking Member IKE SKELTON and his Senate counterpart CARL LEVIN for their strong commitment and leadership on this issue.

I find it troubling that the bipartisan deal that took place on Defense Appropriations might someday be undermined by such resentful politics, especially given the difficult challenges we now face, and the sacrifices we ask of our troops. I will continue to fight against these punitive efforts while at the same time I will pursue dialogue with those colleagues who may still consider punishing action against my constituents.

It certainly would be in the best interest of the Navy, the people of the local community, and the future of Roosevelt Roads to set these new proposals aside, and continue working to redevelop the base and rejuvenate the local economy. We Members of Congress have more pressing matters to consume our time.

Ms. DEGETTE. Mr. Speaker, given our current military situation in Iraq and Afghanistan, I believe it is incumbent upon us to send an unequivocal message of support for our troops

who are currently in the field. It is equally important that we provide veterans—those who have made sacrifices in order to protect the safety of our country, the benefits they have rightfully earned.

Not since the Korean War have we as a country relied on the members of our reserve forces and National Guard as we do now. We are depending on them to preserve the peace in Iraq and protect our safety at home. We have uprooted them from their families, taken them away from their jobs and put them in the line of fire. Yet, it is not uncommon that after serving in Iraq and Afghanistan, members of the Reserve forces return home without the basic benefits they so rightfully deserve. While this legislation is far from perfect, it takes an important step by ensuring that activated members of the Reserve forces and National Guard and their families receive health benefits.

Importantly, this legislation extends the increase in ''combat pay'' and a Family Separation Allowance for all of our troops who are currently serving in the military. Given the sacrifice that our troops make in the name of protecting our country, it is only right to guarantee that they and their families have adequate financial resources in their time of need.

Additionally, this legislation addresses the unfair Disabled Veterans Tax. It allows certain disabled military retirees to receive both their retirement and disability benefits. However, it only allows concurrent receipt of these benefits for one-third of the approximately 700,000 disabled veterans. I believe this is sorely inadequate and is the reason why I voted to recommit this bill so conferees could have the chance to repeal the entire Disabled Veterans Tax and let all disabled veterans rightfully receive both their military benefits as well as their retirement benefits.

While I do not believe this bill is perfect and I am particularly concerned with certain provisions regarding civil service reform and the environment, I do believe that given our current military obligations, it is essential that we support our troops. By extending benefits for our troops and veterans, we are guaranteeing that those who have dedicated their lives to serving our country are not left behind during this critical time.

Mr. FARR. Mr. Speaker, I rise today in opposition to the Conference Report of H.R. 1588, the Defense Authorization Act. This bill contains anti-environmental provisions that roll back fundamental protections of the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA).

H.R. 1588 exempts the military from protecting endangered species. Provisions in this Conference Report compromise the survival of some 300 threatened and endangered species living on military lands by prohibiting the designation of critical habitat as mandated under the ESA. Instead, military lands will be managed under Integrated Natural Resources Management Plans, prepared by the Secretary of Defense. Currently, such plans have no definitions, no standards, and no limits.

Such sweeping changes in the management of species living on military lands are completely unnecessary. Sea otters and toads do not and will not prevent our military from being the best trained and prepared in the world. But if for some reason the toads rise up, the military already has, but never has used, a national security exemption as part of ESA. The military has shown so little previous concern with this issue that it was only in March of this year that the Department of Defense began developing guidance on how to assess and process exemptions requests inappropriate situations.

Marine mammal protection is under its greatest fire today. Although unnecessary from the start, a full exemption from the MMPA was granted for military readiness activities in the version of this bill that passed the House on May 22, 2003. The Senate version of the bill contained no MMPA exemption for any reason. How then did it come to pass that the Conference Report we debate today broadens the exemption to include scientific research activities by the Federal Government? The Conference Report, agreed to by Republican conferees behind closed doors, opens gaping loopholes in the management of marine mammals and creates unequal standards for ocean users. This is both unfair to the marine mammals struggling to survive and to the shipping, fishing, and tourism industries, which will now be held to different standards under MMPA than scientific researchers and the Navy.

The ''encroachment'' of civilian communities on military managed lands is a serious problem as the separation between where people live and where the military trains decreases. As such, there has never been a more necessary time for the military to look out for the public's best interest. The public wants and needs a healthy and well-managed environment and for the military to be held to complying with our nation's fundamental environmental protection laws. The military should be listening to its neighbors and respecting their requests, and Congress should have listened to its constituents and prevented the weakening of the ESA and MMPA.

Mr. CARDIN. Mr. Speaker, I rise in support of H.R. 1588, to authorize military spending for fiscal year 2004. This bill authorizes the funding necessary to defend our country and promote our interests throughout the world. The bill makes significant enhancements to our combat capabilities, continues our efforts to transform the military to meet the terrorist threats of the 21st century, and provides a number of new benefits to American soldiers throughout the world.

Congress has a responsibility to work with the President to protect the national security of our nation. When our soldiers are sent in to war, it is the Congress's responsibility to make sure that all resources necessary are provided to carry out their missions.

I stand behind our brave men and women who have performed admirably in Iraq and Afghanistan. They have made tremendous sacrifices on behalf of their country and have served longer deployments than expected. Much of the funds in this bill will go directly to support our troops in Iraq and Afghanistan.

Under this bill our men and women in uniform will receive a 4.15 percent average increase in base pay. At the same time the bill reduces the average amount of housing expenses paid by service members from the current 7.5 percent to 3.5 percent, and eliminates out-of-pocket expenses completely by fiscal year 2005. The bill also extends special pay and bonuses for active duty personnel through the end of 2004. Family separation allowance for service members with dependents is increased, from $100 to $259 per month. The special pay rate for those subject to hostile fire and imminent danger is increased from $150 to $225 per month. The legislation also extends TRICARE health coverage to National Guard members and reservists and their families if such servicemembers have been called to active duty. The bill also authorizes nearly $10 billion for military construction, family housing, medical facilities, and child development centers.

This legislation also continues the transformation of our military to meet new challenges of the global war on terror. The bill funds research and procurement of countermeasures to protect troops and the homeland from chemical, biological, and nuclear attack. It increases weapons and equipment procurement for Special Operations Forces. It funds programs to dismantle, secure, and eliminate weapons of mass destruction and facilities in Russia and the former Soviet republics.

There are several significant shortcomings in this legislation, however, that I would like to discuss.

This conference report contains an inadequate proposal to address the Disabled Veterans Tax imposed on our military retirees. Under current law, military retirees are taxed one dollar of their retirement pay for every dollar they receive in veterans disability compensation. Denying service-disabled men and women the benefits they have earned breaks our promise to those who placed their lives on the line for America's freedom. Any veteran with a service-connected disability, regardless of the length of his or her military service, can retire from a federal civilian job and receive both retired pay and disability compensation without penalty.

America's troops are united as they serve in Iraq and Afghanistan and here at home. Our veterans were united as they fought for our country. They remain united today in their love for our nation. But the Disabled Veterans Tax compromise before the House today seeks to divide them. It leaves behind more than 390,000 disabled military retirees—more than two-thirds of those who would receive full compensation under HR 303. Those retirees with a Purple Heart or combat-related disability would be eligible this January. Others who have 50 percent or greater disability would have to wait for ten years to receive their full benefits. Those with less than 50% disability still will not receive one penny of compensation for their disabilities.

Because this compromise is phased in over a ten-year period, many of our older veterans, particularly those from World War II and the Korean War, may not live long enough to receive the full benefits to which they are entitled. In my district in Maryland, there are 1,519 veterans who are now subject to the Disabled Veterans Tax. This bill leaves 1,000 of them behind.

More than 85 percent of the members of this House have cosponsored HR 303, yet the compromise before us falls far short. Many of my colleagues also signed the discharge petition that would compel the House to consider this bill. For these reasons, I urged my colleagues to support the motion to recommit. It would have stripped from the bill the inadequate compromise language that only helps two-thirds of America's veterans, and replace it with full, immediate concurrent receipt. Our disabled military retirees deserve no less.

I am also disappointed that conferees chose to include in this bill a far-reaching plan to revamp the DOD civilian employee system.

Under this agreement, more than 700,000 civilian workers in the Defense Department will lose fundamental protections that have been in place since President Kennedy's administration. These protections were put in place to safeguard against the patronage, political favoritism, and nepotism that were rampant before the advent of the civil service system.

These DoD employees will lose many of their current due process rights. The conference report retains the right of employees to appeal to the Merit Systems Protection Board but only as an appellate body. As a result, DoD civilian employees would have far fewer rights to appeal personnel actions than other civilian employees have. They would lose guarantees on overtime pay, hazard pay, weekend pay, and holiday pay. Finally this provision empowers Secretary Rumsfeld and all future Secretaries of Defense to create an entirely new personnel system for DOD civilians. I am also very concerned that enactment of these provisions will set a dangerous precedent that will lead to erosion of protections in other federal department and agencies. In these times of uncertainty and turmoil, we are asking more of our civil servants than ever before in our history. To remove these important safeguards now is the wrong thing to do.

In sum, Mr. Speaker, I am disappointed that we have failed to provide the full concurrent receipt to our veterans that they deserve, and that we have eroded some of the civil service protections for Defense Department employees. However, I will support this legislation because it provides additional resources for our troops in Iraq, Afghanistan, and throughout the world as they prosecute the global war on terrorism. Our military must be given every available tool for its arsenal as it combats emerging threats to our soldiers and our homeland.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of H.R. 1588, the FY 2004 Department of Defense Authorization bill.

However, I believe that this bill is far from perfect. It does not fully support veterans' disability issues, collective bargaining for civilian personnel, and protection for the environment. It is unfortunate that these issues suffered due to the political process. I did support the motion to recommit in hopes that these critical issues could be further discussed, but that motion failed.

If we were not in a time of war I would not support this bill. Yet, our brave men and women deserve all the protections and assistance we can provide, and I will do all I can to support them.

While I am voting against the report, I do support the outcome of the Conference Committee regarding overseas voting provisions for the military. I am pleased that language referring to ballots submitted by members of the military stationed overseas was not included in the report. The issue of ensuring the integrity of overseas military members' ballots has been addressed in the Help America Vote Act (HAVA), and I believe we must await the full implementation of HAVA before considering any changes. Therefore, I did not believe that some of the suggested changes were necessary.

Ms. WATERS. Mr. Speaker, I rise to express my disappointment in this conference report. I regret that I must oppose it.

I support our troops and our veterans, and applaud the conference report's improvement in pay for our troops, but there are far too many things wrong with this bill. For example, under H.R. 1588, environmental standards are weakened and worker rights are severely limited. Yet again, the Republicans have placed a higher priority on partisanship and special interests than doing what is right for our country and our service men and women.

But, of all the many problems with this conference report, the most disappointing is the section on concurrent receipt that fails to end this horrendous policy for many of our disabled veterans. For months, the Republicans have refused even to allow a vote on H.R. 303 which would end the disabled veterans tax for all of our veterans. But now in a half-hearted attempt to appear responsive to the overwhelming demands of Democrats and veterans groups to repeal this tax, the Republicans have thrown our veterans a bone—a partial repeal of the concurrent receipt policy.

It is estimated that, under the Republican plan, two-thirds of disabled veterans will not receive one penny of compensation for their disabilities. This is unacceptable. Our veterans deserve all of the benefits that they have earned. Our veterans have sacrificed in order to ensure our freedom and safety. Congress must now do its part. Congress can and must completely end the disabled veterans tax—immediately.

Mr. ORTIZ. Mr. Speaker, I thank Chairman DUNCAN HUNTER and Ranking Democrat IKE SKELTON for their leadership on this important bill.

Our young men and women in uniform are performing magnificently right now in Iraq in a difficult and developing mission. They are also performing magnificently in Afghanistan, and elsewhere around the world where the global war on terror takes us. It falls to the Congress to make sure our troops have what they need to prosecute this war on all fronts. Certainly all of Congress agrees that our soldiers in the field deserve to get all they need, no matter what.

The central feature of today's bill is a huge step forward on the issue of concurrent receipt. Finally, we are acknowledging the inherent unfairness of having long-time service members chose between retiree pay and disability. We didn't get nearly what we wanted, nor what these military retirees deserve . . . but we made significant progress on advancing the cause of expanding the phase-in of concurrent receipt.

This bill provides much needed support for our military including: a pay raise of 4.15 percent for uniformed services, further reducing out-of-pocket expenses for servicemembers, increasing allowances for family separation and danger pay, and modestly increasing the force structure of the Army and active Reserves and National Guard.

DOD did not get all the power it wanted when it comes to contracting out civilian jobs, but I am very uncertain about what lies ahead for civilian workers. We made some progress in the negotiations, but the strong language in the House bill put quite a pall over the future of a viable civilian service. We have a very tough road ahead. And, I maintain the Secretary is just wrong on this one—a strong civilian workforce performs the core functions of the military better, and cheaper, in-house.

Today's package, and our passage of it speaks, we hope, to the needs of our military and offers them the concrete understanding that this Congress considers our military men and women our ultimate responsibility.

As we move forward, I will be working to do more to ensure our military retirees eventually get a full concurrent receipt.

I will keep a very close eye on the plans and activities of the Department of Defense as they proceed with their plans for civil service workers. I want to ensure that our civil service workers remain the viable, strong workforce our national security demands.

Mr. RUPPERSBERGER. Mr. Speaker, I rise in support of H.R. 1588 the Defense Authorization Conference Report. While this conference report has some deficiencies it also has a number of positive points that I support.

Inititally when this Defense Authorization was drafted compromises were reached that would allow the DoD to have flexibility and at the same time providing labor protections. Unfortunately, the conference report language has been redrafted and allows DoD to wipe away these protections. It is unfortunate that civilian defense employees are not receiving the same protections. I would hope that we can work to ensure workers rights at the Pentagon. These men and women serve our country and are also fighting to protect our freedoms.

While this conference report has begun to address the issue of concurrent receipts for veterans it does not fully solve the problem. We need to make sure all veterans receive this benefit. It takes a step in the right direction, but it does not fully solve the problem.

This conference report also calls on the Secretary of Defense to submit to the House Intelligence Committee a report on the preparation for and conduct of our military operations under Operation Iraqi Freedom.

I am thankful that the F–22A Raptor received additional funding. The Raptor is the new front line jet fighter for our Air Force. This aircraft will give us complete air superiority. I am proud to say that we build this radar system in my district.

The Authorization also contains additional funding for the Shadow 200 Unmanned Aerial Vehicle. This vehicle which is again built in my district played a vital role in Iraq in providing our troops with an aerial view of the battlefield to give our troops a tactical advantage. Because of the success of this vehicle the National Guard is now interested in the unit and has requested funding for it.

I am happy to say an amendment I inserted into the Defense Authorization has been accepted and will be a part of this authorization. My Amendment calls for employee surveys of leadership and management performance. This survey will help to promote efficiency and allow for the recognition of achievement and increase best practices in an agency. It is important that we allow employees to take ownership of where they work and to make them part of the team.

Again, I rise in support of this conference report.

Mr. ABERCROMBIE. Mr. Speaker, I rise in support of the conference report for the Fiscal Year 2004 National Defense Authorization Act.

I would first like to recognize our Committee leadership, Chairman HUNTER and Ranking Member SKELTON, for the bill they have crafted to address the immediate needs of our Armed Forces. Our Committee has a long tradition of working across party lines to ensure the readiness and well-being of our Armed Forces, and I am pleased to have participated in yet another cooperative effort with my

Armed Services colleagues. Unfortunately, this bipartisan spirit did not extend to the more controversial aspects of the Defense Authorization Act, especially the reworking of the civil service system and yet another compromise on the Disabled Veterans Tax. On the balance, however, this bill establishes good policy for our troops when they need it the most.

H.R. 1588 offers the pay and benefit measures that our Armed Forces deserve. We put together another healthy across-the-board pay raise—4.15 percent—as well as targeted raises of up to 6.25 percent for mid-grade and senior noncommissioned officers and select warrant officers. We have also extended special pay provisions for the men and women deployed around the world. Hostile fire and imminent danger pay will be raised from $150 per month to $225 per month through December 1, 2004, while family separation allowance (FSAA) will increase from $100 to $250 per month.

In an effort to address the issue of military readiness, H.R. 1588 also includes TRICARE health benefits for deploying Reservists. We have been undermining our own system by relying on Reservists to be ready to go when called but failing to provide them the required medical coverage to ensure deployment-level readiness. Through this new authorization, the Department of Defense can provide immediate medical and dental screening and care for selected Reservists who are assigned to a unit alerted or notified of mobilization. Non-mobilized Reservists currently without health insurance will also be able to enroll in TRICARE on a cost-share basis. With the burden on our Reserves at an all-time high, providing basic coverage is the least we can do for those called to serve.

One of the worst aspects of this legislation is the wholesale dismantling of our Department of Defense civilian workforce. Under the conference report before us, some 700,000 federal employees will be stripped of their rights and protections in the current civil service system and placed at the mercy of political appointees in DoD. The Defense Authorization Act, as written, provides no guidelines for a new civilian personnel system; rather, it gives almost unchecked power to Secretary Rumsfeld to create a system of his own design. We have heard testimony about pay for performance and pay banding, but none of this is codified in the legislation. It opens the door to political patronage and cronyism—the very abuses which the civil service system was enacted to prevent in the first place. Our committee held exactly one hearing on the civil service portions of this bill, and that hearing was held only after Committee Democrats raised an outcry. The hearing was hastily organized with one day's notice and hardly allowed for the in-depth examination due such a sweeping proposal. Let me be clear—this process has been a farce and nothing less than a slap in the face to our DoD civilian workforce. We praise these men and women in one breath, and in the next, dismiss them as expendable. In passing this provision, Congress will abdicate its constitutional responsibility and cede our authority in this matter to the Executive Branch. I am deeply disappointed that the Administration felt it necessary to interfere in this conference and prevent us from adopting the much more moderate and sensible legislation crafted in the Senate under the leadership of Senator COLLINS.

Likewise, I am dissatisfied with the partial rollback of the Disabled Veterans Tax. For years I have cosponsored and supported legislative efforts to allow disabled veterans to receive their full retirement annuity in conjunction with VA disability pay, and year after year, we are only able to come up with half-hearted measures. The so-called solution before us will take ten years to rectify the unfair penalty. Our veterans cannot wait until 2014 to finally see the compensation they rightfully earned, in numerous cases many years ago. It is shameful that our Republican colleagues are unwilling to budget the funding for those who have already made so many sacrifices in behalf of our Nation but yet are all too willing to send more young men and women down the same path in harm's way. I truly hope that we can reexamine this phased-in approach next year and accommodate all disabled veterans equally and immediately.

As the Ranking Democrat on the Subcommittee on Tactical Air and Land Forces, I am happy to report that we have done well by the major Army and Air Force acquisition programs under our jurisdiction. The bill carefully balances current hardware needs with development and procurement of future systems. Modernization of our Bradley Fighting Vehicles and Abrams tanks will ensure the capability of our heavy armor divisions and our industrial base. I am particularly pleased that we have funded the Stryker Medium Armored Vehicles at the Administration's request for both procurement and research and development. Stryker represents the bridge between current Army legacy systems and the networked Future Combat System; through Stryker, our soldiers will hone the skills necessary for the transformation to the fast and lethal warfare of the 21st century.

I would like to thank the Committee staff for their tireless work over the past several months in putting together the best bill possible. I would especially like to thank the Tactical Air and Land Forces Subcommittee professional staff, J.J. Gertler, Bill Natter, and Doug Roach, for their dedication, professionalism, and invaluable expertise throughout the year's work.

We have a bill that we can largely be proud of. Again, I urge my colleagues to support this measure.

Mr. BACA. Mr. Speaker, I rise in support of the motion to recommit the Defense Reauthorization Conference Report. We must say no to the veteran disability tax and support concurrent receipt.

As a veteran, and as a Member of Congress, it is my duty to fight for the veterans who fought for our freedom. We must make sure that our veterans receive the benefits and healthcare that they have more than earned.

To take money away from our veterans while giving tax cuts to the wealthy is disgraceful.

I don't understand how House Republicans can vote to cut $14 billion from veterans' benefits, and then send 130,000 troops to Iraq.

While America's wealthiest receive huge tax cuts our soldiers die overseas. And for those that do come home, they want to cut their benefits. Our soldiers deserve better.

Right now, 520,000 veterans' benefits claims are still pending in the VA. Some of these claims involve soldiers that served as long ago as the Korean War.

I have even introduced a bill to try to solve this problem, H.R. 1264 that will help reduce this backlog of claims. This is the type of help our veterans need.

It is shameful that our disabled veterans cannot receive disability pay without receiving a cut in their pension. Veterans should not be forced to give up one dollar of their pension for every dollar that they receive in disability pay. A veteran must not be punished for being disabled.

I cosponsored H.R. 303, the concurrent receipt bill. And I signed the petition that would have brought this bill to the House floor despite Republican opposition.

Our veterans are simply waiting for what they are owed—their disability pay and their full pensions.

Our veterans are dying at a rate of 1,000 a day. The Republican plan will not aid the veterans that need help now.

Under the Republican plan only one-third of the disabled veterans will get the help that they need. This is unacceptable and our veterans deserve better.

Our veterans need our help. Let's not keep them waiting any longer.

I urge my colleagues to support concurrent receipt and send this report back to conference.

Mr. BLUMENAUER. Mr. Speaker, I spoke against this bill when it was on the House Floor and, unbelievably, it's gotten worse in Conference. I am frustrated that on the week before Veterans Day, the conference report keeps moving further away from what the military, veterans, and Americans need. The most fundamental function of our national government is the defense of our nation. Today, this function is more important, and we are spending more on national defense than ever before. The conference report that we are debating this morning carries a $401.3 billion price tag, which means that the United States will be spending over a billion dollars a day, and more on our military than do the next 25 nations combined. This bill certainly spends enough to do the job, however it is full of provisions that not only waste tax dollars, but even threaten Americans' health and safety.

I am pleased that the Defense Authorization bill starts to reduce the tax on disabled Veterans, which is long overdue. However, I am disappointed that the bill would only partially end the tax—leaving out two-thirds of military retirees affected by the tax and forcing those covered to wait 10 years for full benefits.

I am also extremely disappointed that the conferees chose to eliminate the 1993 ban on low-yield nuclear weapons. The House bill allowed research but maintained the ban on development activities that could lead to the production of a destabilizing and unnecessary new low-yield nuclear weapon. However, conferees accepted the Senate language that also allowed research but eliminated the ban. Fortunately, Congressional approval is required before these dangerous weapons can be produced, and I hope that this never occurs. Producing a new generation of low-yield nuclear weapons increases the likelihood they will be used in conflict, breaking a taboo that has been in place since World War II. Developing new types of nuclear weapons sends the wrong message to other nations. America must lead by example if the threat of nuclear weapons is going to be eliminated.

This bill is missed opportunity to focus on real priorities. The anti-environmental provisions in this bill are especially frustrating. Instead of addressing real threats to readiness,

the administration and the Republicans in Congress are taking on an easier target, dolphins. Using defense as cover, they are proposing changes to environmental laws that have nothing to do with defense readiness.

As the largest owner of infrastructure in the world and also the biggest polluter, the Department of Defense should be setting the best example, not getting permission from Congress to cut corners on the protection of the environment and the health of our communities.

The Conference Report includes modified House language that would prohibit designation of critical habitat under the Endangered Species Act if the Secretary of the Interior determines that the Integrated Natural Resources Management Plan prepared by the Secretary of Defense will provide ''a benefit'' for endangered and threatened species on military lands. However, there is no definition of ''benefit.''

We have seen that critical habitat designation is not the problem on military lands. This conference report misses the real threat to military readiness: encroachment of development around bases. This is the same sprawl and unplanned growth that threatens our farms and forestlands, pollutes our air and water, and congests our roadways, and this is the real threat to our ability to train and maintain the world's mightiest fighting force.

Across the country, from Ft. Stewart, Georgia, to Camp Pendleton, California, development is threatening the armed forces' ability to fly planes, maneuver and conduct other readiness activities. This has led the State of California to pass their Senate bill 1468 which recognizes the long-term operations of military installations must involve a partnership between the State, local agencies and the Federal Government. It provides the military, environmental organizations and local planning agencies the tools to work together to fight common enemies of military readiness like suburban sprawl. But this proposal is completely absent from the legislation coming before us.

The Conference Report also retains controversial House language that would reduce protections for marine mammals. New language, added in conference, would also apply the weakened standards to any research activities by the Federal Government (or contractors), creating a double standard as current law would continue to apply to citizens and the private sector.

In addition, key conservation terms of the Marine Mammal Protection Act are altered in order to overturn a recent Federal court of appeals decision regarding the impacts of Navy sonar technology. The bill allows the Department to exempt itself from what's left of the Marine Mammal Protection Act for anything necessary for national defense. It excludes any meaningful involvement of the wildlife agencies, the States, Congress and the public in review of these exemptions. This contradicts language passed unanimously this week by the Resources Committee—the House committee with exclusive jurisdiction over the MMPA—which does not contain any special standards or exemptions for DOD. This has raised the ire of both Democratic and Republican Resources Committee Members participating in the Conference.

Not only are these provisions harmful, they are also unnecessary. Under current law the Department can already waive environmental laws when it's necessary for national security. There has never been a case where a waiver has not been granted for military necessity.

The defense authorization bill is also wrong on a very fundamental level. It is missing an opportunity to use the Department of Defense to set the highest standards. Given adequate resources and the right orders, our Department of Defense can achieve any mission. We are missing that opportunity. As the wealthiest and most powerful country in the world, we ought to be able to figure out how to better address this problem without compromising the environmental survival of what we are fighting to protect.

It is arrogant and hypocritical to let the Federal Government off the hook for environmental regulations. We will impose them on small business or local governments but not on us ourselves.

I oppose this conference report because we are spending too much on the wrong things and not enough on strategies that will make our Department of Defense more sustainable over time. The spending is too heavy on weapons research and too light on relieving the stress on our fighting forces. We can and must do a better job shaping our Nation's defense policy.

Mr. SMITH of Texas. Mr. Speaker, I support H.R. 1588, the Department of Defense Authorization bill, which includes concurrent receipt for disabled military retirees and veterans. Currently, disabled retiree and veterans' benefits are offset by the amount of disability pay that they are eligible to receive. The legislation corrects that unfairness.

Members of Congress representing hundreds of thousands of retirees and veterans came together to achieve a significant, victory for disabled retirees and veterans. We fully support our soldiers—past and present.

The bill is fair, responsible, and appropriately recognizes the service of our nation's disabled retirees and veterans. It establishes a concurrent receipt for more disabled military retirees and veterans than ever before, and provides them with the retirement income they have earned and deserve.

Under current law, a disabled military retiree or veteran could be entitled to $1,000 a month in military retirement and $300 a month in disability. But the amount of the disability payment is subtracted from the retirement pay, leaving the soldier with a check for $700 in retirement and $300 in VA disability. A retiree or veteran is no better off if they suffered a disability than if they didn't. The legislation eliminates this inequity.

Active duty combat retirees and veterans who are 60 percent disabled and above now have full concurrent receipt. The key part of the agreement expands full concurrent receipt to all combat retirees and veterans with a Veterans Administration disability between 10 percent and 100 percent.

The agreement not only provides a full concurrent receipt benefit for active duty retirees and veterans, but also for reservists and national guardsmen who currently do not qualify for concurrent receipt under either Purple Heart or combat-related disability pay. The reservists and national guardsmen will receive full concurrent receipt if their disability is between 10 percent and 100 percent.

The legislation establishes benefits for those remaining retirees and veterans at 50 percent disability and above. They presently do not receive any benefits. That means every disabled military retiree and veteran with a disability greater than 50 percent will be entitled to concurrent receipt.

It also creates a 13-member bi-partisan commission appointed by Congressional leaders and the White House. Under the commission, for the first time since 1946, there will be a top-to-bottom review of the disability system. The commission's goal is to review the disability system to ensure that the appropriate benefits are provided to our retirees and veterans.

From World War II to Vietnam, from the Persian Gulf War to the War on Terror, we provided our active military with the tools they need to do their jobs, and our retirees and veterans with the proper benefits for their years of service. The concurrent receipt agreement follows that tradition and honors those who have served our country.

Mr. MATHESON. Mr. Speaker, I have always been a strong supporter of the military and I'm well aware of the unconventional war we face against terrorists. However, I continue to oppose the nuclear weapons related provisions in this year's defense authorization bill.

No one is arguing about the need to find new technologies with which our nation can combat deeply buried targets, particularly those held by terrorists. At issue is whether Congress needs to resort to repealing the Spratt-Furse prohibition on nuclear weapons development and encouraging the production of new weapons.

There is a disconnect in the federal government between weapons development and the realistic application of nuclear weapons. Advocates of new nuclear weapons see them as just another tool in the War on Terror, without realizing nuclear weapons work best as a deterrent, not as first-use weapons.

Supporters of the Robust Nuclear Earth Penetrator and new nuclear weapons, argue that the current authorization language is strictly limited to weapons research and development in Department of Energy labs. This claim ignores the obvious end result of weapons development—weapons design does not occur in a vacuum. In order for our soldiers to use nuclear weapons in combat, these weapons must first be physically tested, most likely at the Nevada Test Site. The federal government's poor record on weapons testing and containment of fallout is lengthy and disappointing, at best.

Like many Utahns, I come from a family of downwinders. My father, as well as other loved ones, developed terminal cancer after he was exposed to radiation from Cold War nuclear weapons tests conducted by the federal government. I do not believe that we should even consider a resumption of nuclear weapons testing when rational alternatives have not been fully explored.

I have already seen too many Americans succumb to then-unforeseen consequences of weapons testing. Advances in containment technology are certainly possible, however, the current circumstances do not lend themselves to a resumption of nuclear weapons testing and I will do everything in my power to avoid that end result.

Mr. FILNER. Mr. Speaker and colleagues, I rise today in opposition to the very limited provision to address the unfair disabled veterans tax in the Defense Authorization Act.

Currently, veterans who retire with 20 years of honorable service and who also have a

service-connected disability are not permitted to collect both military retired pay and VA disability compensation. In essence, they are paying for their own retirement. We must stop penalizing our disabled veterans in this cold and unfeeling manner.

Our nation's veterans and many, many Members of this House have been fighting for so long for the elimination of this tax for all retirees. We are now so close to victory. We cannot settle for the partial concurrent receipt measure that is included in this bill.

This proposal is simply unacceptable. It gives less than half a loaf and spreads it over ten years. It is naive at best and callous at worst.

The proposal leaves approximately 400,000 military retirees without relief. In my state of California, fully 38,000 are left out of this Republican proposal.

Many of the deserving veterans will die before the ten years are up and before they receive their full concurrent receipt.

This bill will set up yet another complicated administrative system for our veterans to wade through.

And worst of all, this bill as presented today unfairly pits veterans against other veterans.

We must restore earned and deserved benefits to all eligible military retirees. If this Defense Authorization Conference Report continues to leave out two-third of deserving veterans, I cannot vote for its passage.

Mr. CASTLE. Mr. Speaker, I rise in support of the Conference Report on the National Defense Authorization Act. It was a pleasure to serve as an outside conferee to H.R. 1588 for education provisions that will benefit our nation's military, schools and students across the world.

In addition to Impact Aid, H.R. 1588 provides additional assistance to local educational agencies (LEAs) that benefit dependents of members of the Armed Services and Department of Defense civilian employees. $30 million is authorized to be used as general revenue by LEAs that are impacted by the presence of military installations.

Every Member recognizes the importance of funding for special education. H.R. 1588 recognizes that the Department of Defense also has a role in helping school districts provide these necessary services. The conference report makes available $5 million from the Department of Defense's budget to help school districts provide special education services to children with severe disabilities who have a parent who is on active duty in the uniformed services or who is a foreign military officer.

Now more than ever our military families rely on Department of Defense schools overseas. H.R. 1588 expands the eligibility for space-available, tuition-free attendance at Department of Defense Dependents Schools (DODDS) overseas to the dependents of mobilized reservists who are called to active duty and whose overseas tour is voluntarily or involuntarily extended beyond one year. Current admissions policy permits the dependents of reservists called to active duty from an overseas location to enroll in DODDS on a space-available, tuition-free basis, but denies such admission to reservists mobilized from the continental United States. As the number of reservists deployed overseas continues to increase, it is imperative that we recognize the needs of these men and women as well as the educational needs of their children.

Finally, today's Conference Report recognizes the future needs of our military. H.R. 1588 enables the Secretary of Defense to develop a more comprehensive and attractive array of educational programs in science, mathematics and engineering. Educational programs in technical fields will help to train the next generation of scientists, engineers, and technical entrepreneurs, all of whom may contribute to the future technological superiority of our military forces.

Congress and the American people support our brave military for their commitment and their sacrifice. The recent war in Iraq shows the importance of preparation and equipment for our military as they work to defend freedom and liberty across the globe. In addition to these vital education provisions, the Conference Report to be passed today will provide the necessary resources and training for our troops at home and abroad.

Mr. MCGOVERN. Mr. Speaker, I rise in reluctant opposition to this Conference Report.

While I have continuing problems with the process of how this bill was negotiated, excluding the participation of most Democratic-appointed conferees, and how no time has been allowed for Members of this body to review the final version of the bill on which we are voting this morning, it is not for reasons of process that I oppose this bill.

I oppose this bill because it does not do right by our disabled veterans; it does not do right by the hard-working, faithful, and patriotic civilian workforce of the U.S. Department of Defense; and it does not do right by our commitment—including the declarations of our current president—to halt the global proliferation of nuclear weapons.

However, first I would like to summarize several of the items in this bill that I strongly support and for which I have fought for many years.

I support the extension of TRICARE for non-deployed National Guard and Reservists and their families. Under current law and Pentagon policy, reservists become eligible for TRICARE, the Defense Department's health care system, once they are on active duty. This conference report will ensure that TRICARE is provided to those Guard and Reservists who lack coverage or who are not eligible for coverage offered by an employer. Guard and Reservists will be required to pay 28 percent of TRICARE premium and can stay in the program for one month before and six months after mobilization. This program is authorized for one year, until September 30, 2004, but I will continue to fight to ensure these changes become permanent.

I also support the provision in this conference report to allow lawful permanent resident military members to achieve naturalized citizenship after serving honorably for one year in the regular components of the military and our Ready Reserves. It also allows non-citizen spouses, unmarried children, and parents of citizens and non-citizens serving in the U.S. military who are killed as a result of such service, to file or preserve their application for lawful permanent residence. This provision does not provide any benefits if family members are out of status or are illegal aliens.

I support the increases in Imminent Danger Pay and Family Separation Allowance. The higher rates authorized in this bill will be $225 per month for hazardous duty pay and $250 for family separation allowance. These higher rates will be provided to all eligible military members, not just those serving in Iraq and Afghanistan.

I strongly support the 4.1 percent pay increase for military personnel and the targeted increases for mid-grade and senior non-commissioned officers and mid-grade officers.

I also strongly support the increased authorizations for the equipment, supplies, logistical support so badly needed by our deployed military personnel and those in training, as well as the increases in research, development, testing and evaluation of new equipment and materials that will be required for an effective and modern fighting force. Our uniformed men and women deserve the very best equipment to carry out their duties and missions, and I believe this bill helps provide them with these materials.

Unfortunately, I cannot support a bill that will still leave two out of every three disabled veterans subject to the so-called Disabled Veterans Tax. This conference report includes a plan to provide concurrent receipt of military retirement and Veterans Affairs (VA) disability benefits to military retirees with disability ratings of 50 percent or high that would be phased in over the next ten years. According to a report released by Veterans Affairs Committee Ranking Member Lane Evans, a veteran himself of the Vietnam War, the plan authorized in this bill will help only 160,000 of the approximately 560,000 disabled military retirees that are subject to the tax. To be eligible for relief, retirees must have 20 years of service and disability ratings of 50 percent or above. As is already provided for in current law, veterans who meet the criteria for a combat-related disability, popularly known as ''Purple Hearts Plus,'' will receive full disability and retirement benefits, if they have twenty years or more of service.

I believe that the Conference Report should have included the provisions of H.R. 303, the Retired Pay Restoration Act of 2003, which I and the Democrats in the U.S. House of Representatives attempted to bring to the House floor for action earlier this year. It would cover all of our disabled veterans, not just one out of three. Three days from now we will remember our veterans and celebrate Veterans Day. I cannot do this in good conscience if I support legislation in which two-thirds of retired veterans who have service-related disabilities will be left behind and will be required to continue to pay tax on their disability.

Mr. Speaker, I cannot support this conference report that scraps existing civil service laws and protections for the more than 746,000 civilian employees whose daily work and sacrifices ensures the effective running of the U.S. Department of Defense. This Conference Report removes all collective bargaining protections contained in current law; it removes all basic due process protections for employees; it strips Defense Department employees of basic appeal rights; and it removes the requirement that Defense Department employees receive additional pay for working overtime, working on holidays or weekends, or working in jobs involving unusual physical hardship or hazards. Mr. Speaker, this is simply wrong.

Finally, Mr. Speaker, I oppose the Conference Report on H.R. 1588 because it lifts the ban on research and development of a new generation of so-called low-yield nuclear weapons that was first enacted in 1989 during

the Administration of President George H.W. Bush. This new program will allow the United States to pursue a new generation of nuclear weapons of a type most likely to be used in battle, which I fear may lead to a new nuclear arms race on a global scale.

I also have other grave concerns regarding this bill, such as the weakening of the Endangered Species Act and the Marine Mammal Protection Act, which I do not have time to go into this morning.

I regret that I must vote in opposition to this very important bill, but I simply cannot shortchange our disabled veterans, the Defense Department workers, and the very security of our nation and the world from nuclear attack.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support for the conference report on H.R. 1588, the National Defense Authorization Act for Fiscal Year 2004. This Member would like to offer particular thanks to the Chairman of the House Armed Services Committee, the distinguished gentleman from California (Mr. HUNTER), and the Ranking Minority Member on the Committee, the distinguished gentleman from Missouri (Mr. SKELTON) for their work on this important bill. Furthermore, this Member would like to thank the Chairman of the Armed Services Subcommittee on Military Readiness, the distinguished gentleman from Colorado (Mr. HEFLEY), and the Ranking Member of the Armed Services Subcommittee on Military Readiness, the distinguished gentleman from Texas (Mr. ORTIZ), for their critical work on authorizing $3 million for the frontage levee segment protecting the Nebraska National Guard Camp at Ashland, Nebraska. Indeed, this Member is very appreciative for the inclusion of this provision in the conference report.

Mr. Speaker, the Nebraska National Guard Camp Frontage Levee Segment is a central element of the Clear Creek portion of the Western Sarpy Levee project. Completion of the Guard camp segment must coincide with the other elements of the Western Sarpy project to assure coordinate progress on completing this governmentally complicated flood protection project. Indeed, without building this section of the levee along the Platte River simultaneously with the construction of the entire levee system it will not work; there would be a gap in the levee that would only accentuate the flooding risks and flood volume that would affect the Nebraska National Guard Camp unless this project moves forward with the rest of the levee construction project.

Previously, the Clear Creek Project was authorized at $15.6 million in the Water Resources Development Act of 2000 (WRDA 2000) to provide protection to the City of Lincoln's water supply, I–80, and U.S. 6, BNSF RR (Amtrak Line), telecommunication lines and other public facilities. In the FY2003 omnibus appropriations bill, Congress included $500,000 for construction start-up costs.

The Nebraska National Guard Camp at Ashland, Nebraska, provides training for Nebraska and other states' Army guard units to maintain mission readiness. The Ashland Guard Camp levee is an essential element of the Clear Creek structure on the western side of the Platte River since it also is that part of Clear Creek nearest to the Lincoln wellfield. Planning and design funds for the Guard's segment have been previously provided by the Congress to the Department of Defense through the Military Construction appropriations bill. Planning has resulted in development of a more cost-effective frontage levee to replace a previous ring-levee approach.

In closing, Mr. Speaker, this Member again expresses his appreciation and urges his colleagues to vote in support of the conference report for H.R. 1588.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. MARSHALL

Mr. MARSHALL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. MARSHALL. Mr. Speaker, because the conference report does far too little to end the disabled veterans tax, I oppose the conference report in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MARSHALL moves to recommit the conference report on the bill H.R. 1588 to the committee of conference with instructions to the managers on the part of the House to include, in any further conference substitute recommended by the committee of conference, provisions that, within the scope of conference, maximize the number of persons who will be eligible for full concurrent receipt of military retired pay and veterans disability compensation.

The SPEAKER pro tempore. The motion is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and 9 of rule XX, this 15-minute vote on the motion to recommit to conference will be followed by 5-minute votes on the adoption of the conference report; the motion to instruct on H.R. 6 offered by the gentleman from California (Mr. FILNER); and the motion to instruct on H.R. 1 offered by the gentleman from California (Mr. CARDOZA).

The vote was taken by electronic device, and there were—yeas 188, nays 217, not voting 30, as follows:

[Roll No. 616]

YEAS—188

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Neal (MA)
Nethercutt
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Woolsey
Wynn

NAYS—217

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)

Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—30

Ackerman
Berman
Brown (OH)
Burr
Burton (IN)
Buyer
Cox
Davis (AL)
Fattah
Fletcher
Gephardt
Gutknecht
Hastings (FL)
Hinchey
Johnson (CT)
Jones (OH)
Kilpatrick
Kucinich
Lipinski
Majette
McInnis
Meehan
Napolitano
Ortiz
Paul
Quinn
Rangel
Reyes
Towns
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1157

Mr. VITTER and Mr. BARTLETT of Maryland changed their vote from ''yea'' to ''nay.''

Mr. WHITFIELD and Mr. TANCREDO changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 362, nays 40, answered ''present'' 2, not voting 31, as follows:

[Roll No. 617]

YEAS—362

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Etheridge
Evans
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—40

Baldwin
Blumenauer
Capuano
Carson (IN)
Clay
Conyers
Dingell
Eshoo
Farr
Filner
Frank (MA)
Grijalva
Holt
Honda
Jackson (IL)
Lee
Lewis (GA)
Lofgren
Lynch
Markey
McDermott
McGovern
Miller, George
Oberstar
Obey
Olver
Owens
Payne
Sabo
Sanders
Schakowsky
Serrano
Slaughter
Stark
Tierney
Velazquez
Waters
Watson
Waxman
Woolsey

ANSWERED ''PRESENT''—2

Baird
Becerra

NOT VOTING—31

Ackerman
Berman
Brown (OH)
Burr
Burton (IN)
Buyer
Cox
Davis (AL)
Emerson
Fattah
Fletcher
Gephardt
Gutknecht
Hastings (FL)
Hinchey
Johnson (CT)
Jones (OH)
Kilpatrick
Kucinich
Lipinski
Majette
McInnis
Meehan
Napolitano
Ortiz
Paul
Quinn
Rangel
Reyes
Towns
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1204

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 6.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from California (Mr. FILNER) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 188, nays 210, not voting 36, as follows:

[Roll No. 618]

YEAS—188

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Crowley

Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gerlach
Gilchrest
Gordon
Green (WI)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Hill
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kind
Kirk
Kleczka
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Van Hollen
Velazquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NAYS—210

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Lampson
Latham
LaTourette
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Vitter
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—36

Ackerman
Berman
Brown (OH)
Burr
Burton (IN)
Buyer
Cox
Davis (AL)
DeFazio
Fattah
Fletcher
Gephardt
Gutknecht
Hastings (FL)
Hinchey
Hooley (OR)
Johnson (CT)
Jones (OH)
Kilpatrick
Kucinich
Lewis (CA)
Lipinski
Majette
McInnis
Meehan
Napolitano
Nussle
Ortiz
Paul
Quinn
Rangel
Reyes
Rothman
Towns
Walden (OR)
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1211

Mr. CRAMER and Mr NUNES changed their vote from ''yea'' to ''nay.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. GINNY BROWN-WAITE of Florida, Mr. Speaker, on rollcall No. 618 an error occurred. I mistakenly voted ''no'' and should have voted ''yes.''

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from California (Mr. CARDOZA) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 184, nays 207, not voting 43, as follows:

[Roll No. 619]

YEAS—184

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kennedy (RI)
Kildee
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Renzi
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wynn

NAYS—207

Aderholt
Akin
Bachus
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe

LaHood	Peterson (PA)	Simmons
Latham	Petri	Simpson
LaTourette	Pickering	Smith (MI)
Lewis (CA)	Pitts	Smith (NJ)
Lewis (KY)	Platts	Smith (TX)
LoBiondo	Pombo	Souder
Lucas (OK)	Porter	Stearns
Manzullo	Portman	Sullivan
McCotter	Pryce (OH)	Sweeney
McCrery	Putnam	Tancredo
McKeon	Radanovich	Tauzin
Mica	Ramstad	Taylor (NC)
Miller (FL)	Regula	Terry
Miller (MI)	Rehberg	Thomas
Miller, Gary	Reynolds	Thornberry
Moran (KS)	Rogers (AL)	Tiahrt
Murphy	Rogers (KY)	Tiberi
Musgrave	Rogers (MI)	Toomey
Myrick	Rohrabacher	Turner (OH)
Nethercutt	Royce	Upton
Neugebauer	Ryan (WI)	Vitter
Ney	Ryun (KS)	Walsh
Northup	Saxton	Wamp
Norwood	Schrock	Weldon (FL)
Nunes	Sensenbrenner	Weldon (PA)
Osborne	Sessions	Weller
Ose	Shadegg	Whitfield
Otter	Shaw	Wicker
Oxley	Shays	Wilson (SC)
Pearce	Sherwood	Wolf
Pence	Shimkus	Young (AK)
Peterson (MN)	Shuster	Young (FL)

NOT VOTING—43

Ackerman	Granger	McInnis
Baker	Gutknecht	Meehan
Berman	Hastings (FL)	Napolitano
Brown (OH)	Hinchey	Nussle
Burr	Hooley (OR)	Ortiz
Burton (IN)	Johnson (CT)	Paul
Buyer	Jones (OH)	Quinn
Cox	Kaptur	Rangel
Davis (AL)	Kilpatrick	Reyes
DeFazio	Kucinich	Ros-Lehtinen
Diaz-Balart, L.	Lewis (GA)	Towns
Doggett	Linder	Walden (OR)
Fattah	Lipinski	Wu
Fletcher	Majette	
Gephardt	Matsui	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1217

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2754, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

Mr. HOBSON submitted the following conference report and statement on the bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes:

CONFERENCE REPORT (H. REPT. 108–357)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2754) ''making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter stricken and inserted by said amendment, insert:

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

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

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

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $116,949,000, to remain available until expended: Provided, That for the Ohio Riverfront, Cincinnati, Ohio, project, the cost of planning and design undertaken by non-Federal interests shall be credited toward the non-Federal share of project design costs: Provided further, That in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $250,000 for preconstruction engineering and design of Waikiki Beach, Oahu, Hawaii, the project to be designed and evaluated, as authorized: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $100,000 for the continuation and completion of feasibility studies of Kihei Beach, Maui, Hawaii: Provided further, That any recommendations for a National Economic Development Plan shall be accepted notwithstanding the extent of recreation benefits supporting the project features, in view of the fact that recreation is extremely important in sustaining and increasing the economic well-being of the State of Hawaii and the nation.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, aquatic ecosystem restoration, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,722,319,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 19, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota: Provided, That using $9,280,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the Secretary of the Army is directed to accept advance funds, pursuant to section 11 of the River and Harbor Act of 1925, from the non-Federal sponsor of the Los Angeles Harbor, California, project authorized by section 101(b)(5) of Public Law 106–541: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $750,000 of the funds provided herein to continue construction of the Hawaii Water Management Project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $2,500,000 of the funds appropriated herein to continue construction of the navigation project at Kaumalapau Harbor, Hawaii: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $6,000,000 of the funds provided herein for the Dam Safety and Seepage/Stability Correction Program to continue construction of seepage control features and to design and construct repairs to the tainter gates at Waterbury Dam, Vermont: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the New York and New Jersey Harbor project, 50-foot deepening element, upon execution of the Project Cooperation Agreement: Provided further, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the construction of the Port Jersey element of the New York and New Jersey Harbor or reimbursement to the Local Sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element: Provided further, That funds appropriated in this Act for the preservation and restoration of the Florida Everglades shall be made available for expenditure unless: (1) the Secretary of the Army, not later than 30 days after the date of enactment of this Act, transmits to the State of Florida and the Committees on Appropriations of the House of Representatives and the Senate a report containing a finding and supporting materials indicating that the waters entering the A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park do not meet the water quality requirements set forth in the Consent Decree entered in United States v. South Florida Water Management District; (2) the State fails to submit a satisfactory plan to bring the waters into compliance with the water quality requirements within 45 days of the date of the report; (3) the Secretary transmits to the State and the Committees a follow-up report containing a finding that the State has not submitted such a plan; and (4) either the Committee on Appropriations of the House of Representatives or the Senate issues a written notice disapproving of further expenditure of the funds: Provided further, That the Secretary of the Army shall provide the State of Florida with notice and an opportunity to respond to any determination of the Secretary under the preceding proviso before the determination becomes final: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $17,000,000 of the funds appropriated herein to proceed with planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Secretary of the

Army, acting through the Chief of Engineers, is directed to use $5,400,000 of the funds appropriated herein to proceed with the planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the Seward Harbor, Alaska, project, in accordance with the Report of the Chief of Engineers, dated June 8, 1999, and the economic justification contained therein: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed and authorized to continue the work to replace and upgrade the dam and all connections to the existing system at Kake, Alaska: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the Wrangell Harbor, Alaska, project in accordance with the Chief of Engineer's report dated December 23, 1999: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $33,400,000 of the funds appropriated herein for the Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Harlan County in accordance with the Draft Detailed Project Report dated January 2002, Floyd County, Martin County, Johnson County, and Knox County, Kentucky, detailed project report, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated for the navigation project, Tampa Harbor, Florida, to carry out, as part of the project, construction of passing lanes in an area approximately 3.5 miles long, centered on Tampa Bay Cut B, if the Secretary determines that such construction is technically sound, environmentally acceptable, and cost effective: Provided further, That using $200,000 appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, may develop an environmental impact statement for introducing non-native oyster species into the Chesapeake Bay: Provided further, That during preparation of the environmental impact statement, the Secretary may establish a scientific advisory body consisting of the Virginia Institute of Marine Science, the University of Maryland, and other appropriate research institutions to review the sufficiency of the environmental impact statement: Provided further, That in addition, the Secretary shall give consideration to the findings and recommendations of the National Academy of Sciences report on the introduction of non-native oyster species into the Chesapeake Bay in the preparation of the environmental impact statement: Provided further, That notwithstanding the cost sharing provisions of section 510(d) of the Water Resources Development Act of 1996 (110 Stat. 3760), the preparation of the environmental impact statement shall be cost shared 50 percent Federal and 50 percent non-Federal, for an estimated cost of $2,000,000: Provided further, That the non-Federal sponsors may meet their 50 percent matching cost share through in-kind services: Provided further, That the Secretary determines that work performed by the non-Federal sponsors is reasonable, allowable, allocable, and integral to the development of the environmental impact statement: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to construct the Miami Harbor project, as recommended in the Miami Harbor Letter Report dated August 2002, as revised February 2003: Provided further, That using $500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to plan, design, and initiate reconstruction of the Cape Girardeau, Missouri, project, originally authorized by the Flood Control Act of 1950, at an estimated total cost of $9,000,000, with cost sharing on the same basis as cost sharing for the project as originally authorized, if the Secretary determines that the reconstruction is technically sound and environmentally acceptable: Provided further, That the planned reconstruction shall be based on the most cost-effective engineering solution and shall require no further economic justification: Provided further, That the Secretary is directed to use $5,000,000 of the funds appropriated herein to undertake the restoration of Tar Creek and Vicinity, Oklahoma, project.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for the flood damage reduction program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $324,222,000, to remain available until expended: Provided, That the Secretary of the Army, acting through the Chief of Engineers, using $12,000,000 of the funds provided herein, is directed to continue design and real estate activities and to initiate the pump supply contract for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: Provided further, That the pump supply contract shall be performed by awarding continuing contracts in accordance with 33 U.S.C. 621: Provided further, That the Secretary of the Army, acting through the Chief of Engineers is directed, with funds previously appropriated, to continue construction of water withdrawal features of the Grand Prairie, Arkansas, project.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects; for providing security for infrastructure owned and operated by, or on behalf of, the U.S. Army Corps of Engineers, including administrative buildings and facilities, laboratories, and the Washington Aqueduct; for the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, $1,967,925,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662 may be derived from that fund, and of which such sums as become available from the special account for the U.S. Army Corps of Engineers established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)), may be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104–303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: Provided, That of funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between October 1, 2003, and September 30, 2004: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to rehabilitate the existing dredged material disposal site for the project for navigation, Bodega Bay Harbor, California, and to continue maintenance dredging of the Federal channel: Provided further, That the Secretary shall make suitable material excavated from the site as part of the rehabilitation effort available to the non-Federal sponsor, at no cost to the Federal Government, for use by the non-Federal sponsor in the development of public facilities: Provided further, That the Corps of Engineers shall not allocate any funds to deposit dredged material along the Laguna Madre portion of the Gulf Intracoastal Waterway except at the placement areas specified in the Dredged Material Management Plan in section 2.11 of the Final Environmental Impact Statement for Maintenance Dredging of the Gulf Intracoastal Waterway, Laguna Madre, Texas, Nueces, Kleberg, Kenedy, Willacy, and Cameron Counties, Texas, prepared by the Corps of Engineers dated September 2003: Provided further, That nothing in the above proviso shall prevent the Corps of Engineers from performing necessary maintenance operations along the Gulf Intracoastal Waterway if the following conditions are met: if the Corps proposes to use any placement areas that are not currently specified in the Dredged Material Management Plan and failure to use such alternative placement areas will result in the closure of any segment of the Gulf Intracoastal Waterway, then such proposal shall be analyzed in an Environmental Impact Statement (EIS) and comply with all other applicable requirements of the National Environmental Policy Act, 42 U.S.C. 4321, et seq., and all other applicable State and Federal laws, including the Clean Water Act, 33 U.S.C. 1251 et seq., the Endangered Species Act, 16 U.S.C. 1531 et seq., and the Coastal Zone Management Act, 16 U.S.C. 1451 et seq.: Provided further, That $15,000,000 is provided to be used by the Secretary of the Army, acting through the Chief of Engineers, to repair, restore, and clean up projects and facilities of the Corps of Engineers and dredge navigation channels, restore and clean out area streams, provide emergency stream bank protection, restore other crucial public infrastructure (including water and sewer facilities), document flood impacts, and undertake other flood recovery efforts considered necessary by the Chief of Engineers: Provided further, That the Secretary of the Army is directed to use $75,000 of the funds appropriated herein to remove the weir feature of the project for flood damage reduction, Mayfield Creek and Tributaries, Kentucky, constructed pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), without any further environmental or economic analysis or study: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $250,000 of the funds appropriated herein for sediment removal and dam repair at Junaluska, North Carolina.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $140,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

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

GENERAL EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the U.S. Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the U.S. Army Engineer Research and Development Center, and the U.S. Army Corps of Engineers Finance Center, $160,000,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: Provided further, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

ADMINISTRATIVE PROVISIONS

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

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

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

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

SEC. 103. None of the funds appropriated in this Act, or any other Act, shall be used to demonstrate or implement any plans divesting or transferring of any Civil Works missions, functions, or responsibilities for the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 104. None of the funds appropriated in this or any other Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Indian Run Sanitary Landfill in Sandy Township, Stark County, Ohio.

SEC. 105. ALAMOGORDO, NEW MEXICO. The project for flood protection at Alamogordo, New Mexico, authorized by the Flood Control Act of 1962 (Public Law 87–874), is modified to authorize and direct the Secretary to construct a flood detention basin to protect the north side of the City of Alamogordo, New Mexico, from flooding. The flood detention basin shall be constructed to provide protection from a 100-year flood event. The project cost share for the flood detention basin shall be consistent with section 103(a) of the Water Resources Development Act of 1986, notwithstanding section 202(a) of the Water Resources Development Act of 1996.

NAMING OF LOCK AND DAM 3, ALLEGHENY RIVER, PENNSYLVANIA

Sec. 106. (a) DESIGNATION.—Lock and dam numbered 3 on the Allegheny River, Pennsylvania, shall be known and designated as the ''C.W. Bill Young Lock and Dam''.

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

SEC. 107. The Secretary of the Army may utilize continuing contracts in carrying out the studying, planning, or designing of a water resources project prior to the authorization of the project for construction.

SEC. 108. The Secretary is authorized to remove and dispose of oil bollards and associated debris in Burlington Harbor, Vermont.

SEC. 109. KAKE DAM REPLACEMENT, KAKE, ALASKA TECHNICAL CORRECTIONS. Section 105, Public Law 106–377, is amended by striking ''$7,000,000'' and inserting ''$11,000,000 at full Federal expense''.

SEC. 110. DEAUTHORIZATION OF PROJECT FOR NAVIGATION, PAWTUXET COVE, RHODE ISLAND. (a) IN GENERAL.—The portions of the project for navigation, Pawtuxet Cove, Rhode Island, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and described in subsection (b) shall no longer be authorized after the date of enactment of this Act.

(b) DESCRIPTIONS.—The portions of the project referred to in subsection (a) are the following:

(1) Beginning at a point along the western edge of the 6-foot channel just south of the 6-foot turning basin: N247,856.00, E530,338.00, thence running north 51 degrees 44 minutes 12.5 seconds west 214.77 feet to a point N247,989.00, E530,169.37, thence running north 13 degrees 14 minutes 48.8 seconds west 149.99 feet to a point N248,135.00, E530,135.00, thence running north 44 degrees 11 minutes 7.4 seconds east 137.77 feet to a point N248,233.79, E530,231.02, thence running north 3 degrees 58 minutes 18.8 seconds west 300.00 feet to a point N248,533.07, E530,210.24 thence running north 86 degrees 1 minute 34.3 seconds east 35.00 feet to a point N248,535.50, E530,245.16, thence running south 3 degrees 58 minutes 21.0 seconds east 342.49 feet to a point N248,193.83, E530,268.88, thence running south 44 degrees 11 minutes 7.4 seconds west 135.04 feet to a point N248,097.00, E530,174.77, thence running south 13 degrees 14 minutes 48.8 seconds east 85.38 feet to a point N248,013.89, E530,194.33, thence running south 51 degrees 44 minutes 12.5 seconds east 166.56 feet to a point N247,910.74, E530,325.11 thence running south 13 degrees 14 minutes 49.2 seconds east 56.24 feet to the point of origin.

(2) Beginning at a point along the eastern edge of the 6-foot channel opposite the 6-foot turning basin: N248,180.00, E530,335.00, thence running south 32 degrees 12 minutes 35.3 seconds east 88.25 feet to a point N248,105.33, E530,382.04, thence running south 13 degrees 14 minutes 49.2 seconds east 138.48 feet to a point N247,970.53, E530,413.77, thence running north 32 degrees 12 minutes 35.3 seconds west 135.42 feet to a point N248,085.12, E530,341.59, thence running north 3 degrees 58 minutes 21.0 seconds west 95.11 feet to the point of origin.

(3) Beginning at a point along the eastern edge of the channel adjacent to the 6-foot entrance channel: N246,630.77, E530,729.17, thence running south 13 degrees 14 minutes 49.2 seconds east 35.55 feet to a point N246,596.16, E530,737.32, thence running south 51 degrees 31 minutes 38.6 seconds east 283.15 feet to a point N246,420.00, E530,959.00, thence running north 47 degrees 28 minutes 37.2 seconds west 311.84 feet returning to a point N246,630.77, E530,729.17.

SEC. 111. (a) The Secretary of the Army is authorized to provide technical, planning, design and construction assistance to non-Federal interests to remedy adverse environmental and human health impacts in Ottawa County, Oklahoma. In providing assistance, the Secretary shall coordinate with the State, Tribal, and local interests. The Secretary may undertake implementation of such activities as the Secretary determines to be necessary or advisable to demonstrate practicable alternatives, such activities shall include measures to address lead exposure and other environmental problems related to historical mining activities in the area.

(b) In carrying out subsection (a), the Secretary may utilize, through contracts or other means, the services of the University of Oklahoma, the Oklahoma Department of Environmental Quality, or such other entities as the Secretary determines to be appropriate.

(c) Notwithstanding any other provision of law, the Secretary shall not incur liability under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) for activities undertaken pursuant to this section.

(d) Non-Federal interests shall be responsible for providing any necessary lands, easements or rights-of-way required for implementation of activities authorized by this section and shall be responsible for operating and maintaining any restoration alternatives constructed or carried out pursuant to this section. All other costs shall be borne by the Federal Government.

(e) There is authorized to be appropriated $15,000,000 to carry out the purposes of this section.

SEC. 112. The amount of $2,000,000 previously provided under the heading ''Construction, General'' in title I of the Energy and Water Development Appropriations Act, 2003, division D of Public Law 108–7, is to be used to provide technical assistance at full Federal expense, to Alaskan communities to address the serious impacts of coastal erosion.

SEC. 113. ST. GEORGES BRIDGE, DELAWARE. None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 114. Section 214(a) of Public Law 106–541 is amended by striking ''2003'' and inserting ''2005''.

SEC. 115. The Secretary of the Army, acting through the Chief of Engineers, shall direct construction of Alternative 1 (Northeast Corner) for the project authorized in section 353 of Public Law 105–277 notwithstanding any other provision of law.

SEC. 116. The Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake appropriate planning, design, and construction measures for wildfire prevention and restoration in the Middle Rio Grande bosque in and around the City of Albuquerque. Work shall be directed toward those portions of the bosque which have been damaged by wildfire or are in imminent danger of damage from wildfire due to heavy fuel loads and impediments to emergency vehicle access.

SEC. 117. Section 595 of the Water Resources Development Act of 1999 (113 Stat. 383; 117 Stat. 142) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 595. IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO, AND RURAL UTAH.'';

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(B) by striking (a) and all that follows through ''means—'' and inserting the following:

''(a) DEFINITIONS.—In this section:

''(1) RURAL NEVADA.—The term 'rural Nevada' means''; and

(C) by adding at the end the following:

''(2) RURAL UTAH.—The term 'rural Utah' means—

''(A) the counties of Box Elder, Cache, Rich, Tooele, Morgan, Summit, Dagett, Wasatch,

Duchesne, Uintah, Juab, Sanpete, Carbon, Millard, Sevier, Emery, Grand, Beaver, Piute, Wayne, Iron, Garfield, San Juan, and Kane, Utah; and

''(B) the portions of Washington County, Utah, that are located outside the city of St. George, Utah.'';

(3) in subsections (b) and (c), by striking ''Nevada, Montana, and Idaho'' and inserting ''Idaho, Montana, rural Nevada, New Mexico, and rural Utah''; and

(4) in subsection (h), by striking ''2001—'' and all that follows and inserting ''2001 $25,000,000 for each of Idaho, Montana, New Mexico, and rural Utah, to remain available until expended.''.

SEC. 118. Section 560(f) of Public Law 106–53 is amended by striking ''$5,000,000'' and inserting ''$7,500,000''.

SEC. 119. Section 219(f) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835), as amended by section 502(b) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 335) and section 108(d) of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted by Public law 106–554; 114 Stat. 2763A–220), is further amended by adding at the end the following:

''(71) CORONADO, CALIFORNIA.—$10,000,000 is authorized for wastewater infrastructure, Coronado, California.''.

SEC. 120. Section 592(g) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 380) is amended by striking ''$25,000,000 for the period beginning with fiscal year 2000'' and inserting ''$100,000,000''.

SEC. 121. PARK RIVER, GRAFTON, NORTH DAKOTA. Section 364(5) of the Water Resources Development Act of 1999 (113 Stat. 314) is amended—

(1) by striking ''$18,265,000'' and inserting ''$21,075,000''; and

(2) by striking ''$9,835,000'' and inserting ''$7,025,000''.

SEC. 122. SCHUYLKILL RIVER PARK, PHILADELPHIA, PENNSYLVANIA. The Secretary of the Army shall provide technical, planning, design, and construction assistance for Schuylkill River Park, Philadelphia, Pennsylvania, in accordance with section 564(c) of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3785), as contained in the February 2003 report of the Philadelphia District based on regional economic development benefits, at a Federal share of 50 percent and a non-Federal share of 50 percent.

SEC. 123. GWYNNS FALLS WATERSHED, BALTIMORE, MARYLAND. The Secretary of the Army shall implement the project for ecosystem restoration, Gwynns Falls, Maryland, in accordance with the Baltimore Metropolitan Water Resources-Gwynns Falls Watershed Feasibility Report prepared by the Corps of Engineers and the City of Baltimore, Maryland.

SEC. 124. SNAKE RIVER CONFLUENCE INTERPRETATIVE CENTER, CLARKSTON, WASHINGTON. (a) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers (referred to in this section as the ''Secretary'') is authorized and shall carry out a project to plan, design, construct, furnish, and landscape a federally owned and operated Collocated Civil Works Administrative Building and Snake River Confluence Interpretative Center, as described in the Snake River Confluence Center Project Management Plan.

(b) LOCATION.—The project—

(1) shall be located on Federal property at the confluence of the Snake River and the Clearwater River, near Clarkston, Washington; and

(2) shall be considered to be a capital improvement of the Clarkston office of the Lower Granite Project.

(c) EXISTING STRUCTURES.—In carrying out the project, the Secretary may demolish or relocate existing structures.

(d) COST SHARING.—

(1) TOTAL COST.—The total cost of the project shall not exceed $3,500,000 (excluding interpretative displays).

(2) FEDERAL SHARE.—The Federal share of the cost of the project shall be $3,000,000.

(3) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of the cost of the project—

(i) shall be $500,000; and

(ii) may be provided—

(I) in cash; or

(II) in kind, with credit accorded to the non-Federal sponsor for provision of all necessary services, replacement facilities, replacement land (not to exceed 4 acres), easements, and rights-of-way acceptable to the Secretary and the non-Federal sponsor.

(B) INTERPRETIVE EXHIBITS.—In addition to the non-Federal share described in subparagraph (A), the non-Federal sponsor shall fund, operate, and maintain all interpretative exhibits under the project.

SEC. 125. FLOOD DAMAGE REDUCTION, MILL CREEK, CINCINNATI, OHIO. The Secretary of the Army is directed to complete the General Reevaluation Report on the Mill Creek, Ohio, project within 15 months of enactment of this Act at 100 percent Federal cost. The report shall provide plans for flood damage reduction throughout the basin equivalent to and commensurate with that afforded by the authorized, partially implemented, Mill Creek, Ohio, Flood Damage Reduction Project, as authorized in section 201 of the Flood Control Act of 1970 (Public Law 91–611).

SEC. 126. LAKES MARION AND MOULTRIE, SOUTH CAROLINA. Section 219(f)(25) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is amended—

(1) by striking ''$15,000,000'' and inserting ''$35,000,000''; and

(2) by inserting ''wastewater treatment and'' before ''water supply''.

SEC. 127. Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335–337; 114 Stat. 2763A–220–221) is amended by adding at the end the following: ''CHARLESTON, SOUTH CAROLINA.—$5,000,000 for wastewater infrastructure, including wastewater collection systems, Charleston, South Carolina.''.

SEC. 128. AMERICAN RIVER WATERSHED, CALIFORNIA. (a) IN GENERAL.—The Secretary of the Army is authorized to carry out the project for flood damage reduction and environmental restoration, American River Watershed, California, substantially in accordance with the plans, and subject to the conditions, described in the Report of the Chief of Engineers dated November 5, 2002, at a total cost of $257,300,000, with an estimated Federal cost of $201,200,000 and an estimated non-Federal cost of $56,100,000; except that the Secretary is authorized to accept funds from State and local governments and other Federal agencies for the purpose of constructing a permanent bridge instead of the temporary bridge described in the recommended plan and may construct such permanent bridge if all additional costs for such bridge, above the $36,000,000 provided for in the recommended plan for bridge construction, are provided by such governments or agencies.

(b) EXPEDITING BRIDGE DESIGN AND CONSTRUCTION.—The Secretary, in cooperation with appropriate non-Federal interests, shall immediately commence appropriate studies for, and the design of, a permanent bridge (including an evaluation of potential impacts of bridge construction on traffic patterns and identification of alternatives for mitigating such impacts) and, upon execution of a cost-sharing agreement with such non-Federal interests, shall proceed to construction of the bridge as soon as practicable; except that such studies, design, and construction shall not adversely affect the schedule of design or construction of authorized projects for flood damage reduction.

SEC. 129. AMERICAN AND SACRAMENTO RIVERS, CALIFORNIA. The project for flood damage reduction, American and Sacramento Rivers, California, authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662–3663) and modified by section 366 of the Water Resources Development Act of 1999 (113 Stat. 319–320), is further modified to direct the Secretary to carry out the project, at a total cost of $205,000,000.

SEC. 130. PLACER AND EL DORADO COUNTIES, CALIFORNIA. (a) ESTABLISHMENT OF PROGRAM.—The Secretary of the Army may establish a program to provide environmental assistance to non-Federal interests in Placer and El Dorado Counties, California.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance to improve the efficiency and use of existing water supplies in Placer and El Dorado Counties through water and wastewater projects, programs, and infrastructure.

(c) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(g) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out

this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

SEC. 131. SACRAMENTO AREA, CALIFORNIA. Section 219(f)(23) of the Water Resources Development Act of 1992 (106 Stat. 4835–4836; 113 Stat. 336) is amended by striking ''$25,000,000'' and inserting ''$35,000,000''.

SEC. 132. UPPER KLAMATH BASIN, CALIFORNIA. (a) DEFINITION OF UPPER KLAMATH BASIN.—In this section, the term ''Upper Klamath Basin'' means the counties of Klamath, Oregon, and Siskiyou and Modoc, California.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary of the Army may establish a program to provide environmental assistance to non-Federal interests in the Upper Klamath Basin.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance to improve the efficiency and use of existing water supplies in the Upper Klamath Basin through water and wastewater and ecosystem restoration projects, programs, and infrastructure.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000. Such sums shall remain available until expended.

SEC. 133. ADDITIONAL ASSISTANCE FOR CRITICAL PROJECTS. Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335–337; 114 Stat. 2763A–220–221) is amended by adding at the end the following:

''(71) PLACER AND EL DORADO COUNTIES, CALIFORNIA.—$35,000,000 to improve the efficiency and use of existing water supplies in Placer and El Dorado Counties, California, through water and wastewater projects, programs, and infrastructure.

''(72) LASSEN, PLUMAS, BUTTE, SIERRA, AND NEVADA COUNTIES, CALIFORNIA.—$25,000,000 to improve the efficiency and use of existing water supplies in the counties of Lassen, Plumas, Butte, Sierra, and Nevada, California, through water and waste water projects, programs, and infrastructure.''.

SEC. 134. BRIDGE AUTHORIZATION. There is authorized to be appropriated $30,000,000 for the construction of the permanent bridge described in section 128(a).

SEC. 135. Section 504(a)(2) of the Water Resources Development Act of 1999 (113 Stat. 338) is amended by striking ''Kehly Run Dam'' and inserting ''Kehly Run Dams''.

SEC. 136. The McClellan-Kerr Arkansas River navigation project, authorized under the comprehensive plan for the Arkansas River Basin by section 3 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 28, 1938 (52 Stat. 1218) and section 10 of the Flood Control Act of 1946 (60 Stat. 647) and where applicable the provisions of the River and Harbor Act of 1946 (60 Stat. 634) and modified by section 108 of the Energy and Water Development Appropriations Act, 1988 (101 Stat. 1329–112), is further modified to authorize a project depth of 12 feet.

SEC. 137. The Secretary shall provide credit to the non-Federal sponsor for preconstruction engineering and design work performed by the non-Federal sponsor for the environmental dredging project at Ashtabula River, Ohio, prior to execution of a Project Cooperation Agreement.

SEC. 138. GATEWAY POINT, NORTH TONAWANDA, NEW YORK. The Secretary shall review the shoreline stabilization, recreation, and public access components of the feasibility report for waterfront development at Gateway Point, North Tonawanda, New York, entitled ''City of North Tonawanda, Gateway Point Feasibility'', dated February 6, 2003, and prepared by the non-Federal interest and, if the Secretary determines that those components meet the evaluation and design standards of the Corps of Engineers and that the components are feasible, may carry out the components at a Federal cost not to exceed $3,300,000.

SEC. 139. CHICAGO RIVER AND HARBOR ILLINOIS. Those portions of the projects for navigation, Chicago River and Chicago Harbor, authorized by the River and Harbor Act of March 3, 1899, (30 Stat. 1129) extending 50 feet riverward of the existing dock wall on the south side of the channel from Lake Street to Franklin Street and 25 feet riverward of the existing dock wall on the south side of the channel from Franklin Street to Wabash Avenue, and those areas within 20 feet of the bridge abutments on the south side of the channel for the length of the protection bridge piers from the Franklin Street Bridge to the Michigan Avenue Bridge shall no longer be authorized after the date of enactment of this Act.

SEC. 140. SAN FRANCISCO, CALIFORNIA. CAPITAL IMPROVEMENT PROJECT.—

(1) ESTABLISHMENT OF OFFICE.—The Secretary shall establish a centralized office at the office of the district engineer, San Francisco, California, for the use of all Federal and State agencies that are or will be involved in issuing permits and conducting environmental reviews for the capital improvement project to repair and upgrade the water supply and delivery system for the city of San Francisco.

(2) CONTRIBUTIONS.—The Secretary may use the authority under section 214 of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note) for the project described in paragraph (1).

(3) PROTECTION OF IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary and the heads of Federal agencies receiving funds under such section 214 for the project described in paragraph (1) shall ensure that the use of the funds accepted under such section for such project will not impact impartial decision making with respect to the issuance of permits, either substantively or procedurally, or diminish, modify, or otherwise affect the statutory or regulatory authorities of such agencies.

SEC. 141. WOLF LAKE, INDIANA. The project for aquatic ecosystem restoration, Wolf Lake, Indiana, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the project cooperation agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 142. COOK COUNTY, ILLINOIS. The Secretary of the Army is directed to credit up to $80,000 for design work completed by non-Federal interests, prior to and after the signing of the project cooperation agreement, toward the non-Federal share of the project for Calumet and Burr Oaks Schools Sewer Improvements, Cook County, Illinois, authorized by section 219(f)(54) of the Water Resources Development Act of 1992 (Public Law 102–580, as amended), if the Secretary determines that the work is integral to the project.

SEC. 143. LOS ANGELES HARBOR, LOS ANGELES, CALIFORNIA. The project for navigation, Los Angeles Harbor, Los Angeles, California, authorized by section 101(b)(5) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of the planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines the work is integral to the project.

SEC. 144. SAN LORENZO RIVER, CALIFORNIA. The project for flood control, San Lorenzo River, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1996 (110 Stat. 3663), is modified to direct the Secretary to credit not more than $2,000,000 toward the non-Federal share of the cost of the project for the cost of the work carried out by the non-Federal interest before the date of the project cooperation agreement for the project if the Secretary determines the work is integral to the project.

SEC. 145. CALUMET REGION, INDIANA. Section 219(f)(12) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended—

(1) by striking ''$10,000,000'' and inserting ''$30,000,000''; and

(2) by striking ''Lake and Porter'' and inserting ''Benton, Jasper, Lake, Newton, and Porter''.

SEC. 146. The Secretary of the Army, acting through the Chief of Engineers, is authorized to

construct the project for flood control, Meramec River Basin, Valley Park Levee, Missouri, originally authorized by Public Law 97–128 (95 Stat. 1682) and modified by section 1128 of WRDA 1986 and section 333 of WRDA 1999, at a maximum Federal expenditure of $50,000,000.

SEC. 147. The project for flood control, Saw Mill Run, Pennsylvania, authorized by section 401(a) of Public Law 99–662 (100 Stat. 4124) and modified by section 301(a) of Public Law 104–303 (110 Stat. 3708), is further modified to authorize the Secretary to carry out the project at a total cost of $22,000,000, with an estimated Federal cost of $16,500,000 and an estimated non-Federal cost of $5,500,000.

SEC. 148. The project for flood control, Roanoke River Upper Basin, Virginia, authorized by section 401(a) of Public Law 99–662 (100 Stat. 4126), is further modified to authorize the Secretary to construct the project at a total cost of $61,700,000, with an estimated Federal cost of $43,000,000 and an estimated non-Federal cost of $18,700,000.

SEC. 149. The project for harbor deepening, Brunswick Harbor, Georgia, authorized by section 101(a)(19), Public Law 106–53, and amended by the fiscal year 2003 Consolidated Appropriations Act, Public Law 108–7, is further modified to authorize the Secretary to construct the project at a total cost of $96,276,000 with an estimated Federal cost of $61,709,000 and an estimated non-Federal cost of $34,567,000.

SEC. 150. The project for flood control, Lackawanna River at Olyphant, Pennsylvania, authorized by section 101(16) of Public Law 102–580 (106 Stat. 4797), is modified to authorize the Secretary to carry out the project at a total cost of $23,000,000, with an estimated Federal cost of $17,250,000 and an estimated non-Federal cost of $5,750,000.

SEC. 151. PERRY CREEK, IOWA. The project for flood protection, Perry Creek Flood Control Project, Sioux City, Iowa, authorized under section 401(a) of the Water Resources Development Act of 1986, is modified to increase the project authorization to $96,870,000 (Federal cost of $58,677,000 and non-Federal cost of $38,193,000).

SEC. 152. ELIZABETH RIVER, CHESAPEAKE, VIRGINIA. Section 358 of Public Law 106–53 is modified by striking ''September 30, 1999,'' and inserting ''May 1, 1997,''.

SEC. 153. Section 219(f) of the Water Resources Development Act of 1992 is amended by adding at the end the following:

''(71) $6,430,000 for environmental infrastructure for Indianapolis, Indiana;''.

SEC. 154. MISSISSIPPI RIVER AND BIG MUDDY RIVER, ILLINOIS. (a) IN GENERAL.—The project for flood control, Mississippi River and Big Muddy River, Illinois, authorized by the Flood Control Act of 1938, is modified to authorize the Secretary to carry out repair and rehabilitation of the project at a total cost of $22,600,000, with an estimated Federal cost of $16,950,000 and an estimated non-Federal cost of $5,650,000, and to perform operation and maintenance of the project thereafter.

(b) OTHER ASSISTANCE.—Federal assistance made available through the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the repair and rehabilitation under this section.

(c) UNITED STATES LANDS.—Costs under this section for the repair and rehabilitation allocable to the protection of lands owned by the United States shall be a Federal responsibility. The Secretary shall seek reimbursement from the Secretary of Agriculture for the costs allocated to protecting lands owned by the Department of Agriculture.

(d) OPERATION AND MAINTENANCE OF NON-FEDERAL LANDS.—The cost of operation and maintenance under this section allocated to protecting non-Federal lands shall be a non-Federal responsibility.

SEC. 155. MOSS LAKE, LOUISIANA. The Secretary of the Army, acting through the Chief of Engineers, is authorized to carry out a project to restore lake depths at Moss Lake, Louisiana, adjacent to the Calcasieu River and Pass channel at a total project cost of $2,500,000.

SEC. 156. The project for navigation, Manatee Harbor, Florida, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093), and modified by section 102(j) of the Water Resources Development Act of 1990 (104 Stat. 4612), is further modified—

(1) to include the construction of an extension of the south channel a distance of approximately 1584 feet consistent with the general reevaluation report, dated April 2002, prepared by the Jacksonville District Corps of Engineers, at a total cost of $11,300,000, with an estimated Federal cost of $8,475,000 and an estimated non-Federal cost of $2,825,000;

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of in-kind services and materials provided for the project by the non-Federal interest;

(3) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(4) to authorize the Secretary to carry out the project as modified at a total cost of $61,500,000.

SEC. 157. HARRIS GULLY, HARRIS COUNTY, TEXAS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the Harris Gully watershed, Harris County, Texas, to provide flood protection for the Texas Medical Center, Houston, Texas.

(2) USE OF LOCAL STUDIES AND PLANS.—In conducting the study, the Secretary shall use, to the extent practicable, studies and plans developed by the non-Federal interest if the Secretary determines that such studies and plans meet the evaluation and design standards of the Corps of Engineers.

(3) COMPLETION DATE.—The Secretary shall complete the study by July 1, 2004.

(b) CRITICAL FLOOD DAMAGE REDUCTION MEASURES.—The Secretary may carry out critical flood damage reduction measures that the Secretary determines are feasible and that will provide immediate and substantial flood damage reduction benefits in the Harris Gully watershed, at a Federal cost of $7,000,000.

(c) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that such work is integral to the project.

(d) NONPROFIT ENTITY.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a nonprofit entity may, with the consent of the local government, serve as a non-Federal interest for the project undertaken under this section.

SEC. 158. The Secretary may carry out the Reach J, Segment 1, element of the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana, in accordance with the report of the Chief of Engineers, dated August 23, 2002, and supplemental report dated July 22, 2003, at a total cost of $4,000,000.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

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

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

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $857,498,000, to remain available until expended, of which $51,330,000 shall be available for transfer to the Upper Colorado River Basin Fund and $33,570,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; and of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: Provided further, That $1,000,000 is to be used for completion of the Santa Fe wells project in New Mexico through a cooperative agreement with the City of Santa Fe: Provided further, That $10,000,000 of the funds appropriated herein shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of division B, title I of Public Law 106–554, as amended: Provided further, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting ''2003, and 2004'' in lieu of ''and 2003''.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

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

CENTRAL VALLEY PROJECT RESTORATION FUND

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

the water is already committed to in-stream purposes by a court adopted decree or order.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $55,525,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

WORKING CAPITAL FUND

(RESCISSION)

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

ADMINISTRATIVE PROVISION

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

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

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

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

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

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

SEC. 205. LOWER COLORADO RIVER BASIN DEVELOPMENT. (a) IN GENERAL.—Notwithstanding section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)), no amount from the Lower Colorado River Basin Development Fund shall be paid to the general fund of the Treasury until each provision of the revised Stipulation Regarding a Stay and for Ultimate Judgment Upon the Satisfaction of Conditions, filed in United States District Court on April 24, 2003, in Central Arizona Water Conservation District v. United States (No. CIV 95–625–TUC–WDB (EHC), No. CIV 95–1720–OHX–EHC (Consolidated Action)), and any amendment or revision thereof, is met.

(b) PAYMENT TO GENERAL FUND.—If any of the provisions of the stipulation referred to in subsection (a) are not met by the date that is 10 years after the date of enactment of this Act, payments to the general fund of the Treasury shall resume in accordance with section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)).

(c) AUTHORIZATION.—Amounts in the Lower Colorado River Basin Development Fund that but for this section would be returned to the general fund of the Treasury shall not be expended until further Act of Congress.

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

SEC. 207. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 208. (a) Notwithstanding any other provision of law, the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may not obligate funds appropriated for the current fiscal year or any prior Energy and Water Development Appropriations Act, or funds otherwise made available to the Commissioner of the Bureau of Reclamation, and may not use discretion, if any, to restrict, reduce or reallocate any water stored in Heron Reservoir or delivered pursuant to San Juan-Chama Project contracts, including execution of said contracts facilitated by the Middle Rio Grande Project, to meet the requirements of the Endangered Species Act, unless such water is acquired or otherwise made available from a willing seller or lessor and the use is in compliance with the laws of the State of New Mexico, including but not limited to, permitting requirements.

(b) Complying with the reasonable and prudent alternatives and the incidental take limits defined in the Biological Opinion released by the United States Fish and Wildlife Service dated March 17, 2003 combined with efforts carried out pursuant to Public Law 106–377, Public Law 107–66, and Public Law 108–7 fully meet all requirements of the Endangered Species Act (16 U.S.C. 1531 et seq.) for the conservation of the Rio Grande Silvery Minnow (Hybognathus amarus) and the Southwestern Willow Flycatcher (Empidonax trailii extimus) on the Middle Rio Grande in New Mexico.

(c) This section applies only to those Federal agency and non-Federal actions addressed in the March 17, 2003 Biological Opinion.

(d) Subsection (b) will remain in effect for 2 years following the implementation of this Act.

SEC. 209. ENDANGERED SPECIES COLLABORATIVE PROGRAM. (a) Using funds previously appropriated, the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation and the Director of the Fish and Wildlife Service, for purposes of improving the efficiency and expediting the efforts of the Endangered Species Act Collaborative Program Workgroup, is directed to establish an executive committee of seven members consisting of—

(1) one member from the Bureau of Reclamation;

(2) one member from the Fish and Wildlife Service; and

(3) one member at large representing each of the following seven entities (selected at the discretion of the entity in consultation with the Bureau of Reclamation and the Fish and Wildlife Service) currently participating as signatories to the existing Memorandum of Understanding:

(A) other Federal agencies;

(B) State agencies;

(C) municipalities;

(D) universities and environmental groups;

(E) agricultural communities;

(F) Middle Rio Grande Pueblos (Sandia, Isleta, San Felipe, Cochiti, Santa Ana, and Santo Domingo); and

(G) Middle Rio Grande Conservancy District.

(b) Formation of this Committee shall not occur later than 45 days after enactment of this Act.

(c) Fiscal year 2004 appropriations shall not be obligated or expended prior to approval of a detailed spending plan by the House and Senate Committees on Appropriations.

(d) The above section shall come into effect within 180 days of enactment of this Act, unless the Bureau of Reclamation, in consultation with the above listed parties, has provided an alternative workgroup structure which has been approved by the House and Senate Committees on Appropriations.

SEC. 210. TULAROSA BASIN NATIONAL DESALINATION RESEARCH FACILITY. (a) DESALINATION DEMONSTRATION AND DEVELOPMENT.—Pursuant to section 4(a) of Public Law 104–298, 110 Stat. 3622 (October 11, 1996), the Secretary may hereafter conduct or contract for the design, construction, testing and operation of the Tularosa Basin National Desalination Research Facility.

(b) The Tularosa Basin National Desalination Research Facility is hereafter exempt from all provisions of section 7 of Public Law 104–298, 110 Stat. 3622 (October 11, 1996). The Federal share of the cost of the Tularosa Basin National Desalination Research Facility may be up to 100 percent, including the cost of design, construction, operation, maintenance, repair and rehabilitation.

SEC. 211. The Secretary of the Interior, in carrying out CALFED-related activities, may undertake feasibility studies for Sites Reservoir, Los Vaqueros Reservoir Enlargement, and Upper San Joaquin Storage projects, hereafter. These storage studies should be pursued along with ongoing environmental and other projects in a balanced manner.

SEC. 212. The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into grants, cooperative agreements, and other agreements with irrigation or water districts to fund up to 50 percent of the cost of planning, designing, and constructing improvements that will conserve water, increase water use efficiency, or enhance water management through measurement or automation, at existing water supply projects within the states identified in the Act of June 17, 1902, as amended, and supplemented: Provided, That when such improvements are to Federally owned facilities, such funds may be provided in advance on a non-reimbursable basis to an entity operating affected transferred works or may be deemed non-reimbursable for non-transferred works: Provided further, That the calculation of the non-Federal contribution shall provide for consideration of the value of any in-kind contributions, but shall not include funds received from other Federal agencies: Provided further, That the cost of operating and maintaining such improvements shall be the responsibility of the non-Federal entity: Provided further, That this section shall not supercede

any existing project-specific funding authority. The Secretary is also authorized to enter into grants or cooperative agreements with universities or non-profit research institutions to fund water use efficiency research.

SEC. 213. HAWAII WATER RESOURCES STUDY. The Hawaii Water Resources Act of 2000 (Public Law 106–566; 114 Stat. 2818) is amended—

(1) in section 103—

(A) in subsection (b)(1), by striking ''Not'' and all that follows through ''the Secretary'' and inserting ''The Secretary'' and

(B) in subsection (e), by striking ''$300,000'' and all that follows and inserting ''$2,000,000 for the Federal share of the activities authorized under this section''; and

(2) in section 104(b), by striking ''cost-effective,'' and all that follows and inserting ''cost-effective.''.

SEC. 214. Notwithstanding the provisions of title IV of Public Law 102–575 (106 Stat. 4648), the contributions of the Western Area Power Administration to the Utah Reclamation Mitigation and Conservation Account shall expire 10 fiscal years from the date of enactment of this Act. Such contributions shall be from an account established by the Western Area Power Administration for this purpose and such contributions shall be made available to the Utah Reclamation Mitigation and Conservation Account subject to appropriations. After 10 fiscal years from the date of enactment of this Act, the Utah Reclamation Mitigation and Conservation Commission is hereby authorized to utilize interest earned and accrued to the Utah Reclamation Mitigation and Conservation Account.

SEC. 215. TUALATIN RIVER BASIN, OREGON. (a) AUTHORIZATION TO CONDUCT FEASIBILITY STUDY.—The Secretary of the Interior may conduct a Tualatin River Basin water supply feasibility study—

(1) to identify ways to meet future water supply needs for agricultural, municipal, and industrial uses;

(2) to identify water conservation and water storage measures;

(3) to identify measures that would—

(A) improve water quality; and

(B) enable environmental and species protection; and

(4) as appropriate, to evaluate integrated water resource management and supply needs in the Tualatin River Basin, Oregon.

(b) FEDERAL SHARE.—The Federal share of the cost of the study conducted under subsection (a)—

(1) shall not exceed 50 percent; and

(2) shall be nonreimbursable and nonreturnable.

(c) ACTIVITIES.—No activity carried out under this section shall be considered a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,900,000, to remain available until expended.

SEC. 216. FACILITATION OF INDIAN WATER RIGHTS IN ARIZONA. In order to facilitate Indian water rights settlements in the State of Arizona, the Secretary may:

(1) Extend, on an annual basis, the repayment schedule of debt incurred under section 9(d) of the Act of August 4, 1939 (43 U.S.C 485h(d)) by irrigation districts who have contracts for water delivery from the Central Arizona Project.

(2) If requested by either the Gila River Indian Community or the San Carlos Apache Tribe, utilize appropriated funds transferred into the Lower Colorado River Basin Development Fund for construction of Indian Distribution systems to assist in the partial funding of costs associated with the on-reservation delivery of CAP water to these Indian tribes as set forth in the Bureau of Reclamation's FY 2004 Budget Justifications, PF–2B Schedules for construction of the Central Arizona Project. These funds shall be non-reimbursable Operation and Maintenance funds and shall not exceed amounts projected for construction by these Indian tribes as set forth in the Bureau of Reclamation's PF–2B Schedules that support the FY 2004 Budget Justifications for the Central Arizona Project.

SEC. 217. RESTORATION OF FISH AND WILDLIFE HABITAT, PROVISION OF BOTTLED WATER FOR FALLON SCHOOLCHILDREN, AND ASSOCIATED PROVISIONS. (a) IN GENERAL.—In carrying out section 2507 of Public Law 107–171, title II, subtitle F, the Secretary of Interior, acting through the Commissioner of Reclamation, shall—

(1) Notwithstanding section 2507 (b) of Public Law 107–171, title II, subtitle F, and in accordance with Public Law 101–618, provide $2,500,000 to the State of Nevada to purchase water rights from willing sellers and make necessary improvements to benefit Carson Lake and Pasture: Provided, That such funds shall only be provided by the Bureau of Reclamation when the title to Carson Lake and Pasture is conveyed to the State of Nevada.

(2) As soon as practicable after enactment, provide $133,000 to Families in Search of the Truth, Fallon, Nevada, for the purchase of bottled water and costs associated with providing such water to schoolchildren in Fallon-area schools.

(3) In consultation with the Pershing County Water Conservation District, the Commissioner shall expend $270,000 for the State of Nevada's costs associated with the National Environmental Policy Act review of the Humboldt Title Transfer: Provided, That notwithstanding Public Law 107–282, section 804(d)–(f), the State of Nevada shall pay any other costs assigned to the State as an entity receiving title in Public Law 107–282, section 804(b)–(e) or due to any reconveyance under Public Law 107–282, section 804(f), including any such National Environmental Policy Act costs that exceed the $270,000 expended by the Commissioner under this subparagraph.

(4) Provide $1,000,000 to the University of Nevada, Reno's Biodiversity initiative for public education and associated technical assistance and outreach concerning the issues affecting the restoration of Walker Lake.

(b) ADMINISTRATION.—The Secretary of the Interior, acting through the Commissioner of Reclamation, may provide financial assistance to State and local public agencies, Indian tribes, nonprofit organizations, and individuals to carry out this section and section 2507 of Public Law 107–171.

SEC. 218. The Secretary of the Interior shall extend the term of the Sacramento River Settlement Contracts, long- and short-form, entered into by the United States with various districts and individuals, section 14 of the Reclamation Project Act of 1939 (53 Stat. 1197), for a period of 2 additional years after the date on which each of the contracts, respectively, would expire but for this section, or until renewal contracts are executed, whichever occurs earlier.

SEC. 219. (a) Section 1(b) of Public Law 105–295 (112 Stat. 2820) is amended by striking the second sentence and inserting the following: ''The Federal share of the costs of constructing the temperature control device and associated temperature monitoring facilities shall be 50 percent and shall be nonreimbursable. The temperature control device and associated temperature monitoring facilities shall be operated by the non-Federal facility owner at its expense in coordination with the Central Valley Project for the benefit and propagation of Chinook salmon and steelhead trout in the American River, California.''.

(b) Section 1(c) of Public Law 105–295 (112 Stat. 2820) is amended by striking ''$1,000,000'' and inserting ''$3,500,000''.

SEC. 220. Not subject to fiscal year limitation, the Secretary of the Interior is hereafter authorized to implement, and enter into financial assistance or other agreements as may be necessary to undertake such activities identified for implementation (including construction) generally in accordance with section III of, and the Pumping/Dam Removal Plan as defined in, United States District Court Consent Decree ''United States, et al., v. Grants Pass Irrigation District, Civil No. 98–3034–HO'' (August 27, 2001). There are authorized to be appropriated such sums as may be necessary to carry out this provision, and activities conducted under this provision shall be nonreimbursable and nonreturnable.

SEC. 221. EXTENSION OF CERTAIN IRRIGATION PROJECT CONTRACTS. Section 2 of the Irrigation Project Contract Extension Act of 1998 (112 Stat. 2816, 114 Stat. 1441, 1441A–70) is amended—

(1) in subsection (a), by striking ''December 31, 2003'' and inserting ''December 31, 2005''; and

(2) in subsection (b)—

(A) in the first sentence, by striking ''beyond December 31, 2003'' and inserting ''beyond December 31, 2005''; and

(B) in the second sentence, by striking ''prior to December 31, 2003'' and inserting ''before December 31, 2005''.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 12 passenger motor vehicles for replacement only, including two buses; $737,537,000, to remain available until expended.

NON-DEFENSE SITE ACCELERATION COMPLETION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management site acceleration activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $163,375,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL SERVICES

For Department of Energy expenses necessary for non-defense environmental services activities conducted as a result of nuclear energy research and development activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, as well as new work scope transferred to the Environmental Management program, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, $339,468,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A, of the Energy Policy Act of 1992, $416,484,000, to be derived from the Fund, to remain available until expended, of which $51,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of

plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 15 passenger motor vehicles for replacement only, including not to exceed one ambulance, $3,451,700,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $190,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: Provided, That none of the funds provided herein may be used for international travel.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $216,533,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $123,000,000 in fiscal year 2004 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2004, and any related unappropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2004 appropriation from the general fund estimated at not more than $93,533,000.

OFFICE OF THE INSPECTOR GENERAL

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

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; one fixed wing aircraft for replacement only; and the purchase of not to exceed six passenger motor vehicles, of which four shall be for replacement only, including not to exceed two buses; $6,272,511,000, to remain available until expended: Provided, That $87,000,000 is authorized to be appropriated for Project 01–D–108, Microsystems and engineering sciences applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico: Provided further, That $3,564,000 is authorized to be appropriated for Project 04–D–103, Project engineering and design (PED), various locations: Provided further, That a plant or construction project for which amounts are made available under this heading in this fiscal year with a current estimated cost of less than $10,000,000 is considered for purposes of section 3622 of Public Law 107–314 as a plant project for which the approved total estimated cost does not exceed the minor construction threshold and for purposes of section 3623 of Public Law 107–314 as a construction project with a current estimated cost of less than the minor construction threshold.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,327,612,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, and the purchase of not to exceed one bus; $766,400,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses (not to exceed $12,000), $339,980,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE SITE ACCELERATION COMPLETION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense site acceleration completion activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; $5,651,062,000, to remain available until expended: Provided, That the Secretary of Energy is directed to use $1,000,000 of the funds provided for regulatory and technical assistance to the State of New Mexico, to amend the existing WIPP Hazardous Waste Permit to comply with the provisions of section 310 of this Act.

DEFENSE ENVIRONMENTAL SERVICES

For Department of Energy expenses necessary for defense-related environmental services activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, and the purchase of not to exceed one ambulance for replacement only, $991,144,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $674,491,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $390,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

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

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

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

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

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

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

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $177,950,000, to remain available until expended, of which $167,236,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, $6,200,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That notwithstanding the provision of 31 U.S.C. 3302, up to $162,108,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses

shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That the $750,000 that is made available under this heading for a transmission study on the placement of 500 megawatt wind energy in North Dakota and South Dakota may be nonreimbursable: Provided further, That, in accordance with section 203 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1593), electrical power supply and delivery assistance may be provided to the local distribution utility as required to maintain proper voltage levels at the Big Sandy River Diffuse Source Control Unit.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

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

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $204,400,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $204,400,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2004 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation from the general fund estimated at not more than $0.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

(RESCISSION)

Of the funds appropriated in prior Energy and Water Development Appropriation Acts, $15,329,000 of unexpended balances of prior appropriations are rescinded: Provided, That $13,329,000 shall be derived from the Paducah Disposal Facility Privatization (OR–574) and $2,000,000 shall be derived from the Portsmouth Disposal Facility Privatization (OR–674).

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a)(1) None of the funds in this or any other appropriations Act for fiscal year 2004 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract unless the Secretary of Energy, not later than 60 days after the date of the enactment of this Act, publishes in the Federal Register and submits to the Committees on Appropriations of the House of Representatives and the Senate a written notification, with respect to each such contract, of the Secretary's decision to use competitive procedures for the award of the contract, or to not renew the contract, when the term of the contract expires.

(2) Notwithstanding paragraph (1), the Secretary of Energy may use appropriated funds to maintain operations of noncompetitive management and operating contracts as necessary during the 60-day period beginning on the date of the enactment of this Act.

(3) Paragraph (1) does not apply to an extension for up to 2 years of a noncompetitive management and operating contract, if the extension is for purposes of allowing time to award competitively a new contract, to provide continuity of service between contracts, or to complete a contract that will not be renewed.

(b) In this section:

(1) The term ''noncompetitive management and operating contract'' means a contract that was awarded more than 50 years ago without competition for the management and operation of Ames Laboratory, Argonne National Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and Los Alamos National Laboratory.

(2) The term ''competitive procedures'' has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

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

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

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

SEC. 303. None of the funds appropriated by this Act may be used to augment the $13,400,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate congressional committees.

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

(TRANSFERS OF UNEXPENDED BALANCES)

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

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

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

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the manager of a covered nuclear weapons research, development, testing or production facility to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such facility in order to maintain and enhance such capabilities at such facility: Provided, That of the amount allocated to a covered nuclear weapons facility each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: Provided further, That for purposes of this section, the term ''covered nuclear weapons facility'' means the following:

(1) the Kansas City Plant, Kansas City, Missouri;

(2) the Y–12 Plant, Oak Ridge, Tennessee;

(3) the Pantex Plant, Amarillo, Texas;

(4) the Savannah River Plant, South Carolina; and

(5) the Nevada Test Site.

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

SEC. 310. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purposes of this section, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residues; (3) wet residues; (4) direct repackage residues; and (5) scrub alloy as referenced in the ''Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site''.

SEC. 311. (a) The Secretary of Energy is directed to file a permit modification to the Waste Analysis Plan (WAP) and associated provisions contained in the Hazardous Waste Facility Permit for the Waste Isolation Pilot Plant (WIPP). For purposes of determining compliance of the modifications to the WAP with the hazardous waste analysis requirements of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), or other applicable laws waste confirmation for all waste received for storage and disposal shall be limited to; (1) confirmation that the waste contains no ignitable, corrosive, or reactive waste through the use of either radiography or visual examination of a statistically representative subpopulation of the waste; and (2) review of the Waste Stream Profile Form to verify that the waste contains no ignitable, corrosive, or reactive waste and that assigned Environmental Protection Agency hazardous waste numbers are allowed for storage and disposal by the WIPP Hazardous Waste Facility Permit.

(b) Compliance with the disposal room performance standards of the WAP shall be demonstrated exclusively by monitoring airborne volatile organic compounds in underground disposal rooms in which waste has been emplaced until panel closure.

SEC. 312. Notwithstanding any other provision of law, the material in the concrete silos at the Fernald uranium processing facility currently managed by the Department of Energy and the ore processing residual materials in the Niagara Falls Storage Site subsurface waste containment structure managed by the United States Army Corps of Engineers under the Formerly Utilized Sites Remedial Action Program shall be considered ''byproduct material'' as defined by section 11e.(2) of the Atomic Energy Act of 1954, as

amended (42 U.S.C. 2014(e)(2)). The Nuclear Regulatory Commission or an Agreement State, as appropriate, shall regulate the material as ''11e.(2) by-product material'' for the purpose of disposition of the material in an NRC-regulated or Agreement State-regulated facility.

SEC. 313. No funds appropriated or otherwise made available under this title under the heading ''ATOMIC ENERGY DEFENSE ACTIVITIES'' may be obligated or expended for additional and exploratory studies under the Advanced Concepts Initiative until 30 days after the date on which the Administrator for Nuclear Security submits to Congress a detailed report on the planned activities for additional and exploratory studies under the initiative for fiscal year 2004. The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 314. MARTIN'S COVE LEASE. (a) DEFINITIONS.—In this section:

(1) BUREAU OF LAND MANAGEMENT.—The term ''Bureau of Land Management'', hereafter referred to as the ''BLM'', means an agency of the Department of the Interior.

(2) CORPORATION.—The term ''Corporation'' means the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, located at 50 East North Temple Street, Salt Lake City, Utah.

(3) MARTIN'S COVE.—The term ''Martin's Cove'' means the area, consisting of approximately 940 acres of public lands in Natrona County, Wyoming as depicted on the Martin's Cove map numbered MC–001.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) LEASE.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the Corporation to lease, for a term of 25 years, approximately 940 acres of Federal land depicted on the Martin's Cove map MC–001. The Corporation shall retain the right of ingress and egress in, from and to any part of the leasehold for its use and management as an important historical site.

(2) TERMS AND CONDITIONS.—

(A) SURVEY.—As a condition of the agreement under paragraph (1), the Corporation shall provide a boundary survey to the Secretary, acceptable to the Corporation and the Secretary, of the parcels of land to be leased under paragraph (1).

(B) ACCESS.—

(i) IN GENERAL.—The Secretary and the Corporation shall enter into a lease covenant, binding on any successor or assignee that ensures that, consistent with the historic purposes of the site, public access will be provided across private land owned by the Corporation to Martin's Cove and Devil's Gate. Access shall—

(I) ensure public visitation for historic, educational and scenic purposes through private lands owned by the Corporation to Martin's Cove and Devil's Gate;

(II) provide for public education, ecologic and preservation at the Martin's Cove site;

(III) be provided to the public without charge; and

(IV) permit the Corporation, in consultation with the BLM, to regulate entry as may be required to protect the environmental and historic values of the resource at Martin's Cove or at such times as necessitated by weather conditions, matters of public safety and nighttime hours.

(C) IMPROVEMENTS.—The Corporation may, upon approval of the BLM, improve the leasehold as may become necessary from time to time in order to accommodate visitors to the leasehold.

(D) ARCHAEOLOGICAL PRESERVATION.—The Corporation shall have the obligation to protect and maintain any historical or archaeological artifacts discovered or otherwise identified at Martin's Cove.

(E) VISITATION GUIDELINES.—The Corporation may establish, in consultation with the BLM, visitation guidelines with respect to such issues as firearms, alcoholic beverages, and controlled substances and conduct consistent with the historic nature of the resource, and to protect public health and safety.

(F) NO ABRIDGEMENT.—The lease shall not be subject to abridgement, modification, termination, or other taking in the event any surrounding area is subsequently designated as a wilderness or other protected areas. The lease shall contain a provision limiting the ability of the Secretary from administratively placing Martin's Cove in a restricted land management status such as a Wilderness Study Area.

(G) RIGHT OF FIRST REFUSAL.—The Corporation shall be granted a right of first refusal to lease or otherwise manage Martin's Cove in the event the Secretary proposes to lease or transfer control or title of the land to another party.

(H) FAIR MARKET VALUE LEASE PAYMENTS.—The Corporation shall make lease payments which reflect the fair market rental value of the public lands to be leased, provided however, such lease payments shall be offset by value of the public easements granted by the Corporation to the Secretary across private lands owned by the Corporation for access to Martin's Cove and Devil's Gate.

(I) RENEWAL.—The Secretary may offer to renew such lease on terms which are mutually acceptable to the parties.

(c) MINERAL WITHDRAWAL.—The Secretary shall retain the subsurface mineral estate under the 940 acres under the leasehold. The 940 acres described in subsection (a)(3) are hereby withdrawn from mining location and from all forms of entry, appropriation, and disposal under the public land laws.

(d) NO PRECEDENT SET.—This Act does not set a precedent for the terms and conditions of leases between or among private entities and the United States.

(e) VALID AND EXISTING RIGHTS.—The Lease provided for under this section shall be subject to valid existing rights with respect to any lease, right-of-way, permit, or other valid existing rights to which the property is subject.

(f) AVAILABILITY OF MAP.—The Secretary shall keep the map identified in this section on file and available for public inspection in the Casper District Office of the BLM in Wyoming and the State Office of the BLM, Cheyenne, Wyoming.

(g) NEPA COMPLIANCE.—The Secretary shall comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in carrying out this section.

SEC. 315. REINSTATEMENT AND TRANSFER OF THE FEDERAL LICENSE FOR PROJECT NO. 2696. (a) DEFINITIONS.—

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) TOWN.—The term ''town'' means the town of Stuyvesant, New York, the holder of Federal Energy Regulatory Commission Preliminary Permit No. 11787.

(b) REINSTATEMENT AND TRANSFER.—Notwithstanding section 8 of the Federal Power Act (16 U.S.C. 801) or any other provision of that Act, the Commission shall, not later than 30 days after the date of enactment of this Act—

(1) reinstate the license for Project No. 2696; and

(2) transfer the license to the town.

(c) HYDROELECTRIC INCENTIVES.—Project No. 2696 shall be entitled to the full benefit of any Federal law that—

(1) promotes hydroelectric development; and

(2) that is enacted within 2 years before or after the date of enactment of this Act.

(d) CO-LICENSEE.—Notwithstanding the issuance of a preliminary permit to the town and any consideration of municipal preference, the town may at any time add as a co-licensee to the reinstated license a private or public entity.

(e) PROJECT FINANCING.—The town may receive loans under sections 402 and 403 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2702, 2703) or similar programs for the reimbursement of the costs of any feasibility studies and project costs incurred during the period beginning on January 1, 2001 and ending on December 31, 2006.

(f) ENERGY CREDITS.—Any power produced by the project shall be deemed to be incremental hydropower for purposes of qualifying for energy credits or similar benefits.

SEC. 316. Of the funds made available in this Act for Defense Environmental Services, $1,000,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: Provided, That $4,000,000 shall be provided to affected units of local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97–425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $66,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

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

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, $5,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $55,000,000, to remain available until expended: Provided, That $5,500,000 shall not be available until the Denali Commission submits to the House and Senate Committees on Appropriations a detailed budget justification for fiscal year 2005.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $618,800,000, to remain available until expended: Provided, That of the amount appropriated herein, $33,100,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $538,844,000 in fiscal year 2004 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation estimated at not more than $79,956,000.

OFFICE OF INSPECTOR GENERAL

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

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

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

TITLE V

GENERAL PROVISIONS

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

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

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

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

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

SEC. 504. CLARIFICATION OF INDEMNIFICATION TO PROMOTE ECONOMIC DEVELOPMENT. (a) Subsection (b)(2) of section 3158 of the National Defense Authorization Act for Fiscal Year 1998 (42 U.S.C. 7274q(b)(2)) is amended by adding the following after subparagraph (C):

''(D) Any successor, assignee, transferee, lender, or lessee of a person or entity described in subparagraphs (A) through (C).''.

(b) The amendment made by section 506, as amended by this section, is effective as of the date of enactment of the National Defense Authorization Act for Fiscal Year 1998.

This Act may be cited as the ''Energy and Water Development Appropriations Act, 2004''.

And the Senate agree to the same.

DAVID L. HOBSON,
RODNEY P. FRELINGHUYSEN,
TOM LATHAM,
ZACH WAMP,
JO ANN EMERSON,
JOHN T. DOOLITTLE,
JOHN E. PETERSON,
MICHAEL K. SIMPSON,
BILL YOUNG,
PETER J. VISCLOSKY,
CHET EDWARDS,
ED PASTOR,
JAMES E. CLYBURN,
MARION BERRY,
DAVID R. OBEY,
Managers on the Part of the House.

PETE V. DOMENICI,
THAD COCHRAN,
MITCH MCCONNELL,
ROBERT F. BENNETT,
CONRAD BURNS,
LARRY E. CRAIG,
CHRISTOPHER BOND,
TED STEVENS,
HARRY REID,
ROBERT C. BYRD,
FRITZ HOLLINGS,
PATTY MURRAY,
BYRON L. DORGAN,
DIANNE FEINSTEIN,
DANIEL K. INOUYE,
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. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the action agreed upon by the managers and recommended in the accompanying conference report.

The language and allocations set forth in House Report 108–212 and Senate Report 108–105 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 contradicted by the report of the Senate or the conference, and Senate report language which is not contradicted by the report of the House or 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 both the House report and Senate report address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House report and Senate report are not inconsistent and are to be interpreted accordingly. In cases in which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

Senate amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Corps of Engineers. Additional items of the conference agreement are discussed below.

The conferees remain concerned about the inadequate budget requests for water resources programs of the U.S. Army Corps of Engineers. The budget request for fiscal year 2004 is about $450,000,000 less than the amount appropriated to the Corps in fiscal year 2003. If the proposed budget request were enacted, the Corps would be forced to terminate ongoing construction contracts costing the government some $200,000,000 in termination fees, demobilization costs, and delays in project schedules.

Over the years, the conferees have granted the Corps of Engineers great latitude to reprogram funds from studies, construction projects, and maintenance activities which are either delayed or are being terminated to those where the funds can be effectively used to keep projects moving and accelerate completion. The conferees believe that the ability to reprogram funds is essential to the Corps' ability to effectively manage its program. Accordingly, the conferees were very concerned to learn that the Corps of Engineers has not been reprogramming funds from a number of projects that are obviously not moving forward. It has been and continues to be the intent of the conferees that when any project is not moving forward, the Corps of Engineers look to reprogram the funds appropriated for that project to one where the funds can be effectively utilized unless explicitly instructed not to do so by the Committees on Appropriations.

The conferees are aware that the Corps of Engineers may choose not to reprogram funds out of some inactive or slow-moving projects because of the reluctance of the member who requested funding to see it moved. The conferees expect that funds moved out of any authorized project would be restored to that project once obstacles to its progress had been resolved, and urge that the Corps should not let these objections stand in the way of using scarce funding where it is most needed. In order to better assess this ''hoarding'' problem, the conferees direct the Corps of Engineers to submit to the Committees on Appropriations of the House and the Senate, by May 1st of 2004, a report as to the ''carried over'' funds on hand at the beginning of fiscal 2004, by project, and the details of all reprogramming actions from carried over funds in the first six months of fiscal 2004.

The conferees are aware that the Corps of Engineers has exercised its existing authorities to take advantage of a good construction season and as a result, has been executing its construction program at an increased rate using funds available from under-performing projects. Though the conferees understand that the Federal government yields benefits and cost savings when a project is completed ahead of schedule, the conferees are very concerned about the Corps responding to contractor demands for higher execution rates at the expense of those projects that the Congress has determined reflect the Nation's priorities. Therefore, the conferees direct the Corps, within 90 days of enactment of this Act, to submit a report that outlines the Corps' processes and procedures for determining and evaluating which projects are under-performing and how the resulting unobligated funds are transferred to a project which is executing at a rate higher than anticipated. The conferees note as well, that some projects have fared very well when contractors are able to accelerate work; in fiscal years 2002 and 2003, some $30,000,000 was reprogrammed into just one such project from others. The Corps of Engineers has explained that this reprogramming results from their policy of allowing contractors to choose their own pace for work on continuing contracts, with the option to work on deferred payment terms, and sometimes to collect interest, when money appropriated for a given fiscal year is exhausted. The conferees admonish the Corps to curtail this practice, which amounts to allowing contractors to make many of its most crucial fiscal management decisions, and to include in the report required above the status of continuing construction contracts.

The conferees are also concerned that Corps of Engineers' technical and planning capabilities have diminished over the past decade. This diminished capability has been evident in recent controversial studies such as the Upper Mississippi River and Illinois Waterway System Navigation Study and the Delaware River Deepening Study. The conferees urge the Corps of Engineers to review ways in which it can improve this capability, to include concentrating its technical and planning expertise in regional centers. The conferees believe that there is much the Corps can do to leverage its highly skilled workforce in an effort to better utilize their expertise on a national level. With constrained budgets and ever-changing technology, the current work environment lends itself well to the movement of knowledge and information across great distances in a matter of minutes. Therefore, the conferees remain committed to the concept of the regional centers because they will enable the Corps to maximize its expertise across the country over a wide variety of projects and problems just by tapping its own resources. Though many problems are regionalized, many of their solutions are not. With the implementation of regional centers the Corps will be able to manage the agency's workload across the Nation rather than just in a district or division.

GENERAL INVESTIGATIONS

The conference agreement appropriates $116,949,000 for General Investigations instead of $117,788,000 as proposed by the House and $131,700,000 as proposed by the Senate.

The conference agreement provides $150,000 for the completion of an environmental assessment on the Tonto Creek in Tonto Basin element of the Gila River and Tributaries, Arizona, project.

Funds for the American River Watershed (Folsom Dam Mini-Raise), California, project are included in the Construction, General account.

The conferees have provided $100,000 for the Corps of Engineers to continue investigations of environmental infrastructure issues for the City of Norwalk, California.

The conferees have provided $1,100,000 for the Sacramento-San Joaquin Delta, California, study including $350,000 for a reconnaissance study to evaluate environmental restoration, flood protection, recreation, and related purposes for the California Bay-Delta Authority North Delta Improvements project, and $500,000 to initiate and complete a reconnaissance study to prioritize and evaluate environmental restoration, flood protection and related purposes for the Delta Islands and Levees. The remaining funding is provided for the Delta Special Study.

The conference agreement provides $1,500,000 for the Sacramento-San Joaquin River Basins Comprehensive Study in California, including funds to initiate and complete three $100,000 reconnaissance studies to evaluate environmental restoration, flood protection, and related purposes for the Lower San Joaquin River, USACE Reservoir Re-Operation, and Butte Basin, and $500,000 to initiate a feasibility study for the Mokelumne River, Calaveras River, and Stanislaus River Watersheds in Calaveras County.

The conferees urge the Secretary of the Army to continue planning and preconstruction engineering and design efforts on the Sacramento-San Joaquin River Basins Comprehensive Study-Hamilton City Flood Damage Reduction and Ecosystem Restoration Initial Project and to include in the study an area extending from 2 miles due north to 4 miles due south of State Highway 32, and extending at least 1.2 miles due south of Road 23. The study should incorporate locally preferred options that provide protection to agricultural lands on the southern end of the study area, as well as residential properties in Hamilton City, while providing opportunities for ecosystem restoration. In addition, the conferees support the efforts of the non-Federal sponsors to receive credit toward the non-Federal cost share for work, including ecosystem restoration work, determined by the Corps to be integral to the project, that is carried out by non-Federal sponsors or their partners after the completion of the final report—even if such work is carried out prior to the date of the project cost share agreement.

The conferees direct the Secretary of the Army to conduct a feasibility study with respect to shoreline stabilization of Egmont Key, Florida, which is threatened by erosion. The conferees further direct that the study shall be completed at full Federal expense, notwithstanding the conclusions of the initial reconnaissance report.

The conferees direct that the Secretary use any remaining funds heretofore appropriated and made available in Public Law 106–316, for construction of the Savannah Harbor Deepening Project, Savannah, Georgia, for the Savannah Harbor Expansion Project, Savannah, Georgia.

The conferees have moved funding previously provided by the House under General Investigations for riverfront restoration project at Fort Dodge, Iowa, to Construction, General under the already existing Des Moines Recreation River and Greenbelt authority. The conferees understand that moving the funds to Construction, General under the Greenbelt authorization, will allow the Corps of Engineers to continue to work at Fort Dodge with greater flexibility and speed.

The conferees have removed funding previously proposed under General Investigations for Turkey Creek Basin, Kansas and Missouri, and provided $500,000 for this project under Construction, General.

The conferees have provided additional funding above the Administration's request for the Upper Mississippi and Illinois Navigation Study with the intent that the Corps of Engineers diligently work to complete this critical study.

The conferees have included $2,500,000 for the Louisiana Coastal Area Ecosystem Restoration study to allow for initiation of project implementation reports. The conferees remain very concerned about the progress of this study and that the Corps may not be maintaining the rigor required for such a study. Therefore, the conferees direct the Corps to provide a report no later than 60 days after the enactment of this Act, on the study's progress and how it plans to refocus this critical effort.

The conference agreement includes $200,000 to initiate one or more of a number of feasibility studies identified in the reconnaissance phase of the Middle Potomac Watershed study, Maryland and Virginia. It is the intent of the conferees that the Holmes Run watershed in Virginia continues to be within the scope of this study. In addition, the conference agreement includes, within available funds, $100,000 for the Corps of Engineers to identify flood mitigation measures to protect the City of Alexandria, Virginia from future storm surges and flooding.

The conferees have provided $800,000 to initiate the feasibility phase of the Eastern Shore—Mid Chesapeake Bay Island, Maryland project, which will focus on the use of dredged material to restore and expand the habitat of a variety of animal life. It is the intent of the conferees that this funding be used for the identification and study of existing islands in need of restoration, and not artificial islands.

In order to optimize needed coordination with highway work being performed by the State of Nebraska, the conferees direct the Secretary of the Army to work closely with the local sponsor on the Sand Creek Environmental Restoration, Nebraska project, accepting advance funds offered by the sponsor, and agreeing to credits and reimbursements, as appropriate, for work done by the sponsor, including work performed in connection with the design and construction of seven upstream detention storage structures.

The conference agreement includes $350,000 for the Lower Las Vegas Wash Wetlands, Nevada, project and $150,000 for Technical Assistance for Tahoe Regional Planning, Nevada.

The conferees understand that there exists some confusion regarding the Passaic River, New Jersey, Environmental Restoration study and the Hudson Raritan Estuary-Lower Passaic River, New Jersey, study. The Passaic River, New Jersey Environmental Restoration study, in the past, has been referred to as the Lower Passaic, New Jersey study and use of this latter reference should be discontinued. The conferees further note that the Passaic River, New Jersey, Environmental Restoration study is a separate and distinct effort from the ongoing Hudson Raritan Estuary-Lower Passaic River, New Jersey, study.

The conferees have included $500,000 for the preconstruction, engineering, and design for the Upper Passaic River and Tributaries, New Jersey project and moved this project from General Investigations to Section 205 of the Continuing Authorities Program under Construction, General.

The conference agreement includes language, proposed by the House, regarding credits for the sponsors of the Ohio Riverfront, Cincinnati, Ohio, project.

The conferees expect the Secretary of the Army to review the Corps of Engineers report on the Nueces River, Texas published as House Document 235, Sixty-third Congress,

1st Session and other pertinent reports, to determine the feasibility of measures for improvements to address water resources needs of Texas within the Nueces River basin in the interest of comprehensive watershed and stream corridor management, including flood damage reduction, ecosystem restoration and protection, water conservation and supply, water quality, aquifer recharge, and other allied purposes. The review should coordinate and integrate ongoing study efforts within the basin.

The conference agreement deletes language, proposed by the Senate regarding the Park City Water Supply Infrastructure, Utah, project. Funding for this work is included in the amount appropriated for the Bureau of Reclamation under the Water and Related Resources account.

In light of the damage done to the area by Hurricane Isabel, the conferees have included $100,000 to continue preconstruction engineering and design for the Vicinity of Willoughby Spit, Norfolk, Virginia, project.

The conference agreement does not include funds in this account for the Duwamish and Green River, Washington, project. Funds for this project are included in the Construction, General account.

The conference agreement includes $7,500,000 for the Flood Plain Management Services Program. Within the funds provided, the conferees expect the Corps of Engineers to undertake the activities described in the House and Senate Reports, including $500,000 to advance development of the geographic information system for flood plain management in East Baton Rouge, Louisiana.

The conferees have included $400,000 within available funds under the Other Coordination Programs for the Corps of Engineers to provide programmatic support to Lake Tahoe restoration activities, including coordination with the Federal Interagency Partnership and the Tahoe Regional Planning Agency, to implement the Environmental Improvement Program.

The conference agreement includes $6,500,000 for the Planning Assistance to States Program. Within the funds provided for this program, the conferees expect the Corps of Engineers to undertake the activities described in the House and Senate Reports including providing assistance to Salcha, Alaska as outlined in the Senate Report. The conferees have also included $100,000 for the Corps of Engineers to prepare the Arkansas River Corridor Plan in Oklahoma; and $200,000 for Georgetown and Williamsburg Counties, South Carolina.

The conferees include $100,000 to continue the feasibility phase of the Tujunga Wash environmental restoration project in Studio City, California. In addition, the conferees provide $200,000 for the Corps to advance the Tujunga Wash, California, ecosystem restoration project under the Section 1135 Continuing Authorities Program in the Construction, General account. Additionally, the Corps is expected to complete the feasibility phase of the Long Lake, Indiana, project with funding from the Section 206, Continuing Authorities Program in the Construction, General account.

The conferees have not provided funding requested by the Administration for the Ex Post Facto National Study or the Independent Review National Study. The conferees understand that studies of this sort are among the concerns of the authorizing committees and are under discussion. The Corps should not undertake such studies with any funds made available until the authorizers have made clear their policies and intentions in future law.

Within the funds provided for the Corps of Engineers Research and Development Program, $1,000,000 is provided for innovative technology demonstrations for urban flooding and channel restoration. These demonstrations shall be conducted in close coordination and cooperation with the Urban Water Research Program of the Desert Research Institute of Nevada. The conferees encourage the Corps of Engineers to continue its work in the area of Submerged Aquatic Vegetation or ''seagrasses'' and restoration efforts in the Chesapeake Bay, Maryland.

The conferees are also aware of the potential benefits of incorporating modular plastic belting technology into fish screen devices. Accordingly, the conferees ask the Corps of Engineers to consider evaluating the technology's operational and cost benefits and to consider its deployment if the Corps determines that the technology is environmentally and scientifically sound, feasible and effective.

Language, provided by the Senate, has been included in the bill regarding the Southwest Valley Flood Damage Reduction study in New Mexico, the Waikiki Beach, Hawaii, project and the Kihei Beach, Hawaii, project.

CONSTRUCTION, GENERAL

The conference agreement appropriates $1,722,319,000 for Construction, General instead of $1,642,911,000 as proposed by the House and $1,538,000,000 as proposed by the Senate.

The conferees recognize the urgent need to remove and remediate contaminated soils from the uplands adjacent to the Salt Lagoon and its outfall channel at St. Paul Island, Alaska. The conferees further recognize that the Corps of Engineers has an ongoing project to dredge and excavate sediments from the nearby St. Paul Harbor and to reestablish, by excavation, the traditional flow channel between the harbor and the Salt Lagoon. Given the extremely high cost of mobilizing equipment to St. Paul Island and the Corps of Engineers' expertise in remediating contaminated materials, the conferees direct and authorize the Secretary of the Army to enter into an agreement with the Secretary of Transportation to supplement this ongoing construction project, and to remove and remediate the contaminated materials to an approved disposal site. Funding for the remediation of the contaminated material is to come from funds provided to the National Oceanic and Atmospheric Administration (NOAA) for this purpose.

The conference agreement does not include funding in the Construction, General account for the Dam Site Park at Greers Ferry Lake, Arkansas. The conferees have provided $8,391,000 for Greers Ferry Lake, Arkansas, including $2,000,000 for the modernization of the Dam Site Park recreation facilities under Operations and Maintenance, General.

Within funds provided for the American River Watershed (Folsom Dam Mini-Raise), California, project, $600,000 shall be provided to the Folsom Dam replacement road and bridge.

The conference agreement for Oakland Harbor, California, includes $20,000,000 for this critical project. The conferees regret that they cannot provide optimum funding efforts, which are hampered because the Administration only requested $7,000,000 for this project. Given that this project is already under construction, the conferees encourage the Administration to include realistic project funding in future budget submissions.

The conference agreement includes $7,300,000 to complete Federal funding for all aspects of the Petaluma River, California, flood control project. The Corps of Engineers and the sponsors are urged to proceed expeditiously so that the project can be finished with funds made available and the full benefits of this project are not further delayed.

The conference recommendation includes $15,000,000 for the Port of Los Angeles, California, project. Despite the fact this project is already under construction, the Administration did not propose any funding for this project. The conferees expect the Administration to budget for a project of this scope more responsibly in the future.

The conference agreement provides $22,500,000 for continued construction of the Santa Ana River Mainstem, California, project, including $7,000,000 for the acceleration of work on the San Timoteo Creek element.

The conferees have provided $500,000 for continuation of a feasibility study of perchlorate contamination in the City of Santa Clarita, California.

The conference agreement includes $500,000 to initiate construction on the Delaware Bay Coastline, Bethany Beach to South Bethany Beach, Delaware project.

The conference agreement includes $500,000 for the Florida Keys Water Quality Improvements project, which was not included in the Administration's budget request. The conferees ask that the Administration give consideration to including this critical work in future funding requests, and to the possibility of including it in the larger Everglades Restoration effort.

The conference agreement includes additional language, proposed by the House, concerning availability of funds appropriated for the Florida Everglades and for the New York and New Jersey Harbors, New York, and New Jersey.

The conferees have provided $300,000 for the Martin County, Florida, project.

The conferees have provided an additional $4,350,000 for wildlife mitigation at the Richard B. Russell Dam and Lake, Georgia and South Carolina. These funds, combined with funds provided in Fiscal Year 2003, satisfy the Federal obligation for the lump sum payment to the State of South Carolina required by Section 348(k) of the Water Resources Development Act of 2000.

The conference agreement includes $4,450,000 for environmental infrastructure projects as authorized in Section 595 of the Water Resources Development Act, as amended, in Rural Idaho. Funds are to be used for the following Idaho projects: City of Burley, Coolin Sewer District, City of Horseshoe Bend, Upper St. Joe Distribution Line, Blackfoot Water Diversion, Spirit Lake Restoration, Emmett Wastewater, McCammon Wastewater, and the Middleton Water and Sewer Authority.

The conferees note that in addition to the Construction, General funding provided for the Chicago Sanitary and Ship Canal, Illinois, $750,000 is also provided in the Section 1135 Continuing Authorities Program to continue the work on a second barrier.

The conferees have provided $100,000 to initiate construction of the Little Grassy Pump feature of the Wood River Drainage and Levee District project in Illinois.

The conference agreement includes $500,000 for Northeastern Minnesota, Minnesota.

The conference agreement deletes funding in this account proposed for the Table Rock Lake, Missouri facility, modernization project. The conferees have provided $9,000,000 for Table Rock Lake, Missouri, under Operations and Maintenance, General, including $3,500,000 for the modernization of day use, boat launch, and other recreation facilities at its Campbell Point, Cape Fair, Indian Point and Baxter parks, and for other maintenance items.

The conferees have included $3,000,000 for rural Montana projects. Within the funds provided, the Corps of Engineers is directed

to give consideration to projects at Conrad, Laurel, Belgrade, Drummond, Wisdom, Melston, Manhattan and Grant Creek. Other communities that meet the program criteria should be considered as funding allows.

The conferees have included $9,000,000 for Rural Nevada projects. Within the funds provided, the Corps of Engineers is directed to give consideration to projects at Boulder City, Mesquite, Tonopah, Lyon County (Carson River Regional Water System), Gerlach, Incline Village, Lawton-Verdi, Esmeralda County, Churchill County, West Wendover and Searchlight. Other communities that meet the program criteria should be considered as funding allows.

The conferees have provided $1,000,000 for the Corps of Engineers to initiate construction of the Barnegat Inlet to Little Egg Harbor Inlet, New Jersey, beach erosion control project.

The conference agreement includes $500,000 for the Delaware Bay Coastline, Villas and Vicinity, New Jersey, project.

The conferees have provided $9,000,000 for the Delaware Main Channel, New Jersey, Delaware, and Pennsylvania, project, which continues to undergo a rigorous cost-benefit reanalysis and verification by independent reviewers. The Corps of Engineers is to be commended for this effort. The conferees are aware that the production of a complete justification may consume several additional months and urge that these funds be temporarily re-programmed to other high-priority work if they are not required for the deepening effort in fiscal year 2004.

The conference recommendation includes $5,000,000 for the Central New Mexico, project; $4,000,000 for completion of the construction work on the Double Eagle II Infrastructure Upgrade, the Bosque Farms Plant, the Tijeras Water System upgrade and the Bernalillo plant; and, $1,000,000 for the Black Mesa Area Flood Management project.

The Secretary of the Army is urged to utilize up to $2,000,000 annually of the funds provided from the New York and New Jersey Harbor, New York and New Jersey project from the Construction, General appropriations through fiscal year 2008, to plan for and enter into an agreement with a state or non-Federal sponsor to develop a dredged material processing facility that would accomplish the objectives of reducing the cost of dredged material management in the port and preparing dredged material for beneficial uses, and to implement a project utilizing innovative dredged material management technologies.

The conferees agree that the Secretary of the Army may use any remaining available funds from funds appropriated in Public Law 101–101 for the Hamlet City Lake, North Carolina project, to provide assistance in carrying out any authorized water-related infrastructure projects in Richmond County, North Carolina.

The conference agreement includes $350,000 for the Stanly County Wastewater Infrastructure project in North Carolina.

The conferees have provided $3,900,000 for the Mill Creek, Ohio, Flood Control project and have included language in the bill which direct the Secretary of the Army to complete the General Reevaluation Report within 15 months of this legislation at 100 percent Federal cost. The General Reevaluation Report shall provide plans for flood damage reduction throughout the basin equivalent to and commensurate with that afforded by the authorized, partially implemented Mill Creek, Ohio, Flood Damage Reduction Project, as authorized in Section 201 of the Flood Control Act of 1970 (P.L. No. 91–611). Funding provided herein, is to continue the General Reevaluation Report and the repair of the previously constructed Section 3 area.

The conferees direct that none of the funds provided for the Olmsted Locks and Dam, Ohio project be used to reimburse the Claims and Judgment Fund.

The conferees have provided $75,000 for the Corps of Engineers to initiate plans and specifications for the Ottawa River Harbor navigation project in Ohio.

The conferees note relative to the Cheyenne River Sioux Tribe, Lower Brule Sioux, South Dakota project, that Title VI of the Water Resources Development Act of 1999, as amended, authorizes funding to pay administrative expenses, implementation of terrestrial wildlife plans, activities associated with land transferred or to be transferred, and annual expenses for operating recreational areas. Within the funds provided, the conferees direct that not more than $1,000,000 shall be provided for administrative expenses, and that the Corps is to distribute remaining funds as directed by Title VI to the State of South Dakota, the Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe.

The conference agreement provides $1,072,000 to complete the Black Fox, Murfree, and Oaklands Springs Wetlands, Murfreesboro, Tennessee, project. The conferees are aware that this project has exhibited growth in both scope and cost since its inception, and agree that no additional Federal funds will be appropriated; the Corps of Engineers and the sponsors are therefore urged to take necessary measures to bring the project to fruition as soon as possible.

The conferees have included $5,400,000 to continue design and initiate construction for Chickamauga Lock, Tennessee.

The conference report includes $500,000 to continue major rehabilitation work on the Whitney Lake Powerhouse, Texas.

The conference agreement includes language, proposed by the Senate, regarding the continued construction of the Dallas Floodway Extension project in Texas.

The conference agreement includes language, proposed by the Senate, concerning the acceptance of advance funds for the Los Angeles, California, project.

The conference agreement includes language, proposed by the Senate, directing use of funds for the Hawaii Water Management and Kaumalapau Harbor projects, in Hawaii.

The conference agreement includes language, proposed by the Senate, directing the use of Dam Safety and Seepage/Stability Correction Program funds for the project at Waterbury Dam, Vermont.

The conference agreement includes language, proposed by the Senate and the House, providing for use of funds for elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project, West Virginia, Virginia, and Kentucky.

The conference agreement includes language, proposed by the Senate, concerning the construction of the Seward Harbor, Alaska, project: the upgrades at Kake, Alaska; and the construction of the Wrangell Harbor, Alaska, project.

The conference agreement includes language, proposed by the Senate, providing direction for the use of funds for the Tampa Harbor, Florida, project.

The conference agreement includes language, proposed by the Senate, addressing the introduction of non-native oyster species into the Chesapeake Bay.

The conference agreement includes language providing direction for construction of the Miami Harbor, Florida, project.

The conference agreement includes language, proposed by the House, providing for authorization for reconstruction of the Cape Girardeau, Missouri, project.

The conferees have determined that certain activities associated with the flood control project identified in the House Report under the Construction, General account for Washington, D.C. & Vicinity will be funded under the General Investigations account. The conferees have provided $250,000 for the Corps of Engineers to execute the appropriate Memoranda of Understanding and Memoranda of Agreements to pave the way for project construction.

The conference agreement provides $4,000,000 for the Aquatic Plant Control Program. Within the appropriated amount, the conferees have provided $200,000 for the Corps to undertake aquatic plant control in high priority sites in Texas and $100,000 for the control of Hydrilla in the Potomac River and Tributaries, Virginia, Maryland, and the District of Columbia. Program funds also include $300,000 for a cost shared effort with the State of South Carolina and $400,000 for a cost shared effort with the State of Vermont. The conferees urge the Corps to establish a cost shared program with the State of Hawaii.

The conferees direct the Corps of Engineers to undertake the projects listed in the House and Senate Reports and any additional projects described below for the various continuing authority programs. The recommended funding levels for these programs are as follows: Section 206—$18,050,000; Section 204—$6,000,000; Section 14—$9,000,000; Section 205—$30,000,000; Section 111—$1,500,000; Section 1135—$17,000,000; Section 107—$9,000,000; Section 103—$3,500,000; and Section 208—$500,000. The conferees are aware that there are funding requirements for ongoing continuing authorities projects that may not be accommodated within the funds provided for each program. It is not the intent of the conferees that ongoing projects be terminated. If additional funds are needed during the year to keep ongoing work in any program on schedule, the conferees urge the Corps of Engineers to reprogram funds into the program.

Under the Section 206 program, the conferees have included $500,000 for the Stevenson Creek project in Pinellas County, Florida; $220,000 to complete a feasibility study for Long Lake, Indiana; $50,000 for aquatic restoration of Ventura Marsh at Clear Lake Watershed in Iowa; $200,000 to continue a feasibility study for the Paint Branch Fish Passage project in Maryland; $300,000 to advance the feasibility study for Echo Bay, New Rochelle, New York; $75,000 for Little Sugar Creek, North Carolina; and $100,000 for the West Cary Stream restoration in North Carolina. The conference agreement also includes $513,000 for the Corps to address acid mine drainage for the Cheat River Basin, Lick Run project in West Virginia under the Section 206 program.

Within the funds provided under the Section 204 program, the conference agreement includes $3,000,000 in connection with the harbor of Morehead City, North Carolina, a project to disperse sand along Bogue Banks.

Under the Section 14 program, the conference agreement corrects the jurisdictional reference for the Borough of Rumson from ''New York'' to ''New Jersey''. The conferees provide $40,000 for the Concordia University Section 14 project in Mequon, Wisconsin. The conference agreement also deletes Section 14 funding for Ottawa River, Shoreline Drive in Toledo, Ohio; Engel Park, Town of Ossining, New York; and for Burlington, Vermont.

Under the Section 205 program, the conference agreement includes $100,000 for the Corps of Engineers to produce a feasibility study of flooding problems at the KellyUSA site in Bexar County, Texas. The conferees have included $130,000 to continue feasibility studies for the Indian and Dry Run Creeks Watershed, and the Cedar River Levee, in Cedar Rapids, Iowa. Also included in the conference agreement under Section 205 are

$200,000 for engineering, and design of the Upper Passaic River and Tributaries, New Jersey project and $300,000 for Parke Run, Downingtown, Pennsylvania. The conference agreement for the Section 205 program does not include funding for the Higginson, Arkansas project or the Bono, Arkansas feasibility study.

Within the funds provided under the Section 1135 program, the conference agreement includes $350,000 for ecosystem restoration of the Bull Creek Channel in California, and $100,000 for Rathbun Lake Wetlands Habitat Restoration, Iowa. Also included under this program is $500,000 for completion of the design and initiation of construction of the McCarran Ranch, Nevada, environmental restoration project.

Within the funds provided under the Section 103 program, the conference agreement includes $100,000 for Bayou Teche, Louisiana.

Within the funds provided under the Section 208 program, the conference agreement includes $67,000 for Deep River, Lake Station, Indiana.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI AND TENNESSEE

The conference agreement appropriates $324,222,000 for Flood Control, Mississippi River and Tributaries, instead of $301,054,000 as proposed by the House and $329,000,000 as proposed by the Senate.

The conferees recognize the critical need of advancing much needed construction work on the Mississippi River Levees project to ensure the integrity of the levee system and to protect people and property from flooding. Therefore, the conferees have included $47,000,000 for Mississippi River Levees, including $500,000 for initiation of Birds Point-New Madrid, Missouri, flowage easements; $450,000 to initiate St. Johns-New Madrid, Missouri, mitigation lands, box culverts, and levee closure; and $2,070,000 for Nash, Missouri, relief wells. Funding will also support preparation of plans and specifications and initiation of construction on the Lower Mississippi River Museum and Riverfront Interpretive Site.

The conferees are also aware of the backlog of critical maintenance items in the Mississippi River Levees project and have included $11,000,000 in the conference agreement. The additional funds include $750,000 to repair or replace culverts at Mound Creek, Illinois and New Madrid, Missouri; $500,000 to repair the Cairo, Illinois, floodwall; $600,000 to provide gravel surfacing to selected levee-top roads in Arkansas, Mississippi, and Louisiana; $2,000,000 to provide levee crown surfaces in Louisiana, and $1,500,000 to repair the Birds Point-New Madrid, Missouri, levee setback with lime injection.

The conference agreement includes language, proposed by the Senate, directing activities on the Yazoo Backwater, Yazoo Backwater Pumping Plant, Mississippi, and the Grand Prairie, Arkansas, projects.

OPERATION AND MAINTENANCE, GENERAL

The conference agreement appropriates $1,967,925,000 for Operation and Maintenance, General instead of $1,932,575,000 as proposed by the House and $2,014,000,000 as proposed by the Senate.

During fiscal year 2002, the General Accounting Office [GAO] reviewed the benefits and effects of current and proposed restrictions on the Corps of Engineers' hopper dredge fleet. Congress faces significant future investments in the Corps hopper dredge fleet, as it is rapidly aging. The conferees believe that the investment decisions must take into consideration the subsequent use of the fleet. The final GAO report, released March 2003, reviewed the impacts of operational changes to the fleet since fiscal year 1993. GAO's findings made it clear to the conferees that additional costs have been imposed upon the Corps with the decreased use of the fleet, but that the benefits have not been realized. Additionally, the GAO found that the Corps' contracting process for hopper dredges was not effective. Most importantly, the GAO reported that the Corps did not have even a limited system to evaluate the costs and benefits of the varying operational levels of its hopper dredge fleet, nor did it have a means to make maintenance and repair decisions of the fleet taking operational use into consideration. The conferees remain concerned that since 2000, the Corps has provided to Congress, a report which has been found to have no analytical basis, thus calling into question the ready reserve policy.

Therefore, the conferees direct the Corps of Engineers to report to the Appropriations Committees within 6 months of enactment of this Act, with a detailed plan of how it intends to rectify the current situation. The plan is to include how the Corps intends to establish a baseline for determining the appropriate use of the Corps hopper dredge fleet in the future. Finally, the Corps shall include a comprehensive analysis of the costs and benefits of the existing and proposed restrictions on the use of the fleet. Overall, the conferees expect the Corps to put in place measures by which better investment decisions regarding the fleet can be made.

The conferees have provided $22,500,000 in funding for Tennessee-Tombigbee Waterway, Alabama and Mississippi, including $500,000 for continued restoration of the historic Snagboat Montgomery.

The conferees are in agreement that capital costs of new site security and anti-terrorism improvements at flood control projects in Central California for which non-Federal interests have repayment contracts with the Bureau of Reclamation shall be subject to the Bureau's current policy for repayment of such anti-terrorism expenditures.

The conferees have provided $6,000,000 for operation and maintenance of the Los Angeles County Drainage Area project, including activities at Hansen Dam.

The conferees include $500,000 for maintenance dredging at Port Hueneme in Ventura County, California.

The conference agreement provides $500,000 for continued dredging at San Pablo Bay and Mare Island Strait, including Pinole Shoal, in California.

The conference agreement includes $5,185,000 for maintenance dredging of the Tampa Harbor, Florida project.

The conferees have provided $5,000,000 for the Apalachicola, Chattahoochee, and Flint Rivers project which includes annual dredging of the river, annual operations and maintenance of the George W. Andrews Lock, spot dredging of shoals, continuation of slough mouth restorations, continuation of restoration efforts at Corley Slough, and routine operations and maintenance of the project.

The conference agreement includes, within available funds, $100,000 under Operation and Maintenance, General, to continue report activities associated with Lucas Berg Pit, Worth, Illinois, which is part of the Illinois Waterway (MVR portion), Illinois and Indiana project.

Within the funds provided, up to the amount of $300,000, the conferees direct the Corps of Engineers to perform maintenance dredging at Saugatuck Harbor, Michigan. The conferees have also provided $250,000 for maintenance dredging of Bolles Harbor at La Plaisance Creek in Michigan.

As part of the Mississippi River Between Missouri River and Minneapolis project, the conferees have agreed that the Corps should give consideration to Tow Haulage Unit Replacement and the conservation of the endangered Higgins Eye Mussel.

The conferees have provided additional funds for the Delaware River, Philadelphia to the Sea, New Jersey, Pennsylvania, and Delaware project to continue construction at Pea Patch Island.

The conferees have provided $250,000 for sediment removal and dam repair at Junaluska, North Carolina.

The conference report includes an additional $300,000 for mosquito control and prevention, and limited facility improvements at Garrison Dam, Lake Sakakawea, North Dakota.

The conference agreement includes $500,000 for serious safety repairs for the John Day Lock and Dam, Oregon and Washington, on the Columbia-Snake Waterway system. The conferees believe that the budget request does not adequately address the serious nature of the problems at this structure and has accordingly provided funds above the budget request. The problems being experienced at this structure are indicative of the way maintenance of structures in the Federal inventory has been shortchanged. Timely, adequate maintenance funding would have likely prevented the costly measures that must now be undertaken to correct the problems. The conferees strongly encourage that adequate funding for maintenance be included in future budget submissions.

Within the $342,000 additional funding for the Monongahela River, Pennsylvania and West Virginia, project, the conferees urge that the Corps of Engineers examine the practicality of remote control automation devices at the Hildebrand, Morgantown, and Opekiska Locks and to report to the Committees on Appropriations of its findings by March 31, 2004.

The conferees urge that the Federal Navigation Project for the Providence River and Harbor shall include maintenance dredging of the Pawtuxet Cove Federal Navigation Project in Cranston and Warwick, Rhode Island, and the Bullocks Point Cove Federal Navigation Project in East Providence and Barrington, Rhode Island, and disposal of dredged material from these projects in the Confined Aquatic Disposal cells in the Providence River.

The conference agreement includes $150,000 within the authority made available for Removal of Sunken Vessels, for the Corps to perform a detailed examination of the remains of the vessel ''State of Pennsylvania'' located in the Christina River in an effort to assess the cost for its removal. In addition, the conferees express support for efforts to raise the CSS Georgia and hope that the Army Corps of Engineers will continue to advise and assist with options for raising this important historic artifact.

The conferees note that Title VI of the Water Resources Development Act of 1999, as amended, requires that funding to inventory and stabilize cultural and historic sites along the Missouri River in South Dakota, and to carry out the terrestrial wildlife habitat programs, shall be provided from the Operation and Maintenance account. The conference agreement provides $5,000,000 to protect cultural resource sites and provide funding to the State and Tribes for approved restoration and stewardship plans and in compliance with the requirements of Title VI, directs the Corps to contract with or reimburse the State of South Dakota and affected Tribes to carry out these duties.

The conference agreement includes $1,400,000 for continued maintenance dredging of the Waterway on the Coast of Virginia, project.

The conferees note the proximity of Corps navigation facilities on the Columbia River

between Chinook and the Head of Sand Island, Washington, and at Baker Bay, Washington, and encourage the Corps of Engineers to seek ways to achieve cost savings and efficiency, such as by utilizing appropriate contracting methods while having these two projects be considered together when seeking bids and awarding contracts.

The conferees have provided $15,000,000 in funding for extraordinary maintenance; these funds are provided in recognition of the inability of the Corps of Engineers, for the last several years, to fund storm damage remediation in West Virginia, Michigan, Missouri, and other states. The conferees expect that the Corps will devote this funding to storm damages not previously addressed, rather than routine or backlog maintenance items.

The conference agreement includes language, proposed by the Senate, concerning operation and maintenance costs for the SR1 Bridge, Delaware.

The conference agreement includes language, proposed by the Senate, regarding the rehabilitation of the dredged material disposal site at Bodega Bay, California.

The conference agreement includes language directing the use of funds by the Corps of Engineers for the Laguna Madre portion of the Gulf Intracoastal Waterway in Texas, and conditions for performing necessary maintenance along the Gulf Intracoastal Waterway, Texas.

The conference agreement includes language providing direction for the removal of a weir on the Mayfield Creek and Tributaries, Kentucky, project.

The conferees direct that the Corps of Engineers shall not obligate any surplus funds resulting from the enactment of the Power Marketing Administrations direct funding legislation prior to the submission of a plan, for approval, by the House and Senate Appropriations Committees.

REGULATORY PROGRAM

The conference agreement appropriates $140,000,000 for the Regulatory Program instead of $144,000,000 as proposed by the House and $139,000,000 as proposed by the Senate.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

The conference agreement appropriates $140,000,000 for the Formerly Utilized Sites Remedial Action Program (FUSRAP) as proposed by the House and the Senate. The conferees provide the Corps of Engineers with reprogramming authority for FUSRAP projects of up to 15 percent of the base of the receiving project. Reprogrammed funds must be excess to the source project.

FLOOD CONTROL AND COASTAL EMERGENCIES

In light of the recent replenishment of the Flood Control and Coastal Emergencies reserve fund, the conferees have provided no additional funds for this account. The recent depletion of this account, however, calls attention to two areas of concern about how this account is funded and administered. First, the drawing down of funds which could have been used to respond to actual emergency events to meet routine administrative and readiness expenses suggests that the Nation would be better served if response and readiness funds were provided and administered separately. Second, justification provided by the Corps of Engineers suggests that those administrative and readiness expenses have grown to unacceptable levels. The Secretary is directed to consider changes in the separate management of these funds, and to report to the Appropriations Committees of the House and Senate within 180 days of enactment of this legislation into law.

The Nation deserves the best, most reliable, most economical tools which technology can provide for the protection of its citizenry and their property when confronted with natural disaster. The conferees are aware of the preliminary testing of the Rapid Deployment Flood Wall at the Engineering Research and Development Center in Vicksburg, Mississippi. This technology has shown promise in the effort to fight floods. Its proponents claim, and preliminary tests tend to confirm, that it can be cost-effective, quick to deploy, and superior to traditional sandbags in protecting property from flood damages totaling millions in dollars each year. The conferees therefore direct the Corps of Engineers, within funds available in the Flood Control and Coastal Emergencies account, to act immediately to devise real world testing procedures for this and other promising alternative flood fighting technologies, and to provide a status report to the Committees on Appropriations with 180 days of enactment of this legislation.

REVOLVING FUND

The conferees are concerned about the cost of aircraft maintenance by the Corps of Engineers. The conferees realize that reliable and readily available transportation is necessary for the Corps to effectively perform many of its missions, especially those related to emergencies, and that the Corps division offices support these missions in the geographic regions for which they are responsible. The conferees found the report required as part of the fiscal year 2003 appropriations activities lacking and therefore direct the Corps to re-evaluate the costs and benefits of the Corps maintaining its own aircraft. This reanalysis must include all other options for air transportation, including the use of military aircraft. With constricted budgets, the conferees are skeptical that the possession and maintenance of an aircraft by any division or district is both cost-effective and mission-essential when compared to alternatives, such as use of military aircraft and leasing. Therefore, the Corps must present to the House and Senate Appropriations Subcommittees on Energy and Water Development a justification that includes a complete and thorough economic analysis for approval before any additional aircraft are acquired. The Corps is directed to submit, within 6 months, a justification and economic analysis to support the continued maintenance of aircraft by the Corps as an asset. For purposes of this analysis, and for the purpose of determining whether or not use of a Corps-owned aircraft is appropriate for a discrete mission, the Corps is directed to employ realistic measures of time saved and the full value of that time.

GENERAL EXPENSES

The conferees are aware that there has been a change in which audit organization conducts the audit of the financial statements of the Army Corps of Engineers. Further, the conferees are aware that the budget request included $7,000,000 for an audit of the Corps of Engineers and the conferees have not included funds for this audit. The conferees direct that the Corps continue to produce and provide audit information as it has in past years.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

Section 101. The conference agreement includes language proposed by the House and the Senate, which places a limit on credits and reimbursements allowable per year and per project.

Section 102. The conference agreement includes language proposed by the House prohibiting the expenditure of funds related to a proposed landfill in Tuscarawas County, Ohio.

Section 103. The conference agreement includes language proposed by the Senate which prohibits the reorganization or change of the Corps of Engineers statutory mission without a subsequent Act of Congress.

Section 104. The conference agreement includes language proposed by the House prohibiting the expenditure of funds related to a proposed landfill in Sandy Township, Stark County, Ohio.

Section 105. The conference agreement includes language proposed by the Senate amending the authorization of the Alamogordo, New Mexico, flood control project.

Section 106. The conference agreement includes language proposed by the House that renames Lock and Dam 3 on the Allegheny River in Pennsylvania.

Section 107. The conference agreement includes language providing that the Secretary of the Army may utilize continuing contracts in carrying out the studying, planning, or designing of a water resources project authorized for study, prior to the authorization of the project for construction.

Section 108. The conference agreement includes language proposed by the Senate which authorizes oil bollard and debris removal at Burlington Harbor, Vermont.

Section 109. The conference agreement includes language, proposed by the Senate which makes technical corrections for the Kake Dam Replacement in Kake, Alaska.

Section 110. The conference agreement includes language proposed by the Senate deauthorizing some components of the federal navigation channel in Pawtuxet Cove, Rhode Island.

Section 111. The conference agreement includes language proposed by the Senate authorizing the Secretary of the Army to provide assistance to non-Federal interests at Tar Creek, Ottawa County, Oklahoma.

Section 112. The conference agreement includes language proposed by the Senate to use previously appropriated funds for technical assistance related to coastal erosion in Alaskan communities, at full Federal expense.

Section 113. The conference agreement includes language proposed by the Senate which prohibits the use of funds for closure or removal of the St. Georges Bridge, Delaware.

Section 114. The conference agreement includes language proposed by the Senate extending the date for which the Corps of Engineers can accept funds from non-Federal entities to process permits.

Section 115. The conference agreement includes language proposed by the Senate regarding Section 353 of Public Law 105–227.

Section 116. The conference agreement includes language proposed by the Senate for emergency project restoration at Middle Rio Grande bosque in and around Albuquerque, New Mexico.

Section 117. The conference agreement includes language proposed by the Senate amending Section 595 of the Water Resources Development Act of 1999.

Section 118. The conference agreement includes language proposed by the Senate amending Section 560(f) of Public Law 106–53.

Section 119. The conference agreement includes language, proposed by the Senate which further amends Section 219(f) of the Water Resources Development Act of 1992 (Public Law 202–580; 106 Stat. 4835), as amended, to include authorization for wastewater infrastructure at Coronado, California.

Section 120. The conference agreement includes language, proposed by the Senate amending Section 592(g) of the Water Resources Development Act of 1999.

Section 121. The conference agreement includes language, proposed by the Senate amending the authorization for the Park River, Grafton, North Dakota, project.

Section 122. The conference agreement includes language proposed by the Senate that provides assistance for Schuylkill River Park in Philadelphia, Pennsylvania, pursuant to the Water Resources Development Act of 1996, and as contained in the February 2003 Corps of Engineers report.

Section 123. The conference agreement includes language proposed by the Senate authorizing the Corps of Engineers to implement ecosystem restoration for the Gwynns Falls Watershed in Baltimore, Maryland.

Section 124. The conference agreement includes language proposed by the Senate authorizing the Snake River Confluence Interpretive Center in Clarkston, Washington.

Section 125. The conference agreement provides language providing direction for completion of the flood damage reduction general reevaluation report for Mill Creek, Cincinnati, Ohio.

Section 126. The conference agreement includes language amending Section 219(f)(25) of the Water Resources Development Act of 1992 relative to Lakes Marion and Moultrie, South Carolina.

Section 127. The conference agreement includes language amending Section 219(f) of the Water Resources Development Act of 1992 relative to Charleston, South Carolina.

Section 128. The conference agreement includes language authorizing the project for flood damage reduction and environmental restoration of the American River Watershed, California and directs the Secretary of the Army to immediately commence studies for and the design of a permanent bridge.

Section 129. The conference agreement modifies the authorizing legislation and subsequent modifications for the American and Sacramento Rivers, California and directs the Secretary to carry out the project.

Section 130. The conference agreement includes language allowing the Secretary of the Army to establish an environmental assistance program for Placer and El Dorado Counties, California.

Section 131. The conference agreement amends Section 219(f)(23) of the Water Resources Development Act of 1992 for the Sacramento Area, California.

Section 132. The conference agreement includes language allowing the Secretary of the Army to establish an environmental assistance program for the Upper Klamath Basin, California.

Section 133. The conference agreement amends Section 219(f) of the Water Resources Development Act of 1992 for Placer and El Dorado Counties, California; and for Lassen, Plumas, Butte, Sierra, and Nevada Counties, California.

Section 134. The conference agreement includes language which authorizes funds to be appropriated for the construction of a permanent bridge for the American River Watershed.

Section 135. The conference agreement amends Section 504(a)(2) of the Water Resources Development Act of 1999 by striking ''Kehly Run Dam'' and inserting ''Kehly Run Dams''.

Section 136. The conference agreement modifies the authorization for the McClellan-Kerr Arkansas River Navigation project to a project depth of 12 feet.

Section 137. The conference agreement includes a provision to credit the non-Federal sponsor for environmental dredging at Ashtabula River, Ohio.

Section 138. The conference agreement includes language providing authorization for review of a feasibility report for waterfront development at Gateway Point, North Tonawanda, New York.

Section 139. The conference agreement includes language affecting specific portions of the projects for navigation for Chicago River and Chicago Harbor, Illinois.

Section 140. The conference agreement provides direction for activities under the authority provided by Section 214 of the Water Resources Development Act of 2000.

Section 141. The conference agreement includes language regarding credits for Wolf Lake, Indiana.

Section 142. The conference agreement provides direction to the Secretary of the Army involving credit for the cost of design work completed by the non-Federal interests for the Cook County, Illinois, project.

Section 143. The conference agreement includes language regarding credits for the non-Federal sponsor for Los Angeles Harbor, Los Angeles, California.

Section 144. The conference agreement includes language concerning credits for San Lorenzo, California.

Section 145. The conference agreement includes language amending Section 219(f)(12) of the Water Resources Development Act of 1992 for the Calumet Region, Indiana.

Section 146. The conference agreement includes authorization regarding the Meramec River Basin, Valley Park Levee project in Missouri.

Section 147. The conference agreement includes language modifying the authorization for the flood control project for Saw Mill Run, Pennsylvania.

Section 148. The conference agreement includes language which modifies the authorization for the flood control project for Roanoke River Upper Basin, Virginia.

Section 149. The conference agreement includes language modifying the authorization for the harbor deepening project at Brunswick Harbor, Georgia.

Section 150. The conference agreement modifies the authorization for the flood control project at Lackawanna River at Olyphant, Pennsylvania.

Section 151. The conference agreement includes language which modifies the authorization for the Perry Creek Flood Control project at Sioux City, Iowa.

Section 152. The conference agreement provides language regarding Section 358 of Public Law 105–53 for Elizabeth River, Chesapeake, Virginia.

Section 153. The conference agreement provides language amending Section 219(f) of the Water Resources Development Act of 1992.

Section 154. The conference agreement includes language modifying Flood Control Act of 1938 provisions regarding the Mississippi River and Big Muddy River, Illinois.

Section 155. The conference agreement provides authorization for a project to restore lake depths at Moss Lake, Louisiana.

Section 156. The conference agreement provides language amending the authorization for Manatee Harbor, Florida.

Section 157. The conference agreement includes language which authorizes the Secretary of the Army to conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the Harris Gully Watershed, Harris County, Texas.

Section 158. The conference agreement includes language which provides that the Secretary of the Army may carry out the Reach J, Segment 1, element of the Morganza to the Gulf, Louisiana, project in accordance with the report of the Chief of Engineers, dated August 23, 2002, and supplemental report dated July 22, 2003.

Provisions not included in the conference agreement.—The conference agreement does not include language, proposed by the Senate to deauthorize inactive Corps of Engineers projects.

The conference agreement does not include language, proposed by the Senate regarding the use of Power Marketing Administration receipts by the Corps of Engineers.

The conference agreement does not include language, proposed by the Senate that limits the minimum funding levels for Great Lakes Remedial Action Plans and Sediment Remediation Programs, under the funding available for this program under General Investigations.

The conference agreement does not include language, proposed by the Senate for providing funding to the International Mountain Bicycling Association under the Operation and Maintenance, General, account.

The conference agreement does not include language, proposed by the Senate for funding to be made available under Construction, General, for future work under Section 560 of the Water Resources Development Act of 1999.

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
ALABAMA				
BREWTON AND EAST BREWTON, AL	300	---	300	---
CAHABA RIVER WATERSHED, AL	50	---	50	---
VILLAGE CREEK, JEFFERSON COUNTY (BIRMINGHAM WATERSHED)	200	---	200	---
ALASKA				
ADAK, AK	---	---	100	---
AKUTAN HARBOR, AK	100	---	100	200
ANCHORAGE HARBOR DEEPENING, AK	50	---	200	---
BARROW COASTAL STORM DAMAGE REDUCTION, AK	200	---	900	---
COFFMAN COVE, AK	---	---	200	---
CRAIG HARBOR, AK	50	---	200	---
DELONG MOUNTAIN HARBOR, AK	200	---	566	---
EKLUTNA RIVER WATERSHED, AK	100	---	300	---
HAINES HARBOR, AK	100	---	100	200
HOMER HARBOR, AK	---	---	100	---
KAKTOVIK BEACH EROSION STUDY, AK	---	---	200	---
KETCHIKAN HARBOR, AK	50	---	200	---
KLAWOCK HARBOR, AK	---	---	100	---
KNIK BRIDGE CROSSING, AK	---	---	200	---
KOTZEBUE SMALL BOAT HARBOR, AK	50	---	250	---
LITTLE DIOMEDE HARBOR, AK	50	---	50	---
MCGRATH BANK STABILIZATION, AK	---	---	300	---
MATANUSKA RIVER EROSION CONTROL, AK	---	---	250	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
MEKORYUK HARBOR, AK	50	---	100	---
PORT LIONS HARBOR, AK	100	---	100	---
REGIONAL PORT STUDY, AK	---	---	300	---
SAINT GEORGE NAVIGATION IMPROVEMENTS, AK	50	---	50	---
SKAGWAY, AK	---	---	100	---
UNALAKLEET HARBOR, AK	50	---	200	---
UNALASKA HARBOR, AK	150	---	500	---
VALDEZ HARBOR EXPANSION, AK	50	---	50	---
WHITTIER BREAKWATER, AK	50	---	50	---
YAKUTAK, AK	---	---	100	---
AMERICAN SOMOA				
TUTUILA HARBOR, AS	46	---	46	---
ARIZONA				
AGUA FRIA RIVER, AZ	150	---	150	---
CANADA DEL ORO WASH, AZ	100	---	---	---
GILA RIVER AND TRIBUTARIES, AZ	---	---	150	---
NAVAJO NATION, AZ, NM & UT	130	---	160	---
PIMA COUNTY, AZ	300	---	1,000	---
RILLITO RIVER, PIMA COUNTY, AZ	300	---	300	---
RIO SALADO OESTE, SALT RIVER, AZ	250	---	600	---
SANTA CRUZ RIVER, GRANT RD TO FT LOWELL RD, AZ	100	---	100	---
SANTA CRUZ RIVER, PASEO DE LAS IGLESIAS, AZ	152	---	152	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
VA SHLY-AY AKIMEL SALT RIVER RESTORATION PROJECT, AZ..	370	---	800	---
ARKANSAS				
ARKANSAS RIVER LEVEES, AR.....	---	---	---	200
ARKANSAS RIVER NAVIGATION STUDY, AR & OK.....	1,070	---	1,200	---
MAY BRANCH, FORT SMITH, AR.....	---	---	---	100
NORTH LITTLE ROCK, DARK HOLLOW, AR.....	---	---	---	200
HOT SPRINGS CREEK, AR.....	---	---	31	---
PINE MOUNTAIN DAM, AR.....	---	---	---	150
RED RIVER NAVIGATION, SOUTHWEST ARKANSAS, AR AND LA...	---	---	---	150
WHITE RIVER BASIN COMPREHENSIVE, AR & MO.....	300	---	1,000	---
WHITE RIVER MINIMUM FLOWS, AR & MO.....	---	---	---	150
WHITE RIVER NAVIGATION STUDY.....	---	---	---	150
CALIFORNIA				
ALISO CREEK MAINSTEM, CA.....	150	---	150	---
ARANA GULCH WATERSHED, CA.....	100	---	100	---
ARROYO SECO WATERSHED RESTORATION, CA.....	150	---	150	---
BALLONA CREEK ECOSYSTEM RESTORATION, CA.....	150	---	250	---
BOLINAS LAGOON ECOSYSTEM RESTORATION.....	---	---	100	---
CALIFORNIA COASTAL SEDIMENT MASTER PLAN.....	---	---	200	---
CITY OF INGLEWOOD, CA.....	---	---	300	---
CITY OF NORWALK, CA.....	---	---	100	---
CITY OF SANTA CLARITA, CA.....	141	---	141	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
CITY OF SAN BERNADINO, CALIFORNIA (CITY OF SAN BERNADI	---	---	100	---
COAST OF CALIFORNIA, LOS ANGELES COUNTY, CA (STORM & T	---	---	500	---
COYOTE DAM, CA	100	---	100	---
DESERT HOT SPRINGS, CA	---	---	200	---
GRAYSON AND MURDERER'S CREEKS, CA	400	---	400	---
HUMBOLDT BAY LONG TERM SHOAL MANAGEMENT, CA	---	---	100	---
LA RIVER WATERCOURSE, HEADWORKS AREA, CA	250	---	250	---
LA RIVER WATERCOURSE, SAN JOSE CREEK, CA	100	---	100	---
LAGUNA DE SANTA ROSA, CA	150	---	150	---
LAKE ELSINORE ENVIRONMENTAL RESTORATION, CA	50	---	50	---
LOWER CACHE CREEK, YOLO COUNTY, CA	---	---	---	100
LLAGAS CREEK FLOOD PROTECTION PROJECT	---	---	---	250
LOS ANGELES COUNTY, CA	150	---	400	---
LOWER MISSION CREEK (FLOOD CONTROL & REHABILITATION PR	---	---	---	200
MALIBU CREEK WATERSHED, CA	270	---	270	---
MARINA DEL REY AND BALLONA CREEK, CA	150	---	150	---
MATILIJA DAM, CA	300	---	600	---
MIDDLE CREEK, CA	---	---	---	100
MORRO BAY ESTUARY, CA	250	---	250	---
MUGU LAGOON, CA	150	---	150	---
N CA STREAMS, LOWER SACRAMENTO RVR RIPARIAN REVEGETATI	200	---	200	---
NAPA RIVER, SALT MARSH RESTORATION, CA	200	---	200	200
NAPA VALLEY WATERSHED MANAGEMENT, CA	150	---	200	---
NEWPORT BAY/SAN DIEGO CREEK WATERSHED, CA	186	---	186	---
OCEAN BEACH, CA	100	---	100	---
ORANGE COUNTY SPECIAL AREA MANAGEMENT PLAN, CA	---	---	190	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
ORANGE COUNTY SHORELINE, LOWER SANTA ANA RIVER WATERSH	100	---	100	---
ORANGE COUNTY, SANTA ANA RIVER BASIN, CA	150	---	150	---
PAJARO RIVER AT WATSONVILLE, CA	---	---	---	500
PAJARO RIVER BASIN STUDY, CA	100	---	100	---
PINE FLAT DAM, FISH & WILDLIFE HABITAT, CA	---	---	---	50
POSO CREEK, CA	300	---	300	---
PRADO BASIN ENVIRONMENTAL RESTORATION, CA	100	---	100	---
RIVERSIDE COUNTY SPECIAL AREA MANAGEMENT PLAN, CA	---	---	200	---
RUSSIAN RIVER ECOSYSTEM RESTORATION, CA	150	---	150	---
SACRAMENTO - SAN JOAQUIN DELTA, CA	1,100	---	1,100	---
SACRAMENTO AND SAN JOAQUIN COMPREHENSIVE BASIN STUDY,	1,020	---	---	1,500
SAN BERNARDINO COUNTY, CA	100	---	125	---
SAN CLEMENTE SHORELINE, CA	100	---	150	---
SAN DIEGO COUNTY SPECIAL AREA MANAGEMENT PLAN, CA	---	---	150	---
SAN DIEGO SHORELINE, CA	---	---	---	200
SAN FRANCISCO BAY, CA	420	---	---	---
SAN FRANCISQUITO CREEK, CA	100	---	100	---
SAN JACINTO RIVER, CA	100	---	100	---
SAN JOAQUIN RB, W STANISLAUS, DEL PUERTO & SALADO CREE	50	---	50	---
SAN JOAQUIN RB, WEST STANISLAUS COUNTY, ORESTIMBA CREE	300	---	300	---
SAN JOAQUIN RIVER BASIN, CONSUMNES & MOKELUMNE RIVERS,	200	---	200	---
SAN JOAQUIN RIVER BASIN, FRAZIER CREEK, CA	100	---	100	---
SAN JOAQUIN RIVER BASIN, TUOLUMNE RIVER, CA	350	---	350	---
SAN JUAN CREEK, SOUTH ORANGE COUNTY, CA	100	---	100	---
SAN PABLO BAY WATERSHED, CA	200	---	200	---
SANTA ANA RIVER AND TRIBUTARIES, BIG BEAR LAKE, CA	200	---	200	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
SANTA CLARA RIVER, CITY OF SANTA CLARITA, CA	150	---	150	---
SANTA ROSA CREEK WATERSHED, CA	120	---	120	---
SOLANA BEACH/ENCINITAS SHORELINE PROTECTION STUDY, CA.	---	---	900	---
SONOMA CREEK AND TRIBUTARIES, CA	150	---	150	---
SOUTH SAN FRANCISCO SHORELINE STUDY, CA	---	---	100	---
STRONG AND CHICKEN RANCH SLOUGHS, CA	50	---	50	---
SUTTER COUNTY, CA	200	---	200	---
TAHOE BASIN, CA & NV	1,000	---	1,000	50
TIJUANA RIVER VALLEY, CA	100	---	200	---
TUJUNGA WASH RESTORATION, CA	---	---	100	---
UPPER GUADALUPE RIVER,CA	---	---	---	150
UPPER PENITENCIA CREEK, CA	460	---	460	---
UPPER SANTA ANA RIVER WATERSHED, CA	150	---	150	---
VENTURA AND SANTA BARBARA COUNTY SHORELINE, CA	100	---	100	---
VENTURA HARBOR SAND BYPASS, CA	121	---	121	---
WESTMINSTER, COYOTE AND CARBON CANYON CREEK WATERSHEDS	150	---	150	---
WESTMINSTER, EAST GARDEN GROVE, CA	100	---	100	---
WHITE RIVER AND DEER CREEK, CA	100	---	100	---
WHITEWATER RIVER BASIN, CA	---	---	---	150
WILDCAT AND SAN PABLO CREEKS, CA	100	---	100	---
COLORADO				
ADAMS COUNTY (DENVER), CO	---	---	100	---
CACHE LA POUDRE RIVER FLOODWAY, GREELEY, CO	---	---	32	---
CHATFIELD, CHERRY CREEK AND BEAR CREEK RESERVOIRS, CO.	260	---	260	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
FOUNTAIN CREEK AND TRIBUTARIES, CO	350	---	350	---
ZUNI AND SUN VALLEY REACHES, SOUTH PLATTE RIVER, CO	---	186	---	186
COMMONWEALTH OF NORTHERN MARIANA ISLANDS				
ROTA HARBOR MODIFICATIONS, CNMI	102	---	102	---
TINIAN HARBOR MODIFICATIONS, CNMI	102	---	102	---
DELAWARE				
DELAWARE COAST, CAPE HENLOPEN TO FENWICK ISLAND, DE	---	214	---	---
DISCTRICT OF COLUMBIA				
WASHINGTON DC AND VICINITY, DC	---	---	---	250
FLORIDA				
BISCAYNE BAY FEASIBILITY, FL	---	---	100	---
DAYTONA BEACH SHORES, VOLUSIA COUNTY, FL	---	---	100	---
EGMONT KEY SHORELINE STABILIZATION, FL	---	---	500	---
FLAGLER COUNTY, FL	---	---	100	---
HILLSBOROUGH RIVER, FL	340	---	340	---
LAKE WORTH INLET, PALM BEACH COUNTY, FL	370	---	370	---
SARASOTA COUNTY, LIDO KEY, FL	---	---	---	200
LITTLE TALBOT ISLAND, FL	---	---	---	100

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
PORT EVERGLADES HARBOR, FL	---	---	---	100
ST. JOHNS COUNTY, FL	---	---	100	---
ST. PETERSBURG HARBOR, FL	---	---	---	400
ST. LUCIE COUNTY, FL	---	---	100	---
WALTON COUNTY BEACH & ENVIRONMENTAL RESTORATION STUDY,	---	---	300	---
WITHLACOOCHEE RIVER, FL	340	---	340	---
GEORGIA				
ALLATOONA LAKE, GA	150	---	150	---
ARABIA MOUNTAIN, GA	150	---	150	---
AUGUSTA, GA	300	---	300	---
INDIAN, SUGAR, ENTRENCHMENT & FEDERAL PRISON CREEKS	175	---	175	---
LONG ISLAND, MARSH AND JOHNS CREEKS, GA	150	---	150	---
SAVANNAH ESTUARY AND FRESHWATER WETLANDS, GA	---	---	100	---
SAVANNAH HARBOR ECOSYSTEM RESTORATION, GA	150	---	150	---
SAVANNAH HARBOR EXPANSION, GA & SC	---	---	---	500
SAVANNAH HARBOR SEDIMENT CONTROL WORKS, GA & SC	100	---	100	---
SAVANNAH RIVER BASIN COMPREHENSIVE, GA & SC	200	---	200	---
UTOY, SANDY AND PROCTOR CREEKS, GA	100	---	100	---
GUAM				
HAGATNA RIVER, GUAM	---	---	100	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
HAWAII				
ALA WAI CANAL, OAHU, HI	100	---	100	---
BARBERS POINT HARBOR MODIFICATION, OAHU, HI	100	---	100	---
IAO STREAM FLOOD CONTROL, HI (ISLAND OF MAUI)	---	---	---	100
KAHUKU, HI	100	---	100	---
KAWAIHAE DEEP DRAFT HARBOR MODIFICATIONS, HAWAII, HI	100	---	100	---
KIHEI AREA EROSION, HI	100	---	100	---
NAWILIWILI HARBOR MODIFICATION, KAUAI, HI	100	---	100	---
WAILUPE STREAM FLOOD CONTROL STUDY, HI	---	---	---	200
WAIKIKI BEACH EROSION CONTROL PROJECT, OAHU, HI	---	---	---	250
IDAHO				
BOISE RIVER, BOISE, ID	110	---	110	---
LITTLE WOOD RIVER, GOODING, ID	100	---	100	100
ILLINOIS				
ALEXANDER AND PULASKI COUNTIES, IL	103	---	103	---
DES PLAINES RIVER, IL (PHASE II)	278	---	400	---
GREAT LAKES FISHERY & ECOSYSTEM RESTORATION, IL, IN, M	---	---	36	---
ILLINOIS RIVER AT BEARDSTOWN, IL (BEARDSTOWN HARBOR)	---	---	100	---
ILLINOIS RIVER BASIN RESTORATION, IL	504	---	600	---
ILLINOIS RIVER ECOSYSTEM RESTORATION, IL	148	---	148	---
PEORIA RIVERFRONT DEVELOPMENT, IL	---	600	---	600

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
ROCK RIVER, IL & WI	48	---	48	---
UPPER MISS & ILLINOIS NAV STUDY, IL, IA, MN, MO & WI	3,216	---	3,700	---
UPPER MISS RVR COMPREHENSIVE PLAN, IL, IA, MO, MN & WI	494	---	2,000	---
WAUKEGAN HARBOR, IL (1970 MODIFICATION)	---	---	---	175
WOOD RIVER LEVEE, IL	---	---	---	200
INDIANA				
INDIANA HARBOR, IN	150	---	500	---
JOHN T. MYERS LOCK AND DAM, IN & KY	---	---	---	1,300
IOWA				
CLEAR LAKE WATERSHED, IA	---	---	100	---
DAVENPORT, IA	---	159	---	159
DES MOINES AND RACCOON RIVERS, IA	565	---	565	---
FORT DODGE, IA	23	---	---	---
LOWER DES MOINES RIVER, IA & MO	50	---	50	---
KANSAS				
BRUSH CREEK BASIN STUDY, KS & MO	---	---	100	---
GRAND (NEOSHO) RIVER BASIN WATERSHED, KS & OK	---	---	100	---
TOPEKA, KS	125	---	125	50
TURKEY CREEK BASIN, KS & MO	---	205	---	---
UPPER TURKEY CREEK, KS	229	---	---	229

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
WALNUT AND WHITEWATER RIVER WATERSHEDS, KS	160	---	160	---
KENTUCKY				
DEWEY LAKE WATER REALLOCATION, KY	---	---	100	---
GREENUP LOCKS AND DAM, OHIO RIVER, KY & OH	---	2,895	---	2,895
LICKING RIVER WATER SUPPLY, CYNTHIANA, KY	---	---	100	---
METROPOLITAN LOUISVILLE, JEFFERSON COUNTY, KY	200	---	200	---
METROPOLITAN LOUISVILLE, MILL CREEK BASIN, KY	176	---	176	---
METROPOLITAN LOUISVILLE, SOUTHWEST, KY	225	---	400	---
OHIO RIVER MAIN STEM SYSTEMS STUDY, KY, IL, IN, PA, WV	1,350	---	1,350	---
LOUISIANA				
AMITE RIVER AND TRIBUTARIES ECOSYSTEM RESTORATION, LA	50	---	50	---
AMITE RIVER AND TRIBUTARIES, BAYOU MANCHAC, LA	100	---	200	---
ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, L	150	---	1,150	---
BAYOU SORREL LOCK, LA	---	707	---	707
BOSSIER PARISH LEVEE AND FLOOD CONTROL, LA	---	---	100	---
CALCASIEU LOCK, LA	100	---	100	---
CALCASIEU RIVER BASIN, LA	50	---	50	---
CALCASIEU RIVER PASS SHIP CHANNEL ENLARGEMENT, LA	---	---	150	---
CROSS LAKE, LA WATER SUPPLY IMPROVEMENTS	---	---	100	---
GIWW ECOSYSTEM RESTORATION, LA	100	---	100	---
HURRICANE PROTECTION, LA	100	---	100	---
JEFFERSON PARISH, LA	---	---	---	25

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
LAFAYETTE PARISH, LA	---	645	---	645
LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LA	848	---	2,500	---
ORLEANS PARISH, LA	---	---	---	25
PLAQUEMINES PARISH URBAN FLOOD CONTROL, LA	100	---	100	---
PORT OF IBERIA, LA	150	---	1,150	---
ST BERNARD PARISH URBAN FLOOD CONTROL, LA	100	---	100	---
ST CHARLES PARISH URBAN FLOOD CONTROL, LA	100	---	100	---
ST JOHN THE BAPTIST PARISH, LA	100	---	350	---
WEST BATON ROUGE PARISH, LA	---	---	---	100
WEST SHORE - LAKE PONTCHARTRAIN, LA, FEASIBILITY STUDY	---	---	---	300
MAINE				
SEARSPORT HARBOR, ME	---	---	100	---
MARYLAND				
ANACOSTIA RIVER & TRIBUTARIES, MD & DC	---	---	200	---
ANACOSTIA RIVER, PG COUNTY LEVEE, MD & DC	194	---	194	---
BALTIMORE METROPOLITAN WATER RESOURCES, GWYNNS FALLS,	---	---	---	300
CHESAPEAKE BAY SHORELINE EROSION, MD, VA & DE	200	---	450	---
EASTERN SHORE, MID CHESAPEAKE BAY ISLAND, MD	351	---	800	---
LOWER POTOMAC ESTUARY WATERSHED, ST MARY'S, MD	200	---	294	---
MIDDLE POTOMAC RIVER BASIN, MD	100	---	200	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
MASSACHUSETTS				
BLACKSTONE RIVER WATERSHED RESTORATION, MA & RI	50	---	50	---
BOSTON HARBOR (45-FOOT CHANNEL), MA	500	---	500	---
COASTAL MASSACHUSETTS ECOSYSTEM RESTORATION, MA	170	---	170	---
SOMERSET AND SEARSBURG DAMS, MA & VT	---	---	---	100
MICHIGAN				
DETROIT RIVER MASTER PLAN, MI	---	---	100	---
DETROIT RIVER SEAWALLS, MI	---	---	---	150
GREAT LAKES NAV SYST STUDY, MI, IL, IN, MN, NY, OH, PA	740	---	2,000	---
JOHN GLENN GREAT LAKES BASIN (STRATEGIC PLAN), MI, IL,	---	---	131	---
JOHN GLENN GREAT LAKES BASIN (BIOHYDROLOGICAL), MI, IL	---	---	45	---
JOHN GLENN GREAT LAKES BASIN (RECREATION BOATING), MI,	---	---	300	---
LANSING, MI	---	---	100	---
MUSKEGON LAKE, MI - ENVIRONMENTAL DREDGING	---	---	---	100
ROUGE RIVER SUPP PLAN, MI	---	---	100	---
ROUGE RIVER ENVIRONMENTAL DREDGING, MI	---	---	25	---
MINNESOTA				
MINNEHAHA CREEK WATERSHED, UMR LAKE ITASCA TO L&D 2, M	250	---	250	---
MINNESOTA RIVER BASIN, MN & SD	---	---	132	---
RED RIVER OF THE NORTH BASIN, MN, ND, SD & MANITOBA, C	1,200	---	1,200	---
SOUTH WASHINGTON CTY WATERSHED, UMR LAKE ITASCA TO L&D	250	---	250	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
MISSISSIPPI				
GULFPORT AND HARRISON COUNTY WATERSHED STUDY, MS	100	---	100	---
HANCOCK COUNTY SEAWALL RESTORATION, MS	150	---	150	---
PEARL RIVER WATERSHED, MS	400	---	550	---
MISSOURI				
CHESTERFIELD, MO	---	439	---	350
KANSAS CITYS, MO & KS	316	---	500	---
MISSOURI RIVER LEVEE SYSTEM, UNITS L455 & R460-471, MO	150	---	150	---
RIVER DES PERES,MO	---	---	---	100
SPRINGFIELD, MO	230	---	400	---
ST. LOUIS FLOOD PROTECTION, MO	---	---	---	100
ST. LOUIS HARBOR, MO	---	---	---	100
ST LOUIS MISSISSIPPI RIVERFRONT, MO & IL	151	---	200	---
SWOPE PARK INDUSTRIAL AREA, KANSAS CITY, MO	---	---	---	350
WEARS CREEK, JEFFERSON CITY, MO	100	---	100	---
MONTANA				
YELLOWSTONE RIVER CORRIDOR, MT	209	---	209	---
NEBRASKA				
LOWER PLATTE RIVER AND TRIBUTARIES, NE	191	---	191	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
SAND CREEK WATERSHED, WAHOO, NE	---	546	---	546
WESTERN SARPY AND CLEAR CREEK, NE	---	318	---	318
NEVADA				
LAS VEGAS WASH, NORTH LAS VEGAS, NV	50	---	50	---
LOWER LAS VEGAS WASH WETLANDS, NV	50	---	350	---
TECHNICAL ASSISTANCE, TAHOE REGIONAL PLANNING, NV	---	---	150	---
TRUCKEE MEADOWS, NV	---	---	---	2,000
WALKER RIVER BASIN, NV	100	---	100	---
NEW HAMPSHIRE				
CONNECTICUT RIVER ECOSYSTEM RESTORATION, NH & VT	115	---	115	---
MERRIMACK RIVER BASIN, NH	400	---	400	---
PORTSMOUTH HARBOR & PISCATAQUA TURNING BASIN, NH	---	---	100	---
NEW JERSEY				
BARNEGAT BAY ECOSYSTEM RESTORATION, NJ	---	---	---	200
DELAWARE RIVER BASIN COMPREHENSIVE, NJ, NY, DE & PA	50	---	200	---
GOFFLE BROOK, BOROUGH OF HAWTHORNE, NJ	25	---	50	---
GREAT EGG INLET TO TOWNSEND INLET, NJ	---	539	---	600
HUDSON - RARITAN ESTUARY, HACKENSACK MEADOWLANDS, NJ	100	---	800	---
HUDSON - RARITAN ESTUARY, LOWER PASSAIC RIVER, NJ	25	---	400	---
MANASQUAN INLET TO BARNEGAT INLET, NJ	---	---	---	150

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
MID-DELAWARE RIVER BASIN COMPREHENSIVE, NJ, PA	---	---	100	---
NEW JERSEY INTRACOASTAL WATERWAY, ENVIRONMENTAL RESTOR	---	---	---	150
NEW JERSEY SHORE PROTECTION, HEREFORD TO CAPE MAY INLE	100	---	100	---
NEW JERSEY SHORELINE ALTERNATIVE LONG-TERM NOURISHMENT	100	---	150	---
PASSAIC RIVER, HARRISON, NJ	---	---	---	150
PASSAIC RIVER ENVIRONMENTAL RESTORATION	25	---	100	---
PECKMAN RIVER AND TRIBUTARIES, NJ	200	---	300	---
RAHWAY RIVER BASIN, NJ	150	---	150	---
RARITAN BAY AND SANDY HOOK BAY, HIGHLANDS, NJ	200	---	200	---
RARITAN BAY AND SANDY HOOK BAY, KEYPORT, NJ	200	---	200	---
RARITAN BAY AND SANDY HOOK BAY, LEONARDO, NJ	150	---	150	---
RARITAN BAY AND SANDY HOOK UNION BEACH, NJ	---	---	---	100
RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NJ	---	---	---	250
SHREWSBURY RIVER AND TRIBUTARIES, NJ	150	---	150	---
SOUTH RIVER, RARITAN RIVER BASIN	---	---	---	100
STONY BROOK, MILLSTONE RIVER BASIN, NJ	200	---	200	---
UPPER ROCKAWAY RIVER, NJ	441	---	400	---
WOODBRIDGE RIVER BASIN, NJ	150	---	175	---
NEW MEXICO				
EAST MESA, LAS CRUCES, NM	---	---	130	---
ESPANOLA VALLEY, RIO GRANDE AND TRIBUTARIES, NM	50	---	510	20
MIDDLE RIO GRANDE BOSQUE, NM	225	---	300	---
RIO GRANDE BASIN, NM, CO & TX	125	---	164	---
SANTA FE, NM	225	---	250	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
SOUTHWEST VALLEY FLOOD DAMAGE REDUCTION STUDY, ALBUQUE	---	---	---	250
NEW YORK				
BRONX RIVER BASIN, NY	50	---	50	---
BUFFALO RIVER ENVIRONMENTAL DREDGING, NY	52	---	75	---
EAST RIVER SEAWALL, QUEENS COUNTY, NY	---	---	100	---
EIGHTEENMILE CREEK, NIAGARA COUNTY, NY (GREAT LAKES RE	---	---	75	---
FLUSHING BAY & CREEK, NY	---	---	---	25
FREEPORT CREEK, VILLAGE OF FREEPORT, NY	25	---	25	---
GATEWAY POINT, NORTH TONAWANDA, NY	---	---	100	---
HUDSON - RARITAN ESTUARY, GOWANUS CANAL, NY & NJ	255	---	400	---
HUDSON - RARITAN ESTUARY, NY & NJ	685	---	1,000	---
HUDSON RIVER HABITAT RESTORATION, NY	25	---	25	25
JAMAICA BAY, MARINE PARK AND PLUMB BEACH, NY	147	---	147	---
LAKE MONTAUK HARBOR, NY	85	---	85	---
NEW YORK HARBOR ANCHORAGE AREAS, NY	---	---	---	50
NORTH SHORE OF LONG ISLAND, ASHAROKEN, NY	134	---	134	---
NORTH SHORE OF LONG ISLAND, BAYVILLE, NY	170	---	170	---
ONONDAGA LAKE, NY	307	---	800	---
SAW MILL RIVER AND TRIBUTARIES, NY	50	---	50	---
SOUTH SHORE OF STATEN ISLAND, NY	250	---	275	---
SUSQUEHANNA RIVER BASIN ENVIRONMENTAL RESTORATION AND	---	---	150	---
TONAWANDA CREEK WATERSHED, NY	---	---	100	---
UPPER DELAWARE RIVER WATERSHED, NY	50	---	50	---
UPPER SUSQUEHANNA RIVER BASIN ENVIRON RESTORATION, NY	200	---	200	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
NORTH CAROLINA				
BOGUE BANKS, NC	400	---	400	---
CURRITUCK SOUND, NC	150	---	150	---
DARE COUNTY BEACHES, HATTERAS AND OCRACOKE ISLANDS, NC	150	---	300	---
NEUSE RIVER BASIN, NC	100	---	100	---
SURF CITY AND NORTH TOPSAIL BEACH, NC	200	---	200	---
TAR RIVER BASIN, NC	100	---	100	---
OHIO				
ASHTABULA RIVER ENVIRONMENTAL DREDGING, OH	---	250	---	450
COLUMBUS METROPOLITAN AREA, OH	365	---	365	---
DUCK CREEK WATERSHED IN WASHINGTON, NOBLE, GUERNSEY &	---	---	100	---
HOCKING RIVER BASIN ENV RESTORATION, MONDAY CREEK, OH	40	---	40	100
MAHONING RIVER ENVIRONMENTAL DREDGING, OH & PA	450	---	642	100
MUSKINGUM BASIN SYSTEM STUDY, OH	357	---	357	---
OHIO RIVERFRONT, CINCINNATI, OH	---	---	---	350
WESTERN LAKE ERIE BASIN, OH, IN & MI	130	---	200	---
WHEELING CREEK, OH	---	---	100	---
OKLAHOMA				
GRAND LAKE, OK	---	---	150	---
MIAMI AND VICINITY, OK	231	---	231	---
OOLOGAH LAKE WATERSHED, OK & KS	259	---	259	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
SOUTHEAST OKLAHOMA WATER RESOURCE STUDY, OK	50	---	50	---
SPAVINAW CREEK WATERSHED, OK & AR	---	---	100	---
WISTER LAKE WATERSHED, OK	---	---	100	---
WASHITA RIVER BASIN	---	---	100	---
OREGON				
AMAZON CREEK, OR	250	---	250	---
LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR & WA	250	---	250	---
TILLAMOOK BAY AND ESTUARY ECOSYSTEM RESTORATION, OR	43	---	43	350
WALLA WALLA RIVER WATERSHED, OR & WA	439	---	439	---
WILLAMETTE RIVER BASIN REVIEW, OR	94	---	94	---
WILLAMETTE RIVER ENVIRONMENTAL DREDGING, OR	313	---	313	---
WILLAMETTE RIVER FLOODPLAIN RESTORATION, OR	210	---	210	---
PENNSYLVANIA				
CHRISTINA RIVER WATERSHED, PA, DE & MD	50	---	50	---
SCHUYKILL ESTUARINE RIVER BASIN, PA	---	---	200	---
SCHUYLKILL RIVER, WISSAHICKON, PA	50	---	50	---
SUSQUEHANNA & DELAWARE RIVER BASIN (SOUTHERN ANTHRACIT	---	---	75	---
TOWN OF BLOOMSBURG LOCAL FLOOD PROTECTION PROJECT, PA	---	---	65	---
UNAMI CREEK, PA	---	---	32	---
UPPER OHIO RIVER NAVIGATION SYSTEM STUDY, PA (EMSWORTH	---	---	600	---
UPPER SUSQUEHANNA RIVER BASIN, PA (PHASE II)	180	---	180	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
PUERTO RICO				
CANO MARTIN PENA, SAN JUAN, PR (ENVIRONMENTAL RESTORAT	---	---	---	200
RHODE ISLAND				
RHODE ISLAND ECOSYSTEM RESTORATION, RI	20	---	20	---
SOUTH CAROLINA				
ATLANTIC INTRACOASTAL WATERWAY, SC	430	---	430	---
BROAD RIVER BASIN, SC	100	---	100	---
EDISTO ISLAND, SC	---	---	100	---
PAWLEYS ISLAND, SC	---	---	---	100
REEDY RIVER, SC	170	---	170	---
SANTEE DELTA ENVIRONMENTAL RESTORATION, SC	75	---	75	---
WACCAMAW RIVER, SC	50	---	50	---
SOUTH DAKOTA				
JAMES RIVER, SD & ND	150	---	400	---
WATERTOWN & VICINITY, SD	---	---	---	473
TENNESSEE				
DAVIDSON COUNTY, TN	243	---	300	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
TEXAS				
ABILENE, TX (BRAZOS RIVER BASIN - ELM CREEK)	---	---	200	---
BUFFALO BAYOU AND TRIBUTARIES, WHITE OAK BAYOU, TX	100	---	575	---
BUFFALO BAYOU & TRIBUTARIES (MAINSTEM), TX	---	---	---	100
CEDAR BAYOU, TX	---	---	---	275
COLONIAS - LOWER RIO GRANDE BASIN, TX	---	---	---	300
CORPUS CHRISTI SHIP CHANNEL, TX	---	---	---	400
FREEPORT HARBOR, TX	250	---	250	---
FREEPORT HURRICANE PROTECTION LEVEE, TX	200	---	200	---
GIWW MODIFICATIONS, TX	350	---	350	---
GIWW, BRAZOS RIVER TO PORT O'CONNOR, TX	361	---	361	---
GIWW, HIGH ISLAND TO BRAZOS RIVER REALIGNMENTS, TX	200	---	200	---
GIWW, VICINITY OF PORT ISABEL, (CAMERON COUNTY), TX	---	---	200	---
GIWW, HIGH ISLAND TO BRAZOS RIVER, TX	---	315	---	315
GIWW, MATAGORDA BAY, TX	---	100	---	100
GIWW, PORT O'CONNOR TO CORPUS CHRISTI BAY, TX	400	---	400	---
GREENS BAYOU, HOUSTON, TX	---	774	---	774
GUADALUPE AND SAN ANTONIO RIVER BASINS, TX	150	---	500	---
HARRIS GULLY, HOUSTON, TX	---	---	100	---
LOWER COLORADO RIVER BASIN, TX	600	---	1,000	---
LOWER SABINE RIVER, TX & LA	---	---	100	---
MIDDLE BRAZOS RIVER, TX	50	---	300	---
MATAGORDA SHIP CHANNEL (PORT LAVACA), TX	---	---	350	---
NORTHWEST EL PASO, TX	300	---	300	---
NUECES RIVER AND TRIBUTARIES, TX	100	---	100	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
RAYMONDVILLE DRAIN, TX	---	---	---	650
RESACAS AT BROWNSVILLE, TX	300	---	300	---
RIO GRANDE BASIN, TX	---	---	100	---
RIVERSIDE OXBOW, UPPER TRINITY BASIN, FT WORTH, TX	---	350	---	350
SABINE - NECHES WATERWAY, TX	300	---	325	---
SABINE PASS TO GALVESTON BAY, TX	450	---	450	---
SOUTH MAIN CHANNEL, TX	---	---	---	275
SPARKS ARROYO COLONIA, EL PASO COUNTY, TX	235	---	235	---
SULPHUR RIVER ENVIRONMENTAL RESTORATION, TX	50	---	50	---
TEXAS CITY CHANNEL, TX	---	---	---	800
TRI-COUNTY FLOOD STUDY, SAN ANTONIO RIVER, TX	100	---	300	---
UPPER TRINITY RIVER BASIN, TX	400	---	1,000	---
UNITED STATES VIRGIN ISLANDS				
CROWN BAY, ST. THOMAS, USVI	---	---	---	250
UTAH				
PROVO AND VICINITY, UT	100	---	100	---
VIRGINIA				
AIWW, BRIDGES AT DEEP CREEK, VA	---	694	---	1,000
DISMAL SWAMP & DISMAL SWAMP CANAL	---	---	100	---
ELIZABETH RIVER BASIN, ENV RESTORATION, VA (PHASE II)	200	---	200	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
ELIZABETH RIVER, HAMPTON ROADS, VA	---	75	---	75
FOURMILE RUN, VA	150	---	150	---
GATHRIGHT DAM & LAKE MOOMAW, VA	---	---	150	---
JAMES RIVER CHANNEL, VA	---	---	---	150
JOHN H KERR DAM AND RESERVOIR, VA & NC (SECTION 216)	250	---	250	---
LYNNHAVEN RIVER BASIN, VA	300	---	300	---
NORFOLK HARBOR AND CHANNELS, CRANEY ISLAND, VA	56	---	56	---
PHILPOTT LAKE STUDY (SEC 216)	---	---	100	---
POWELL RIVER WATERSHED, VA	197	---	197	---
VICINITY OF WILLOUGHBY SPIT, VA	---	---	---	100
WASHINGTON				
CENTRALIA, WA	---	---	---	100
CHEHALIS RIVER BASIN, WA	310	---	310	---
ELLIOTT BAY SEAWALL, SEATTLE, WA	---	---	400	---
LAKE WASHINGTON SHIP CANAL, WA	446	---	446	---
PUGET SOUND NEARSHORE MARINE HABITAT RESTORATION, WA	350	---	350	---
SKAGIT RIVER, WA	350	---	750	---
STILLAGUAMISH RIVER BASIN, WA	---	---	---	100
WHITE RIVER FLOOD CONTROL AND ECOSYSTEM RESTORATION, W	250	---	250	---
WEST VIRGINIA				
LITTLE KANAWHA RIVER, WV	65	---	65	---
NEW RIVER BASIN, WV, NC & VA	130	---	130	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
SOUTH CHARLESTON PORT, WV	---	---	164	---
WISCONSIN				
BARABOO RIVER, WI	500	---	500	---
FOX RIVER, WI	100	---	100	---
MISCELLANEOUS				
COASTAL FIELD DATA COLLECTION	2,500	---	3,500	---
ENVIRONMENTAL DATA STUDIES	100	---	100	---
EX POST FACTO NATIONAL STUDY	2,000	---	---	---
FLOOD DAMAGE DATA	300	---	300	---
FLOOD PLAIN MANAGEMENT SERVICES	7,500	---	7,500	---
GREAT LAKES REMEDIAL ACTION PLAN	---	---	1,000	---
HYDROLOGIC STUDIES	400	---	400	---
INDEPENDENT REVIEW NATIONAL STUDY	3,000	---	---	---
INTERNATIONAL WATER STUDIES	400	---	400	---
NATIONAL SHORELINE	500	---	500	---
OTHER COORDINATION PROGRAMS	4,850	---	4,850	---
PLANNING ASSISTANCE TO STATES	6,000	---	6,500	---
PRECIPITATION STUDIES (NATIONAL WEATHER SERVICE)	300	---	300	---
REMOTE SENSING/GEOGRAPHIC INFORMATION SYSTEM SUPPORT	200	---	200	---
RESEARCH AND DEVELOPMENT	22,000	---	23,000	---
SCIENTIFIC AND TECHNICAL INFORMATION CENTERS	100	---	100	---
STREAM GAGING (U.S. GEOLOGICAL SURVEY)	500	---	500	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
TRANSPORTATION SYSTEMS	500	---	500	---
TRI-SERVICE CADD/GIS TECHNOLOGY CENTER	450	---	450	---
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-20,400	---	-55,528	---
TOTAL, GENERAL INVESTIGATIONS	89,989	10,011	87,382	29,567

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
ALABAMA		
DUCK RIVER WATER SUPPLY PROJECT, CULLMAN, AL	---	100
MOBILE HARBOR, AL	2,003	2,003
WALTER F GEORGE POWERHOUSE AND DAM, AL & GA (MAJOR REH	12,035	12,035
WALTER F GEORGE POWERPLANT, AL & GA (MAJOR REHAB)	3,000	3,000
ALASKA		
DILLINGHAM EMERGENCY BANK, AK	---	4,000
DILLINGHAM SMALL BOAK, AK	---	3,000
KAKE DAM, AK	---	4,000
NOME HARBOR IMPROVEMENTS, AK	6,000	6,000
SAND POINT,AK	---	1,000
SEWARD, AK	---	1,000
SITKA, AK	---	1,000
ST PAUL HARBOR, AK	3,826	3,826
WRANGELL, AK	---	4,000
ARIZONA		
TUSCON DRAINAGE AREA, AZ	---	2,500
NOGALES WASH, AZ	---	1,200
RIO DE FLAG, FLAGSTAFF, AZ	---	3,500
RIO SALADO, PHOENIX AND TEMPE REACHES, AZ	11,600	17,000
TRES RIOS, AZ	---	5,000
ARKANSAS		
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR.	3,300	3,300
MONTGOMERY POINT LOCK AND DAM, AR	20,000	23,500
OZARK-JETA TAYLOR (POWERHOUSE, MAJOR REHAB), AR	---	2,000
RED RIVER BELOW DENISON DAM, AR, LA & TX	---	750
RED RIVER EMERGENCY BANK, AR & LA	---	1,250
CALIFORNIA		
AMERICAN RIVER WATERSHED (FOLSOM DAM MINI-RAISE), CA.	---	4,000
AMERICAN RIVER WATERSHED (FOLSOM DAM MODIFICATIONS), C	4,000	4,000
AMERICAN RIVER WATERSHED, CA	4,000	4,000
CAMBRIA SEAWATER DESALINIZATION INFRASTRUCTURE, CA	---	500
CITY OF SANTA CLARITA, CA	---	500
CORTE MADERA CREEK FLOOD CONTROL	---	125
COYOTE & BERRYESSA CREEKS, CA	---	250
FARMINGTON RECHARGE DEMONSTRATION PROJECT, CA	---	1,000
GUADALUPE RIVER, CA	13,000	14,000
HARBOR/SOUTH BAY WATER RECYCLING PROJECT, LOS ANGELES.	---	4,500
HAMILTON AIRFIELD WETLANDS RESTORATION, CA	2,000	3,000
IMPERIAL BEACH (SILVER STRAND BEACH RESTORATION PROJEC	---	300
KAWEAH RIVER, CA	8,400	8,400
MARYSVILLE/YUBA CITY LEVEE RECONSTRUCTION, CA	500	750
MERCED COUNTY STREAMS, CA	---	200
MID-VALLEY AREA LEVEE RECONSTRUCTION, CA	500	500
MURRIETA CREEK, CA (FLOOD CONTROL PROJECT)	---	1,000
NAPA RIVER, CA	7,500	10,000
NORTH VALLEY REGIONAL WATER INFRASTRUCTURE (CITY OF LA	---	2,500
OAKLAND HARBOR (50 FOOT PROJECT), CA	7,000	20,000
PETALUMA RIVER, CA	2,000	7,300
PORT OF LOS ANGELES, CA (MAIN CHANNEL DEEPENING)	---	15,000
SACRAMENTO AREA	---	8,600
SACRAMENTO RIVER BANK PROTECTION PROJECT, CA	2,000	2,000
SACRAMENTO RIVER DEEP WATER SHIP CHANNEL	---	250
SAN FRANCISCO BAY TO STOCKTON, CA	---	750
SAN RAMON VALLEY RECYCLED WATER PROJECT, CA	---	750
SANTA ANA RIVER MAINSTEM, CA	15,700	22,500
SOUTH PERRIS, CA (WATER SUPPLY DESALINIZATION)	---	750

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
SOUTH SACRAMENTO COUNTY STREAMS, CA	2,100	3,500
STOCKTON METROPOLITIAN FLOOD CONTROL REIMBURSEMENT, CA	500	500
SUCCESS DAM, TULE RIVER, CA (DAM SAFETY)	1,000	1,000
TULE RIVER, CA	1,600	1,850
UPPER NEWPORT BAY, CA	---	500
UPPER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA	1,000	1,500
YUBA RIVER BASIN PROJECT, CA	---	750
DELAWARE		
DELAWARE BAY COASTLINE, BETHANY TO SOUTH BETHANY, DE	---	500
DELAWARE BAY COASTLINE, DE & NJ - PT. MAHON, DE	---	750
DELAWARE BAY COASTLINE, ROOSEVELT INLET TO LEWES BEACH	2,008	2,008
DELAWARE COAST, CAPE HENLOPEN TO FENWICK ISLAND, DE	---	214
DELAWARE COAST PROTECTION, DE	285	285
DELAWARE COAST, REHOBOTH BEACH TO DEWEY BEACH, DE	5,768	5,768
FLORIDA		
BREVARD COUNTY SHORE PROTECTION, FL	---	250
BROWARD COUNTY SHORE PROTECTION, FL	---	1,500
CANAVERAL HARBOR, FL	2,000	2,500
CENTRAL AND SOUTHERN FLORIDA, FL	112,498	105,000
DADE COUNTY (BEACH EROSION CONTROL & HURRICANE PROTECT	---	1,000
DUVAL COUNTY SHORE PROTECTION PROJECT, FL	---	500
EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FL	14,835	14,835
FLORIDA KEYS WATER QUALITY IMPROVEMENTS, FL	---	500
FORT PIERCE BEACH, FL	---	750
HERBERT HOOVER DIKE, FL (MAJOR REHAB)	1,000	1,000
JACKSONVILLE HARBOR, FL	2,000	2,500
JIM WOODRUFF LOCK AND DAM POWERHOUSE, FL & GA (MAJOR R	873	873
KISSIMMEE RIVER, FL	17,706	17,706
LEE COUNTY(SHORE PROTECTION, ALL ELEMENTS), FL	---	1,000
MANATEE HARBOR, FL	---	1,500
MARTIN COUNTY, FL	---	300
MIAMI HARBOR CHANNEL, FL	2,700	2,700
PALM BEACH COUNTY (DELRAY BEACH, JUPITER/CARLIN CENTRA	---	1,500
PINELLAS COUNTY, FL	---	2,500
PONCE DE LEON INLET, SOUTH JETTY, FL	---	500
PORT EVERGLADES, FL - (SOUTHPORT CHANNEL & TURNING NOT	---	600
SARASOTA COUNTY (CITY OF VENICE SEGMENT), FL	---	1,000
TAMPA HARBOR, FL	---	2,500
TAMPA HARBOR - ALAFIA RIVER, FL	---	7,000
TAMPA HARBOR (BIG BEND CHANNEL), FL	---	4,000
GEORGIA		
BRUNSWICK HARBOR, GA	4,500	7,200
BUFORD POWERHOUSE, GA (MAJOR REHAB)	3,000	3,000
OATES CREEK, RICHMOND COUNTY, GA (DEF CORR)	500	500
RICHARD B RUSSELL DAM AND LAKE, GA & SC	4,328	8,678
THURMOND LAKE POWERHOUSE, GA & SC (MAJOR REHAB)	5,500	5,500
TYBEE ISLAND SHORE PROTECTION, GA	---	150
HAWAII		
HAWAII WATER MANAGEMENT, HI	---	750
IAO STREAM FLOOD CONTROL, HI	---	175
KAUMALAPAU HARBOR (ISLAND OF LANAI), HI	---	2,500
KIKIAOLA SMALL BOAT HARBOR, KAUAI, HI	3,633	3,633
MAALAEA HARBOR, MAUI, HI	191	191
IDAHO		
RURAL IDAHO	---	4,450

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
ILLINOIS		
CHAIN OF ROCKS CANAL, MISSISSIPPI RIVER, IL (DEF CORR)	2,300	2,300
CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, IL.	500	700
CHICAGO SHORELINE, IL	24,000	24,500
DES PLAINES RIVER, IL (PHASE I)	---	250
EAST ST LOUIS, IL	815	815
EAST ST. LOUIS & VICINITY INTERIOR FLOOD CONTROL, IL..	---	200
COOK COUNTY ENVIRONMENTAL INFRASTRUCTURE, IL	---	350
GREAT LAKES FISHERY & ECO REST, IL, IN, MI, MN, OH, PA	---	700
ILLINOIS RIVER BASIN RESTORATION, IL	---	1,500
LOCK AND DAM 24, MISSISSIPPI RIVER, IL & MO (MAJOR REH	13,000	15,000
LOVES PARK, IL	5,785	5,785
MADISON & ST. CLAIR COUNTIES, IL (ENVIRONMENTAL INFRAS	---	850
MCCOOK AND THORNTON RESERVOIRS, IL	18,000	19,500
MELVIN PRICE LOCK AND DAM, IL & MO	600	600
NUTWOOD DRAINAGE AND LEVEE DISTRICT, IL	---	200
OLMSTED LOCKS AND DAM, OHIO RIVER, IL & KY	73,000	63,000
UPPER MISS RVR SYSTEM ENV MGMT PROGRAM, IL, IA, MN, MO	33,320	19,000
WOOD RIVER DRAINAGE AND LEVEE DISTRICT, IL	---	100
INDIANA		
CALUMET REGION ENVIRON INFRASTRUCTURE, IN	---	3,000
GRAND CALUMET RIVER REMEDIAL ACTION PLAN, IN	---	150
INDIANAPOLIS, ENVIRONMENTAL INFRASTRUCTURE PLANNING (C	---	1,000
INDIANA HARBOR (CONFINED DISPOSAL FACILITY), IN	5,700	7,000
INDIANA SHORELINE (DUNES), IN	---	1,000
INDIANAPOLIS, WHITE RIVER (NORTH), IN	2,600	2,600
JOHN T. MYERS LOCKS AND DAM, IN	---	500
LITTLE CALUMET RIVER BASIN (CADY MARSH DITCH), IN	---	4,500
LITTLE CALUMET RIVER, IN	3,800	4,000
MISSISSINEWA LAKE, IN (MAJOR REHAB)	21,000	21,000
OHIO RIVER GREENWAY PUBLIC ACCESS, IN	1,000	1,000
OHIO RIVER FLOOD PROTECTION, IN (INDIANA SHORELINE)	---	650
IOWA		
DES MOINES RECREATION RIVER & GREENBELT, IA	---	3,217
LOCK AND DAM 11, MISSISSIPPI RIVER, IA (MAJOR REHAB)..	1,313	1,313
LOCK AND DAM 19, MISSISSIPPI RIVER, IA (MAJOR REHAB)..	---	750
MISSOURI RIVER FISH AND WILDLIFE MITIGATION, IA, NE, K	22,000	18,000
MISSOURI RIVER LEVEE SYSTEM, IA, NE, KS & MO	7,000	11,500
PERRY CREEK, IA	2,200	2,200
KANSAS		
ARKANSAS CITY, KS	2,600	2,600
TURKEY CREEK BASIN, KS & MO	---	500
KENTUCKY		
DEWEY LAKE, KY (DAM SAFETY)	1,946	1,946
KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KY	24,866	29,866
KENTUCKY RIVER LOCK AND DAM 10, KY	---	500
LOUISVILLE WATERFRONT PARK, PHASE II & PHASE III, KY..	---	750
MCALPINE LOCKS AND DAM, OHIO RIVER, KY & IN	26,100	35,000
METROPOLITAN LOUISVILLE, BEARGRASS CREEK, KY	1,400	1,400
METROPOLITAN LOUISVILLE, POND CREEK, KY	2,500	2,500
SOUTHERN & EASTERN KY	---	2,500
LOUISIANA		
ASCENSION PARISH ENVIRONMENTAL INFRASTRUCTURE, LA	---	400
COMITE RIVER, LA	2,000	3,500
EAST BATON ROUGE, LA ENVIRONMENTAL INFRASTRUCTURE	---	750

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
EAST BATON ROUGE, LA FLOOD CONTROL PROJECT	---	250
GRAND ISLE & VICINITY, LA	---	150
IBERIA PARISH ENVIRONMENTAL INFRASTRUCTURE, LA	---	100
INNER HARBOR NAVIGATION CANAL LOCK, LA	7,000	12,000
J BENNETT JOHNSTON WATERWAY, LA	13,700	15,600
LAKE PONTCHARTRAIN AND VICINITY, LA (HURRICANE PROTECT	3,000	5,500
LAROSE TO GOLDEN MEADOW, LA (HURRICANE PROTECTION)	461	461
LIVINGSTON PARISH ENVIRONMENTAL INFRASTRUCTURE, LA	---	600
MISSISSIPPI RIVER-GULF OUTLET, LA (REEVALUATION STUDY)	---	813
MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, L	196	196
NEW ORLEANS TO VENICE, LA (HURRICANE PROTECTION)	2,000	2,000
OUACHITA RIVER LEVEES, LA	---	1,000
SOUTHEAST LOUISIANA, LA	16,500	34,000
WEST BANK AND VICINITY, NEW ORLEANS, LA	35,000	28,500
MARYLAND		
ASSATEAGUE ISLAND, MD	1,003	1,003
ATLANTIC COAST OF MARYLAND, MD	500	500
CHESAPEAKE BAY ENVIRO. RES. & PROTECTION, MD & VA	---	1,000
CHESAPEAKE BAY OYSTER RECOVERY, MD & VA	3,000	4,000
CUMBERLAND, MD	---	3,000
POPLAR ISLAND, MD	14,101	14,101
MASSACHUSETTS		
CAPE COD CANAL RAILROAD BRIDGE, MA (MAJOR REHAB)	9,895	9,895
MUDDY RIVER, BOSTON AND BROOKLINE, MA	---	1,000
MICHIGAN		
GENESEE COUNTY, MI (WASTEWATER INFRASTRUCTURE ASSIST).	---	800
NEGAUNEE, MI (ENVIRONMENTAL INFRASTRUCTURE)	---	200
SAULT STE MARIE REPLACEMENT LOCK, MI	---	2,500
TWELVE TOWNS (GEORGE W. KUHN) DRAIN RETENTION TREATMEN	---	388
MINNESOTA		
BRECKENRIDGE, MN	---	1,000
CROOKSTON, MN	1,043	1,043
LOCK AND DAM 3, MISSISSIPPI RIVER, MN (MAJOR REHAB)	600	600
LOWER ST. ANTHONY FALLS RAPIDS RESTORATION, MINNEAPOLI	---	750
MILLE LACS REGIONAL SEWAGE TREATMENT PLANT, MN	---	750
NORTHEASTERN MINNESOTA, MN	---	500
UPPER MISSISSIPPI RIVER, MISSISSIPPI PLACE, ST PAUL,MN	---	250
MISSISSIPPI		
GULFPORT HARBOR, MS	---	2,000
DESOTO COUNTY, WASTEWATER TREATMENT, MS	---	9,000
MISSISSIPPI ENVIRON. INFRASTRUCTURE (SEC. 592), MS	---	5,500
PASCAGOULA HARBOR, MS	2,989	2,989
MISSOURI		
BLUE RIVER BASIN, KANSAS CITY, MO	2,000	2,000
BLUE RIVER CHANNEL, KANSAS CITY, MO	6,000	8,500
BOIS BRULE LEVEE & DRAINAGE DISTRICT, MO	---	1,200
CAPE GIRARDEAU (FLOODWALL), MO	---	500
CHESTERFIELD, MO	---	89
MERAMEC RIVER BASIN, VALLEY PARK LEVEE, MO	2,000	2,750
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	1,700	1,700
MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT, MO	---	2,000
STE GENEVIEVE, MO	150	150
ST. LOUIS, MO (COMBINED SEWER OVERFLOWS PROJECT)	---	1,000
TABLE ROCK LAKE, MO & AR (DAM SAFETY)	5,000	5,000

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
MONTANA		
FORT PECK FISH HATCHERY, MT	---	7,000
RURAL MONTANA	---	3,000
NEBRASKA		
SAND CREEK WATERSHED, NE	---	500
WESTERN SARPY AND CLEAR CREEK, NE	---	500
ANTELOPE CREEK, LINCOLN, NE	---	1,500
MISSOURI NATIONAL RECREATIONAL RIVER, NE & SD	1,000	1,000
WOOD RIVER, GRAND ISLAND, NE	1,082	1,082
NEVADA		
RURAL NEVADA	---	9,000
TROPICANA AND FLAMINGO WASHES, NV	23,300	26,300
NEW HAMPSHIRE		
LEBANON, NH (CSOS)	---	750
NASHUA, NH (CSOS)	---	750
NEW JERSEY		
BARNEGAT TO LITTLE EGG HARBOR INLET, NJ	---	1,000
BRIGANTINE INLET TO GREAT EGG INLET (ABSECON ISLAND),	1,000	2,500
BRIGANTINE INLET TO GREAT EGG HARBOR INLET (BRIGANTINE	---	500
CAPE MAY INLET TO LOWER TOWNSHIP, NJ	1,728	1,728
DELAWARE BAY COASTLINE, DE & NJ, REEDS BEACH TO PIERCE	---	750
DELAWARE BAY COASTLINE, VILLAS & VICINITY, NJ	---	500
DELAWARE RIVER MAIN CHANNEL, NJ, PA & DE	300	9,000
GREAT EGG HARBOR INLET AND PECK BEACH, NJ	7,355	7,355
HACKENSACK MEADOWLANDS, NJ	---	100
LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NJ	1,841	2,000
PASSAIC RIVER FLOOD MANAGEMENT, NJ	---	500
PASSAIC RIVER PRESERVATION OF NATURAL STORAGE AREAS, N	1,000	2,000
PASSAIC RIVER STEAMBANK RESTORATION, (MINISH PARK), NJ	---	1,000
RAMAPO & MAHWAY RIVERS, MAHWAH, NJ & SUFFERN, NY	---	400
RARITAN BAY AND SANDY HOOK BAY, NJ	100	100
RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NJ	6,488	7,000
SANDY HOOK TO BARNEGAT INLET, NJ	3,000	3,000
TOWN OF NEWTON, NJ (WATER SUPPLY FILTRATION PLANT)	---	300
TOWNSENDS INLET TO CAPE MAY INLET, NJ	9,200	9,200
NEW MEXICO		
ACEQUIAS IRRIGATION SYSTEM, NM	1,800	2,500
ALAMOGORDO, NM	3,500	4,100
RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE,	---	600
CENTRAL, NM	---	5,000
MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELE	---	600
NEW YORK		
ATLANTIC COAST OF NYC, ROCKAWAY INLET TO NORTON POINT,	1,750	1,750
EAST ROCKAWAY INLET TO ROCKAWAY INLET AND JAMAICA BAY,	1,250	1,250
FIRE ISLAND INLET TO JONES INLET, NY	2,700	3,000
FIRE ISLAND INLET TO MONTAUK POINT, NY	3,800	3,800
NEW YORK AND NEW JERSEY HARBOR, NY & NJ	115,000	110,000
NEW YORK STATE CANAL SYSTEM, NY	---	750
NORTH CAROLINA		
BRUNSWICK COUNTY BEACHES, NC	2,040	2,040
CAROLINA BEACH AND VICINITY, NC	3,510	3,510

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
DARE COUNTY BEACHES, BODIE ISLAND, NC	---	1,000
STANLY COUNTY WASTEWATER INFRASTRUCTURE, NC	---	350
WEST ONSLOW BEACH & NEW RIVER INLET, NC (GRR)	---	150
WILMINGTON HARBOR, NC	9,650	17,500
NORTH DAKOTA		
BUFORD - TRENTON IRRIGATION DISTRICT LAND ACQUISITION,	1,518	2,000
GARRISON DAM AND POWER PLANT, ND (MAJOR REHAB)	6,500	6,500
GRAFTON, PARK RIVER, ND	---	750
GRAND FORKS, ND - EAST GRAND FORKS, MN	23,496	36,000
MISSOURI RIVER RESTORATION, ND	---	50
SHEYENNE RIVER, ND	3,367	3,367
OHIO		
HOLES CREEK, WEST CARROLLTON, OH	---	2,000
METROPOLITAN REGION OF CINCINNATI, DUCK CREEK, OH	8,500	8,500
MILL CREEK, OH	3,900	3,900
WEST COLUMBUS, OH	1,800	1,800
OHIO ENVIRONMENTAL INFRASTRUCTURE	---	17,000
OTTAWA RIVER HARBOR, OH	---	75
OKLAHOMA		
CANTON LAKE, OK (DAM SAFETY)	---	1,500
LAWTON, OK, WASTEWATER INFRASTRUCTURE REHABILITATION P	---	1,000
TAR CREEK CLEANUP, OK	---	5,000
TENKILLER FERRY LAKE, OK (DAM SAFETY)	4,400	4,400
OREGON		
BONNEVILLE POWERHOUSE PHASE II, OR & WA (MAJOR REHAB).	3,363	5,000
COLUMBIA RIVER CHANNEL IMPROVEMENTS, OR & WA	---	3,500
COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR & WA	2,900	2,900
ELK CREEK LAKE, OR	500	500
LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR & WA	2,000	2,000
WILLAMETTE RIVER TEMPERATURE CONTROL, OR	10,000	10,000
PENNSYLVANIA		
3 RIVERS WET WEATHER DEMONSTRATION PROJECT, PA	---	750
CONEMAUGH RIVER, NANTY GLO ENVIRONMENTAL RESTORATION P	---	1,000
LOCKS AND DAMS 2, 3 AND 4, MONONGAHELA RIVER, PA	35,000	37,500
NORTHEAST PENNSYLVANIA INFRASTRUCTURE PROGRAM, PA	---	1,000
PRESQUE ISLE PENINSULA, PA (PERMANENT)	600	600
SCHUYKILL RIVER PARK, PA	---	750
SOUTH CENTRAL PENNSYLVANIA ENVIRONMENT IMPROVEMENT PRO	---	11,000
SOUTHEASTERN PENNSYLVANIA (SEC. 566, WRDA 1996), CITY.	---	500
WYOMING VALLEY, PA (LEVEE RAISING)	10,021	10,021
PUERTO RICO		
ARECIBO RIVER, PR	1,000	1,000
PORTUGUES AND BUCANA RIVERS, PR	5,200	4,000
RIO DE LA PLATA, PR	1,100	1,100
RIO PUERTO NUEVO, PR	16,500	12,000
SOUTH CAROLINA		
CHARLESTON HARBOR, SC (DEEPENING & WIDENING)	5,000	5,000
FOLLY BEACH, SC	---	200
LAKES MARION AND MOULTRIE, SC	---	350

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
SOUTH DAKOTA		
BIG SIOUX RIVER, SIOUX FALLS, SD	6,000	6,000
CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX, SD	2,800	9,000
MISSOURI RIVER RESTORATION, SD	---	500
PIERRE, SD	4,300	6,000
TENNESSEE		
BLACK FOX, MURFREE, & OAKLAND SPRINGS WETLANDS, MURFRE	---	1,072
CHICKAMAUGA LOCK, TN	---	5,400
CUMBERLAND COUNTY WATER SUPPLY, TN	---	1,250
TEXAS		
BRAYS BAYOU, HOUSTON, TX	4,700	6,000
CHANNEL TO VICTORIA, TX	2,966	2,966
CLEAR CREEK, TX	---	1,200
DALLAS FLOODWAY EXTENSION, TX	---	9,280
EL PASO, TX	2,800	2,800
HOUSTON - GALVESTON NAVIGATION CHANNELS, TX	18,726	35,500
HUNTING BAYOU, TX	---	750
JOHNSON CREEK, UPPER TRINITY BASIN, ARLINGTON, TX	2,200	2,200
MOUTH OF COLORADO RIVER, TX	---	100
NECHES RIVER AND TRIBUTARIES SALTWATER BARRIER, TX	4,108	4,108
NORTH PADRE ISLAND, PACKERY CHANNEL, TX	---	3,000
RED RIVER CHLORIDE CONTROL PROJECT, WICHITA RIVER BASI	---	1,500
SALT CREEK, GRAHAM, TX	---	750
SAN ANTONIO CHANNEL IMPROVEMENT, TX	---	1,000
SIMS BAYOU, HOUSTON, TX	12,000	12,000
WACO LAKE (AIRPORT PARK), TX	---	1,000
WHITNEY LAKE (MAJOR REHAB), TX	---	500
VERMONT		
LAKE CHAMPLAIN WATERSHED INITIATIVE, VT	---	500
VIRGINIA		
AIWW, BRIDGE AT GREAT BRIDGE, VA	9,706	9,706
EMBREY DAM, VA	---	2,500
ENVIRONMENTAL REMEDIATION, FRONT ROYAL, VA (AVTEX)	---	5,000
JAMES RIVER, VA (TURNING BASIN)	---	1,000
JOHN H KERR DAM AND RESERVOIR, VA & NC (MAJOR REHAB)	6,000	6,000
LAKE MERRIWEATHER, LITTLE CALFPASTURE (GOSHEN DAM), VA	---	2,000
LYNCHBURG (COMBINED SEWER OVERFLOWS, VA	---	500
NORFOLK HARBOR DEEPENING, VA	---	3,000
OCCOQUAN RIVER, VA	---	710
RICHMOND (COMBINED SEWER OVERFLOWS, VA	---	500
ROANOKE RIVER UPPER BASIN, HEADWATERS AREA, VA	2,000	2,000
VIRGINIA BEACH, VA (HURRICANE PROTECTION)	2,294	2,294
WASHINGTON		
CHIEF JOSEPH DAM GAS ABATEMENT, WA	900	2,500
COLUMBIA RIVER FISH MITIGATION, WA, OR & ID	95,000	85,000
DUWAMISH AND GREEN RIVERS, WA	---	500
HOWARD HANSON DAM ECOSYSTEM RESTORATION, WA	9,500	10,000
LOWER SNAKE RIVER FISH & WILDLIFE COMPENSATION, WA, OR	2,000	2,000
MT ST HELENS SEDIMENT CONTROL, WA	200	550
MUD MOUNTAIN DAM, WA (DAM SAFETY)	1,400	1,400
PUGET SOUND & ADJACENT WATERS RESTORATION, WA	---	1,000
SHOALWATER BAY SHORELINE EROSION, WA	---	1,000
SNAKE RIVER INTERPRETIVE CENTER, CLARKSTON, WA	---	500
THE DALLES POWERHOUSE (UNITS 1-14), WA & OR (MAJOR REH	250	250

CONSTRUCTION GENERAL
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
WEST VIRGINIA		
BLUESTONE LAKE, WV (DAM SAFETY)	2,600	4,300
GREENBRRIAR RIVER, WV	---	2,500
CENTRAL WEST VIRGINIA ENVIRONMENTAL INFRASTRUCTURE	---	1,000
LEVISA AND TUG FORKS AND UPPER CUMBERLAND RIVER, WV, V	15,000	55,800
LOWER MUD RIVER, MILTON, WV	---	750
MARMET LOCK, KANAWHA RIVER, WV	52,154	65,200
ROBERT C BYRD LOCKS AND DAM, OHIO RIVER, WV & OH	2,500	2,500
SOUTHERN WEST VIRGINIA ENVIRONMENTAL INFRASTRUCTURE	---	2,000
WINFIELD LOCKS AND DAM, KANAWHA RIVER, WV	2,000	2,000
WYOMING		
JACKSON HOLE, WY	---	250
WISCONSIN		
NORTHERN WISCONSIN ENVIRONMENTAL ASSISTANCE	---	10,000
MISCELLANEOUS		
ABANDONED/INACTIVE NONCOAL MINE RESTORATION	---	1,000
AQUATIC ECOSYSTEM RESTORATION (SECTION 206)	10,000	18,050
AQUATIC PLANT CONTROL PROGRAM	3,000	4,000
BENEFICIAL USES OF DREDGED MATERIAL	3,000	6,000
DAM SAFETY AND SEEPAGE/STABILITY CORRECTION PROGRAM	8,000	14,000
DREDGED MATERIAL DISPOSAL FACILITIES PROGRAM	7,000	7,000
EMERGENCY STREAMBANK & SHORELINE PROTECTION (SEC. 14)	7,000	9,000
EMPLOYEES' COMPENSATION	19,130	19,130
ESTUARY RESTORATION PROGRAM (PL 106-457)	---	1,500
FLOOD CONTROL PROJECTS (SECTION 205)	20,000	30,000
INLAND WATERWAYS USERS BOARD - BOARD EXPENSE	45	45
INLAND WATERWAYS USERS BOARD - CORPS EXPENSE	185	185
NAVIGATION MITIGATION PROJECT (SECTION 111)	500	1,500
NAVIGATION PROJECTS (SECTION 107)	6,000	9,000
PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONME	14,000	17,000
SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATIO	6,000	6,000
SHORELINE PROTECTION PROJECTS (SECTION 103)	3,500	3,500
SNAGGING AND CLEARING PROJECT (SECTION 208)	500	500
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-116,095	-270,430
TOTAL, CONSTRUCTION GENERAL	1,350,000	1,722,319

FLOOD CONTROL - MISSISSIPPI RIVER AND TRIBUTARIES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
GENERAL INVESTIGATIONS		
BAYOU METO, AR	---	500
SOUTHEAST ARKANSAS, AR	---	250
ALEXANDRIA TO THE GULF, LA	435	435
DONALDSONVILLE TO THE GULF, LA	800	850
SPRING BAYOU, LA	500	500
TENSAS RIVER BASIN, LA	---	200
COLDWATER RIVER BASIN BELOW ARKABUTLA LAKE, MS	185	300
FLETCHER CREEK, TN	120	120
GERMANTOWN, TN	51	61
MEMPHIS HARBOR, MEMPHIS, TN	---	150
MILLINGTON AND VICINITY, TN	84	84
MORGANZA TO THE GULF, LA	3,487	4,200
COLLECTION AND STUDY OF BASIC DATA	695	695
SUBTOTAL, GENERAL INVESTIGATIONS	6,357	8,345
CONSTRUCTION		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	39,562	41,742
FRANCIS BLAND FLOODWAY DITCH (EIGHT MILE CREEK), AR	2,050	2,050
HELENA AND VICINITY, AR	2,180	2,180
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN	42,919	47,000
ST FRANCIS BASIN, AR & MO	2,365	5,000
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA	7,768	7,768
ATCHAFALAYA BASIN, LA	14,075	15,000
MISSISSIPPI DELTA REGION, LA	3,200	3,200
MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, LA & MS	---	30
ST. JOHNS BAYOU & NEW MADRID FLOODWAY, MO	---	4,000
HORN LAKE CREEK & TRIBUTARIES, MS & TN	---	300
YAZOO BASIN:	(7,740)	(23,555)
BACKWATER PUMP, MS	---	12,000
BIG SUNFLOWER RIVER, MS	890	950
MAIN STEM, MS	---	25
REFORMULATION UNIT, MS	---	375
TRIBUTARIES, MS	205	205
UPPER YAZOO PROJECTS, MS	6,645	10,000
DELTA HEADWATERS PROJECT, MS (FORMERLY DEMONSTRATION E	---	15,500
NONCONNAH CREEK, TN & MS	2,618	3,100
WEST TENNESSEE TRIBUTARIES, TN	---	100
WOLF RIVER (RESTORATION), TN	---	1,000
SUBTOTAL, CONSTRUCTION	124,477	171,525
MAINTENANCE		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	69,688	69,688
HELENA HARBOR, PHILLIPS COUNTY, AR	370	370
INSPECTION OF COMPLETED WORKS, AR	466	466
LOWER ARKANSAS RIVER, NORTH BANK, AR	105	105
LOWER ARKANSAS RIVER, SOUTH BANK, AR	135	135
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN	6,340	11,000
ST FRANCIS BASIN, AR & MO	7,505	9,000
TENSAS BASIN, BOEUF AND TENSAS RIVERS, AR & LA	2,400	2,400
WHITE RIVER BACKWATER, AR	1,290	1,290
INSPECTION OF COMPLETED WORKS, IL	50	50
INSPECTION OF COMPLETED WORKS, KY	35	35
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA	2,450	2,450
ATCHAFALAYA BASIN, LA	13,335	13,335
BATON ROUGE HARBOR, DEVIL SWAMP, LA	15	175
BAYOU COCODRIE AND TRIBUTARIES, LA	85	85
BONNET CARRE, LA	1,975	1,975
INSPECTION OF COMPLETED WORKS, LA	550	550
LOWER RED RIVER, SOUTH BANK LEVEES, LA	2,207	2,207
MISSISSIPPI DELTA REGION, LA	910	910

FLOOD CONTROL - MISSISSIPPI RIVER AND TRIBUTARIES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
OLD RIVER, LA	9,915	9,915
TENSAS BASIN, RED RIVER BACKWATER, LA	3,425	3,425
GREENVILLE HARBOR, MS	30	200
INSPECTION OF COMPLETED WORKS, MS	296	296
VICKSBURG HARBOR, MS	35	250
YAZOO BASIN:	(32,050)	(36,465)
ARKABUTLA LAKE, MS	6,300	7,000
BIG SUNFLOWER RIVER, MS	170	2,000
ENID LAKE, MS	5,505	5,700
GREENWOOD, MS	650	750
GRENADA LAKE, MS	6,170	6,500
MAIN STEM, MS	1,480	2,200
SARDIS LAKE, MS	8,630	9,000
TRIBUTARIES, MS	1,135	1,135
WILL M WHITTINGTON AUX CHAN, MS	470	470
YAZOO BACKWATER AREA, MS	730	900
YAZOO CITY, MS	810	810
INSPECTION OF COMPLETED WORKS, MO	167	167
WAPPAPELLO LAKE, MO	4,265	5,000
INSPECTION OF COMPLETED WORKS, TN	101	101
MEMPHIS HARBOR, MCKELLAR LAKE, TN	1,010	1,010
MAPPING	1,235	1,235
SUBTOTAL, MAINTENANCE	162,440	174,290
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-13,274	-29,938
TOTAL, FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES	280,000	324,222

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
ALABAMA		
ALABAMA - COOSA COMPREHENSIVE WATER STUDY, AL	285	285
ALABAMA - COOSA RIVER, AL	2,961	4,000
BAYOU LA BATRE, AL	2,000	2,000
BLACK WARRIOR AND TOMBIGBEE RIVERS, AL	22,100	23,600
GULF INTRACOASTAL WATERWAY, AL	5,000	5,000
INSPECTION OF COMPLETED WORKS, AL	50	50
MILLERS FERRY LOCK AND DAM, WILLIAM "BILL" DANNELLY LA	5,429	5,429
MOBILE HARBOR, AL	19,040	22,040
ROBERT F HENRY LOCK AND DAM, AL	5,726	5,726
SCHEDULING RESERVOIR OPERATIONS, AL	100	100
TENNESSEE - TOMBIGBEE WATERWAY WILDLIFE MITIGATION, AL	1,500	1,500
TENNESSEE - TOMBIGBEE WATERWAY, AL & MS	21,500	22,500
WALTER F GEORGE LOCK AND DAM, AL & GA	6,892	6,892
ALASKA		
ANCHORAGE HARBOR, AK	2,969	2,969
CHENA RIVER LAKES, AK	3,259	3,259
COOK INLET SHOALS, AK	---	750
CORDOVA HARBOR, AK	400	400
DILLINGHAM HARBOR, AK	906	906
HOMER HARBOR, AK	370	370
INSPECTION OF COMPLETED WORKS, AK	41	41
NINILCHIK HARBOR, AK	239	239
NOME HARBOR, AK	285	1,000
PROJECT CONDITION SURVEYS, AK	533	533
ARIZONA		
ALAMO LAKE, AZ	1,563	1,563
INSPECTION OF COMPLETED WORKS, AZ	87	87
PAINTED ROCK DAM, AZ	1,498	1,498
SCHEDULING RESERVOIR OPERATIONS, AZ	35	35
WHITLOW RANCH DAM, AZ	184	184
ARKANSAS		
BEAVER LAKE, AR	4,297	4,297
BLAKELY MT DAM, LAKE OUACHITA, AR	6,126	6,126
BLUE MOUNTAIN LAKE, AR	1,751	1,751
BULL SHOALS LAKE, AR	5,180	5,180
DARDANELLE LOCK AND DAM, AR	5,319	5,319
DEGRAY LAKE, AR	7,103	7,103
DEQUEEN LAKE, AR	1,567	1,567
DIERKS LAKE, AR	1,131	1,131
GILLHAM LAKE, AR	1,531	1,531
GREERS FERRY LAKE, AR	6,391	8,391
HELENA HARBOR, PHILLIPS COUNTY, AR	25	300
INSPECTION OF COMPLETED WORKS, AR	192	192
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR	29,493	29,493
MILLWOOD LAKE, AR	1,503	1,503
NARROWS DAM, LAKE GREESON, AR	5,559	5,559
NIMROD LAKE, AR	2,036	2,036
NORFORK LAKE, AR	3,471	3,471
OSCEOLA HARBOR, AR	25	750
OUACHITA AND BLACK RIVERS, AR & LA	10,221	10,221
OZARK - JETA TAYLOR LOCK AND DAM, AR	3,917	3,917
PROJECT CONDITION SURVEYS, AR	6	6
WHITE RIVER, AR	200	800
YELLOW BEND PORT, AR	15	126
CALIFORNIA		
BLACK BUTTE LAKE, CA	2,269	2,269

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
BODEGA BAY, CA	---	1,900
BUCHANAN DAM, H V EASTMAN LAKE, CA	2,526	2,526
CHANNEL ISLANDS HARBOR, VENTURA COUNTY, CA (DREDGING S	---	40
COYOTE VALLEY DAM, LAKE MENDOCINO, CA	3,401	3,401
DRY CREEK (WARM SPRINGS) LAKE AND CHANNEL, CA	4,421	4,421
FARMINGTON DAM, CA	341	341
HIDDEN DAM, HENSLEY LAKE, CA	2,621	2,621
HUMBOLDT HARBOR AND BAY, CA	6,945	6,945
INSPECTION OF COMPLETED WORKS, CA	1,167	1,167
ISABELLA LAKE, CA	1,365	1,365
LOS ANGELES - LONG BEACH HARBOR MODEL, CA	175	175
LOS ANGELES COUNTY DRAINAGE AREA, CA	4,931	6,000
MARINA DEL REY (ENTRANCE CHANNEL), CA	---	100
MERCED COUNTY STREAMS, CA	280	280
MOJAVE RIVER DAM, CA	282	282
MORRO BAY HARBOR, CA	1,460	1,460
MOSS LANDING HARBOR, CA	---	600
NEW HOGAN LAKE, CA	2,789	2,789
NEW MELONES LAKE, DOWNSTREAM CHANNEL, CA	1,697	1,697
OAKLAND HARBOR, CA	6,785	9,000
OCEANSIDE HARBOR, CA	1,160	1,160
PETALUMA RIVER, CA	---	1,000
PILLAR POINT HARBOR, CA	---	300
PINE FLAT LAKE, CA	2,732	2,732
PORT HUENEME, CA	---	500
PROJECT CONDITION SURVEYS, CA	1,960	1,960
REDWOOD CITY, CA	---	200
RICHMOND HARBOR, CA	6,250	6,250
SACRAMENTO RIVER (30 FOOT PROJECT), CA	2,106	2,106
SACRAMENTO RIVER AND TRIBUTARIES (DEBRIS CONTROL), CA	1,255	1,255
SAN DIEGO RIVER AND MISSION BAY, CA	60	60
SAN FRANCISCO BAY, DELTA MODEL STRUCTURE, CA	1,273	1,273
SAN FRANCISCO BAY, LONG TERM MANAGEMENT STRATEGY (LTMS	---	2,000
SAN FRANCISCO HARBOR AND BAY, CA (DRIFT REMOVAL)	2,189	2,189
SAN FRANCISCO HARBOR, CA	2,092	2,092
SAN JOAQUIN RIVER, CA	2,065	2,500
SAN PABLO BAY AND MARE ISLAND STRAIT, CA	---	500
SANTA ANA RIVER BASIN, CA	3,815	3,815
SANTA BARBARA HARBOR, CA	1,905	1,905
SCHEDULING RESERVOIR OPERATIONS, CA	1,447	1,447
SUCCESS LAKE, CA	2,132	2,132
SUISUN BAY CHANNEL, CA	5,172	5,172
TERMINUS DAM, LAKE KAWEAH, CA	1,818	1,818
VENTURA HARBOR, CA	2,910	2,910
YUBA RIVER, CA	66	66
COLORADO		
BEAR CREEK LAKE, CO	282	282
CHATFIELD LAKE, CO	1,690	2,023
CHERRY CREEK LAKE, CO	839	1,172
INSPECTION OF COMPLETED WORKS, CO	92	92
JOHN MARTIN RESERVOIR, CO	2,338	2,338
SCHEDULING RESERVOIR OPERATIONS, CO	292	292
TRINIDAD LAKE, CO	1,441	1,775
CONNECTICUT		
BLACK ROCK LAKE, CT	343	343
COLEBROOK RIVER LAKE, CT	459	459
HANCOCK BROOK LAKE, CT	252	252
HOP BROOK LAKE, CT	857	857
INSPECTION OF COMPLETED WORKS, CT	81	81
MANSFIELD HOLLOW LAKE, CT	406	406
NORTHFIELD BROOK LAKE, CT	330	330
NORWALK HARBOR, CT	---	1,000

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
PROJECT CONDITION SURVEYS, CT	1,303	1,303
SOUTHPORT HARBOR, CT	---	500
STAMFORD HURRICANE BARRIER, CT	353	353
THOMASTON DAM, CT	442	442
TREATMENT OF DREDGED MATERIAL FROM LONG ISLAND SOUND,	---	750
WEST THOMPSON LAKE, CT	452	452
DELAWARE		
INTRACOASTAL WATERWAY, DELAWARE R TO CHESAPEAKE BAY, D	14,994	14,994
INTRACOASTAL WATERWAY, REHOBOTH BAY TO DELAWARE BAY, D	48	48
PROJECT CONDITION SURVEYS, DE	55	55
WILMINGTON HARBOR, DE	4,366	4,366
DISTRICT OF COLUMBIA		
INSPECTION OF COMPLETED WORKS, DC	7	7
POTOMAC AND ANACOSTIA RIVERS, DC (DRIFT REMOVAL)	1,100	1,100
POTOMAC RIVER BELOW WASHINGTON, DC	---	320
PROJECT CONDITION SURVEYS, DC	35	35
WASHINGTON HARBOR, DC	50	50
FLORIDA		
CANAVERAL HARBOR, FL	3,800	3,800
CENTRAL AND SOUTHERN FLORIDA, FL	13,005	13,005
ESCAMBIA AND CONECUH RIVERS, FL	1,000	1,000
FERNANDINA HARBOR, FL	2,556	2,556
FORT PIERCE HARBOR, FL	65	65
INSPECTION OF COMPLETED WORKS, FL	200	200
INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI, FL	680	4,000
JACKSONVILLE HARBOR, FL	6,551	6,551
JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL & GA.	6,686	6,686
MIAMI HARBOR, FL	1,515	1,515
MIAMI RIVER, FL	5,850	5,850
OKEECHOBEE WATERWAY, FL	4,316	4,316
PALM BEACH HARBOR, FL	1,916	1,916
PANAMA CITY HARBOR, FL	500	500
PENSACOLA HARBOR, FL	1,500	1,500
PORT EVERGLADES HARBOR, FL	1,255	1,255
PROJECT CONDITION SURVEYS, FL	1,000	1,000
REMOVAL OF AQUATIC GROWTH, FL	3,400	3,400
TAMPA HARBOR, FL	3,985	5,185
GEORGIA		
ALLATOONA LAKE, GA	6,000	6,000
APALACHICOLA, CHATTAHOOCHEE AND FLINT RIVERS, GA, AL &	1,500	5,000
ATLANTIC INTRACOASTAL WATERWAY, GA	178	178
BRUNSWICK HARBOR, GA	3,993	3,993
BUFORD DAM AND LAKE SIDNEY LANIER, GA	9,100	9,100
CARTERS DAM AND LAKE, GA	10,012	10,012
HARTWELL LAKE, GA & SC	13,964	13,964
INSPECTION OF COMPLETED WORKS, GA	41	41
J STROM THURMOND LAKE, GA & SC	11,747	11,747
RICHARD B RUSSELL DAM AND LAKE, GA & SC	7,746	7,746
SAVANNAH HARBOR, GA	12,540	12,540
SAVANNAH RIVER BELOW AUGUSTA, GA	154	154
WEST POINT DAM AND LAKE, GA & AL	6,600	6,900
HAWAII		
BARBERS POINT HARBOR, HI	176	176
INSPECTION OF COMPLETED WORKS, HI	191	191
MANELE SMALL BOAT HARBOR, HI	656	656
PORT ALLEN HARBOR, KAUAI, HI	90	90

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
PROJECT CONDITION SURVEYS, HI	485	485
IDAHO		
ALBENI FALLS DAM, ID	2,202	2,202
DWORSHAK DAM AND RESERVOIR, ID	2,271	2,500
INSPECTION OF COMPLETED WORKS, ID	72	72
LUCKY PEAK LAKE, ID	2,167	2,167
SCHEDULING RESERVOIR OPERATIONS, ID	394	394
ILLINOIS		
CALUMET HARBOR AND RIVER, IL & IN	3,985	3,985
CARLYLE LAKE, IL	4,410	4,410
CHICAGO HARBOR, IL	2,319	2,319
CHICAGO RIVER, IL	362	362
FARM CREEK RESERVOIRS, IL	213	213
ILLINOIS WATERWAY (MVR PORTION), IL & IN	25,726	25,726
ILLINOIS WATERWAY (MVS PORTION), IL & IN	1,889	1,889
INSPECTION OF COMPLETED WORKS, IL	546	546
KASKASKIA RIVER NAVIGATION, IL	1,688	2,188
LAKE MICHIGAN DIVERSION, IL	537	537
LAKE SHELBYVILLE, IL	5,495	5,495
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVR PORTION)	44,429	45,000
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVS PORTION)	17,374	18,000
PROJECT CONDITION SURVEYS, IL	30	30
REND LAKE, IL	4,818	4,818
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IL	111	111
WAUKEGAN HARBOR, IL	2,027	2,027
INDIANA		
BROOKVILLE LAKE, IN	684	684
BURNS WATERWAY HARBOR, IN	2,774	2,774
CAGLES MILL LAKE, IN	635	635
CECIL M HARDEN LAKE, IN	745	745
INDIANA HARBOR, IN	316	316
INSPECTION OF COMPLETED WORKS, IN	346	346
J EDWARD ROUSH LAKE, IN	951	951
MICHIGAN CITY HARBOR, IN	1,970	1,970
MISSISSINEWA LAKE, IN	1,234	1,234
MONROE LAKE, IN	762	762
PATOKA LAKE, IN	687	687
PROJECT CONDITION SURVEYS, IN	55	55
SALAMONIE LAKE, IN	681	681
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IN	115	115
IOWA		
CORALVILLE LAKE, IA	3,037	3,500
FORT MADISON, IA	---	50
INSPECTION OF COMPLETED WORKS, IA	190	190
MISSOURI RIVER - KENSLERS BEND, NE TO SIOUX CITY, IA	157	157
MISSOURI RIVER - RULO TO MOUTH, IA, NE, KS & MO	5,355	6,000
MISSOURI RIVER - SIOUX CITY TO RULO, IA & NE	2,260	2,260
MUSCATINE, IA	---	150
RATHBUN LAKE, IA	3,438	3,438
RED ROCK DAM AND LAKE RED ROCK, IA	3,663	4,000
SAYLORVILLE LAKE, IA	4,223	4,223
SCHELDULING RESERVOIR OPERATIONS, IA	---	334
KANSAS		
CLINTON LAKE, KS	1,857	1,857
COUNCIL GROVE LAKE, KS	1,760	1,840
EL DORADO LAKE, KS	939	939

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
ELK CITY LAKE, KS	650	650
FALL RIVER LAKE, KS	1,385	1,500
HILLSDALE LAKE, KS	759	759
JOHN REDMOND DAM AND RESERVOIR, KS	2,025	2,100
KANOPOLIS LAKE, KS	1,269	1,269
MARION LAKE, KS	2,443	2,800
MELVERN LAKE, KS	1,731	1,731
MILFORD LAKE, KS	2,783	2,783
PEARSON - SKUBITZ BIG HILL LAKE, KS	984	984
PERRY LAKE, KS	2,090	2,890
POMONA LAKE, KS	1,931	1,931
SCHEDULING RESERVOIR OPERATIONS, KS	129	129
TORONTO LAKE, KS	464	464
TUTTLE CREEK LAKE, KS	1,839	1,839
WILSON LAKE, KS	1,377	1,377
KENTUCKY		
BARKLEY DAM AND LAKE BARKLEY, KY & TN	8,902	8,902
BARREN RIVER LAKE, KY	2,484	2,484
BIG SANDY HARBOR, KY	35	35
BUCKHORN LAKE, KY	1,394	1,394
CARR CREEK LAKE, KY	1,448	1,448
CAVE RUN LAKE, KY	819	819
DEWEY LAKE, KY	1,636	1,636
ELVIS STAHR (HICKMAN) HARBOR, KY	25	480
FISHTRAP LAKE, KY	1,681	1,681
GRAYSON LAKE, KY	1,241	1,241
GREEN AND BARREN RIVERS, KY	1,205	1,205
GREEN RIVER LAKE, KY	2,359	2,359
INSPECTION OF COMPLETED WORKS, KY	97	97
KENTUCKY RIVER, KY	17	17
LAUREL RIVER LAKE, KY	1,572	1,572
MARTINS FORK LAKE, KY	583	583
MIDDLESBORO CUMBERLAND RIVER BASIN, KY	92	92
NOLIN LAKE, KY	2,056	2,056
OHIO RIVER LOCKS AND DAMS, KY, IL, IN & OH	31,372	31,372
OHIO RIVER OPEN CHANNEL WORK, KY, IL, IN & OH	4,560	4,560
PAINTSVILLE LAKE, KY	1,030	1,030
PROJECT CONDITION SURVEYS, KY	6	6
ROUGH RIVER LAKE, KY	2,848	2,848
TAYLORSVILLE LAKE, KY	981	981
WOLF CREEK DAM, LAKE CUMBERLAND, KY	10,670	10,670
YATESVILLE LAKE, KY	1,082	1,082
LOUISIANA		
ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, L	19,367	20,000
BARATARIA BAY WATERWAY, LA	286	2,000
BAYOU BODCAU RESERVOIR, LA	864	864
BAYOU LAFOURCHE AND LAFOURCHE JUMP WATERWAY, LA	133	900
BAYOU LACOMBE, LA	---	315
BAYOU PIERRE, LA	31	31
BAYOU SEGNETTE WATERWAY, LA	165	800
BAYOU TECHE AND VERMILION RIVER, LA	35	35
BAYOU TECHE, LA	48	200
CADDO LAKE, LA	183	183
CALCASIEU RIVER AND PASS, LA	12,064	12,064
FRESHWATER BAYOU, LA	1,558	1,558
GULF INTRACOASTAL WATERWAY, LA	19,418	19,418
HOUMA NAVIGATION CANAL, LA	1,242	1,242
INSPECTION OF COMPLETED WORKS, LA	797	797
J BENNETT JOHNSTON WATERWAY, LA	12,013	14,000
LAKE PROVIDENCE HARBOR, LA	32	350
MADISON PARISH PORT, LA	13	80
MERMENTAU RIVER, LA	2,651	3,000

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
MISSISSIPPI RIVER OUTLETS AT VENICE, LA	1,841	3,500
MISSISSIPPI RIVER, BATON ROUGE TO THE GULF OF MEXICO,	56,206	56,206
MISSISSIPPI RIVER, GULF OUTLET, LA	13,485	13,485
PROJECT CONDITION SURVEYS, LA	80	80
REMOVAL OF AQUATIC GROWTH, LA	2,000	2,000
WALLACE LAKE, LA	312	312
WATERWAY FROM EMPIRE TO THE GULF, LA	7	200
WATERWAY FROM INTRACOASTAL WATERWAY TO B DULAC, LA	37	200
MAINE		
INSPECTION OF COMPLETED WORKS, ME	17	17
KENNEBEC RIVER, ME	45	45
NARRAGUAGUS, ME	---	750
PROJECT CONDITION SURVEYS, ME	1,886	1,886
SCARBOROUGH RIVER, ME	---	300
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ME	17	17
WELLS HARBOR, ME	50	50
MARYLAND		
BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MD & VA	68	68
BALTIMORE HARBOR AND CHANNELS (50 FOOT), MD	18,416	18,416
BALTIMORE HARBOR, MD (DRIFT REMOVAL)	500	500
BALTIMORE HARBOR, MD (PREVENTION OF OBSTRUCTIVE DEPOSI	676	676
CHESTER RIVER, MD	930	930
CRISFIELD HARBOR, MD	---	30
CUMBERLAND, MD AND RIDGELEY, WV	165	165
DREDGING/SHOAL REMOVAL, ELK RIVER, CECIL COUNTY, MD	---	175
FISHING CREEK, MD	---	300
HONGA RIVER AND TAR BAY, MD	80	1,250
INSPECTION OF COMPLETED WORKS, MD	34	34
JENNINGS RANDOLPH LAKE, MD & WV	1,774	2,500
KNAPPS NARROWS, MD	651	651
OCEAN CITY HARBOR AND INLET AND SINEPUXENT BAY, MD	960	960
PARISH CREEK, MD	---	80
POCOMOKE RIVER, MD	989	989
PROJECT CONDITION SURVEYS, MD	365	365
SCHEDULING RESERVOIR OPERATIONS, MD	96	96
TILGHMAN ISLAND HARBOR, MD	---	400
TOLCHESTER CHANNEL, MD	1,364	1,364
UPPER THOROFARE, SOMERSET, MD	---	600
WICOMICO RIVER, MD	1,514	1,514
MASSACHUSETTS		
AUNT LYDIA'S COVE, CHATHAM, MA	300	300
BARRE FALLS DAM, MA	486	486
BIRCH HILL DAM, MA	450	450
BOSTON HARBOR, MA	3,000	3,000
BUFFUMVILLE LAKE, MA	447	447
CAPE COD CANAL, MA	7,772	7,772
CHARLES RIVER NATURAL VALLEY STORAGE AREA, MA	227	227
CONANT BROOK LAKE, MA	171	171
EAST BRIMFIELD LAKE, MA	301	301
GREEN HARBOR, MA	310	310
HODGES VILLAGE DAM, MA	428	428
INSPECTION OF COMPLETED WORKS, MA	114	114
KNIGHTVILLE DAM, MA	453	453
LITTLEVILLE LAKE, MA	364	364
NEW BEDFORD FAIRHAVEN AND ACUSHNET HURRICANE BARRIER,	300	300
NEW BEDFORD AND FAIRHAVEN HARBOR, MA	---	500
PLYMOUTH HARBOR & LONG BEACH DIKE, MA	---	100
PROJECT CONDITION SURVEYS, MA	1,316	1,316
TULLY LAKE, MA	412	412
WEST HILL DAM, MA	573	573

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
WESTVILLE LAKE, MA	407	407
WEYMOUTH, FORE & TOWN RIVERS, MA	---	750
MICHIGAN		
ARCADIA HARBOR, MI	20	80
BLACK RIVER, PORT HURON, MI	16	16
BOLLES HARBOR, LA PLAISANCE CREEK, MI	---	250
CHANNELS IN LAKE ST CLAIR, MI	466	466
CHARLEVOIX HARBOR, MI	119	119
DETROIT RIVER, MI	3,458	3,458
FRANKFORT HARBOR, MI	3,112	3,112
GRAND HAVEN HARBOR, MI	810	810
HOLLAND HARBOR, MI	618	618
INSPECTION OF COMPLETED WORKS, MI	153	153
KEWEENAW WATERWAY, MI	428	428
LELAND HARBOR, MI	20	170
LEXINGTON HARBOR, MI	10	10
LITTLE LAKE HARBOR, MI	12	208
LUDINGTON HARBOR, MI	946	946
MANISTEE HARBOR, MI	227	227
MARQUETTE HARBOR, MI	10	10
MENOMINEE HARBOR, MI & WI	154	154
MONROE HARBOR, MI	138	138
MUSKEGON HARBOR, MI	21	21
ONTONAGON HARBOR, MI	473	473
PENTWATER HARBOR, MI	45	170
PORT AUSTIN HARBOR, MI	20	214
PORT SANILAC HARBOR, MI	27	27
PORTAGE LAKE HARBOR, MI	1,167	1,167
PROJECT CONDITION SURVEYS, MI	182	182
ROUGE RIVER, MI	177	177
SAGINAW RIVER, MI	2,001	2,251
SAUGATUCK HARBOR, MI	1,203	1,203
SEBEWAING RIVER (ICE JAM REMOVAL), MI	7	7
ST CLAIR RIVER, MI	1,565	1,565
ST JOSEPH HARBOR, MI	561	561
ST MARYS RIVER, MI	19,092	19,092
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MI	2,410	2,410
MINNESOTA		
BIGSTONE LAKE WHETSTONE RIVER, MN & SD	255	255
DULUTH - SUPERIOR HARBOR, MN & WI	4,991	4,991
INSPECTION OF COMPLETED WORKS, MN	107	107
LAC QUI PARLE LAKES, MINNESOTA RIVER, MN	568	568
MINNESOTA RIVER, MN	175	175
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVP PORTION)	36,056	36,056
ORWELL LAKE, MN	1,045	1,045
PROJECT CONDITION SURVEYS, MN	67	67
RED LAKE RESERVOIR, MN	99	99
RESERVOIRS AT HEADWATERS OF MISSISSIPPI RIVER, MN	4,196	5,000
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MN	273	273
MISSISSIPPI		
ARKABUTLA LAKE, MS	685	685
BILOXI HARBOR, MS	---	1,000
CLAIBORNE COUNTY PORT, MS	8	87
EAST FORK, TOMBIGBEE RIVER, MS	170	170
ENID LAKE, MS	682	682
GRENADA LAKE, MS	700	700
GULFPORT HARBOR, MS	2,500	2,500
INSPECTION OF COMPLETED WORKS, MS	57	57
MOUTH OF YAZOO RIVER, MS	26	51
OKATIBBEE LAKE, MS	1,600	1,600

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
PASCAGOULA HARBOR, MS	4,460	4,460
PEARL RIVER, MS & LA	343	343
PROJECT CONDITION SURVEYS, MS	180	180
ROSEDALE HARBOR, MS	21	450
SARDIS LAKE, MS	545	545
WOLF AND JORDAN RIVERS, MS	---	1,000
YAZOO RIVER, MS	115	115
MISSOURI		
CARUTHERSVILLE HARBOR, MO	30	330
CLARENCE CANNON DAM AND MARK TWAIN LAKE, MO	6,440	6,440
CLEARWATER LAKE, MO	1,959	2,500
HARRY S TRUMAN DAM AND RESERVOIR, MO	10,977	10,977
INSPECTION OF COMPLETED WORKS, MO	817	817
LITTLE BLUE RIVER LAKES, MO	850	850
LONG BRANCH LAKE, MO	875	875
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	18,099	18,099
NEW MADRID HARBOR, MO	22	340
POMME DE TERRE LAKE, MO	1,828	1,828
PROJECT CONDITION SURVEYS, MO	6	6
SCHEDULING RESERVOIR OPERATIONS, MO	316	316
SMITHVILLE LAKE, MO	1,118	1,118
SOUTHEAST MISSOURI PORT, MO	---	375
STOCKTON LAKE, MO	5,362	5,701
TABLE ROCK LAKE, MO	5,772	9,000
UNION LAKE, MO	10	10
WAPPAPELLO LAKE, MO	234	234
MONTANA		
FT PECK DAM AND LAKE, MT	5,413	5,413
INSPECTION OF COMPLETED WORKS, MT	12	12
LIBBY DAM, LAKE KOOCANUSA, MT	1,453	1,453
SCHEDULING RESERVOIR OPERATIONS, MT	87	87
NEBRASKA		
GAVINS POINT DAM, LEWIS AND CLARK LAKE, NE & SD	8,422	8,422
HARLAN COUNTY LAKE, NE	1,486	1,486
INSPECTION OF COMPLETED WORKS, NE	122	122
MISSOURI R MASTER WTR CONTROL MANUAL, NE, IA, KS, MO,	350	350
PAPILLION CREEK AND TRIBUTARIES LAKES, NE	564	564
SALT CREEK AND TRIBUTARIES, NE	708	708
NEVADA		
INSPECTION OF COMPLETED WORKS, NV	43	43
MARTIS CREEK LAKE, NV & CA	552	552
PINE AND MATHEWS CANYONS LAKES, NV	288	368
NEW HAMPSHIRE		
BLACKWATER DAM, NH	461	461
COCHECO RIVER, NH	---	1,000
COMPREHENSIVE UPLAND DREDGE DISPOSAL SITE EVALUATION,	---	250
EDWARD MACDOWELL LAKE, NH	481	481
FRANKLIN FALLS DAM, NH	500	500
HOPKINTON - EVERETT LAKES, NH	887	887
INSPECTION OF COMPLETED WORKS, NH	12	12
OTTER BROOK LAKE, NH	537	537
PROJECT CONDITION SURVEYS, NH	300	300
SURRY MOUNTAIN LAKE, NH	498	498

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
NEW JERSEY		
BARNEGAT INLET, NJ	1,520	1,720
COLD SPRING INLET, NJ	500	725
DELAWARE RIVER AT CAMDEN, NJ	20	20
DELAWARE RIVER, PHILADELPHIA TO THE SEA, NJ, PA & DE	19,290	20,800
DELAWARE RIVER, PHILADELPHIA, PA TO TRENTON, NJ	3,615	3,615
INSPECTION OF COMPLETED WORKS, NJ	89	89
NEW JERSEY INTRACOASTAL WATERWAY, NJ	1,815	2,000
NEWARK BAY, HACKENSACK AND PASSAIC RIVERS, NJ	100	100
MANAQUAN RIVER, NJ	---	175
PASSAIC RIVER FLOOD WARNING SYSTEMS, NJ	425	425
PROJECT CONDITION SURVEYS, NJ	785	785
RARITAN RIVER, NJ	450	450
SANDY HOOK BAY AT LEONARD, NJ	70	70
SALEM RIVER, NJ	---	700
SHARK RIVER, NJ	70	70
NEW MEXICO		
ABIQUIU DAM, NM	1,712	3,200
COCHITI LAKE, NM	2,569	7,079
CONCHAS LAKE, NM	1,560	2,000
GALISTEO DAM, NM	434	534
INSPECTION OF COMPLETED WORKS, NM	137	137
JEMEZ CANYON DAM, NM	637	3,000
SANTA ROSA DAM AND LAKE, NM	1,176	1,300
SCHEDULING RESERVOIR OPERATIONS, NM	227	227
TWO RIVERS DAM, NM	463	463
UPPER RIO GRANDE WATER OPERATIONS MODEL, NM	---	1,000
NEW YORK		
ALMOND LAKE, NY	471	471
ARKPORT DAM, NY	275	275
BARCELONA HARBOR, NY	3	3
BLACK ROCK CHANNEL AND TONAWANDA HARBOR, NY	2,950	2,950
BROWNS CREEK, NY	80	80
BUFFALO HARBOR, NY	1,263	1,263
BUTTERMILK CHANNEL, NY	300	300
CATTARAUGUS CREEK HARBOR, NY	5	5
DUNKIRK HARBOR, NY	305	305
EAST ROCKAWAY INLET, NY	140	140
EAST SIDNEY LAKE, NY	500	500
FIRE ISLAND INLET TO JONES INLET, NY	2,350	2,350
FLUSHING BAY & CREEK, NY	---	1,500
GLEN COVE CREEK, NY	100	100
GREAT SODUS BAY HARBOR, NY	---	400
HUDSON RIVER CHANNEL, NY	350	350
HUDSON RIVER, NY (MAINT)	2,510	2,510
HUDSON RIVER, NY (O&C)	2,935	2,935
INSPECTION OF COMPLETED WORKS, NY	454	454
JAMAICA BAY, NY	140	140
LONG ISLAND INTRACOASTAL WATERWAY, NY	2,000	2,000
MATTITUCK HARBOR, NY	---	700
MORICHES INLET, NY	30	300
MT MORRIS LAKE, NY	2,753	2,753
NEW YORK AND NEW JERSEY CHANNELS, NY	3,660	3,660
NEW YORK HARBOR, NY	4,460	4,460
NEW YORK HARBOR, NY & NJ (DRIFT REMOVAL)	5,344	5,344
NEW YORK HARBOR, NY (PREVENTION OF OBSTRUCTIVE DEPOSIT	750	750
OAK ORCHARD HARBOR, NY (POINT BREEZE)	---	200
OLCOTT HARBOR, NY	5	5
OSWEGO HARBOR, NY (MAINTENANCE DREDGING)	---	200
PLATTSBURGH HARBOR, NY	---	750
PROJECT CONDITION SURVEYS, NY	1,220	1,220

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
ROCHESTER HARBOR, NY	55	300
RONDOUT HARBOR, NY	150	150
SAG HARBOR, NY	100	100
SHINNECOCK INLET, NY	416	1,000
SOUTHERN NEW YORK FLOOD CONTROL PROJECTS, NY	774	774
STURGEON POINT HARBOR, NY	20	20
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, NY	586	586
WHITNEY POINT LAKE, NY	1,044	1,044
WILSON HARBOR, NY	3	3
NORTH CAROLINA		
ATLANTIC INTRACOASTAL WATERWAY, NC	831	2,200
B EVERETT JORDAN DAM AND LAKE, NC	1,993	1,993
BEAUFORT HARBOR, NC	400	400
BOGUE INLET AND CHANNEL, NC	866	866
CAPE FEAR RIVER ABOVE WILMINGTON, NC	803	803
CAROLINA BEACH INLET, NC	1,088	1,088
FALLS LAKE, NC	2,113	2,113
INSPECTION OF COMPLETED WORKS, NC	33	33
LAKE JUNALUSKA, NC	---	250
LOCKWOODS FOLLY RIVER, NC	1,017	1,017
MANTEO (SHALLOWBAG) BAY, NC	6,390	6,390
MASONBORO INLET AND CONNECTING CHANNELS, NC	50	50
MOREHEAD CITY HARBOR, NC	12,917	12,917
NEW RIVER INLET, NC	839	839
NEW TOPSAIL INLET AND CONNECTING CHANNELS, NC	665	665
PAMLICO AND TAR RIVERS, NC	219	219
PROJECT CONDITION SURVEYS, NC	75	75
ROANOKE RIVER, NC	178	178
W KERR SCOTT DAM AND RESERVOIR, NC	2,853	2,853
WILMINGTON HARBOR, NC	6,906	6,906
NORTH DAKOTA		
BOWMAN - HALEY LAKE, ND	163	163
GARRISON DAM, LAKE SAKAKAWEA, ND	12,664	12,964
HOMME LAKE, ND	921	921
INSPECTION OF COMPLETED WORKS, ND	68	68
LAKE ASHTABULA AND BALDHILL DAM, ND	1,944	1,944
PIPESTEM LAKE, ND	461	461
SCHEDULING RESERVOIR OPERATIONS, ND	113	113
SOURIS RIVER, ND	340	340
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ND	29	29
OHIO		
ALUM CREEK LAKE, OH	699	1,200
ASHTABULA HARBOR, OH	1,245	1,245
BERLIN LAKE, OH	1,690	1,690
CAESAR CREEK LAKE, OH	1,490	1,490
CLARENCE J BROWN DAM, OH	888	888
CLEVELAND HARBOR, OH	3,235	3,235
CONNEAUT HARBOR, OH	579	800
COOLEY CANAL, OH	20	300
DEER CREEK LAKE, OH	637	637
DELAWARE LAKE, OH	1,181	1,181
DILLON LAKE, OH	532	532
FAIRPORT HARBOR, OH	735	735
HURON HARBOR, OH	108	108
INSPECTION OF COMPLETED WORKS, OH	210	210
LORAIN HARBOR, OH	4,483	4,483
MASSILLON LOCAL PROTECTION PROJECT, OH	25	25
MICHAEL J KIRWAN DAM AND RESERVOIR, OH	793	793
MOSQUITO CREEK LAKE, OH	1,176	1,176
MUSKINGUM RIVER LAKES, OH	7,799	9,399

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
NORTH BRANCH KOKOSING RIVER LAKE, OH	185	185
PAINT CREEK LAKE, OH	788	788
PORT CLINTON HARBOR, OH	10	10
PROJECT CONDITION SURVEYS, OH	129	129
ROCKY RIVER, OH	3	350
ROSEVILLE LOCAL PROTECTION PROJECT, OH	30	30
SANDUSKY HARBOR, OH	825	825
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OH	165	165
TOLEDO HARBOR, OH	4,004	4,004
TOM JENKINS DAM, OH	238	238
TOUSSAINT RIVER, OH	20	20
VERMILION HARBOR, OH	28	350
WEST FORK OF MILL CREEK LAKE, OH	455	455
WEST HARBOR, OH	3	503
WILLIAM H HARSHA LAKE, OH	941	941
OKLAHOMA		
ARCADIA LAKE, OK	715	715
BIRCH LAKE, OK	482	482
BROKEN BOW LAKE, OK	1,684	1,684
CANDY LAKE, OK	20	20
CANTON LAKE, OK	2,302	2,302
COPAN LAKE, OK	707	707
EUFAULA LAKE, OK	5,889	5,889
FORT GIBSON LAKE, OK	6,463	6,463
FORT SUPPLY LAKE, OK	846	846
GREAT SALT PLAINS LAKE, OK	514	514
HEYBURN LAKE, OK	612	612
HUGO LAKE, OK	1,638	1,638
HULAH LAKE, OK	1,230	1,230
KAW LAKE, OK	2,016	2,016
KEYSTONE LAKE, OK	6,834	6,834
OOLOGAH LAKE, OK	2,099	2,099
OPTIMA LAKE, OK	406	406
PENSACOLA RESERVOIR, LAKE OF THE CHEROKEES, OK	35	35
PINE CREEK LAKE, OK	921	921
ROBERT S KERR LOCK AND DAM AND RESERVOIRS, OK	4,275	4,495
SARDIS LAKE, OK	1,096	1,096
SCHEDULING RESERVOIR OPERATIONS, OK	387	387
SKIATOOK LAKE, OK	1,353	1,353
TENKILLER FERRY LAKE, OK	3,217	3,217
WAURIKA LAKE, OK	1,241	1,241
WEBBERS FALLS LOCK AND DAM, OK	6,551	6,551
WISTER LAKE, OK	948	948
OREGON		
APPLEGATE LAKE, OR	666	666
BLUE RIVER LAKE, OR	261	261
BONNEVILLE LOCK AND DAM, OR & WA	4,849	4,849
CHETCO RIVER, OR	---	350
COLUMBIA & LWR WILLAMETTE R BLW VANCOUVER, WA & PORTLA	16,674	17,500
COLUMBIA RIVER AT BAKER BAY, WA	---	350
COLUMBIA RIVER AT THE MOUTH, OR & WA	10,028	10,028
COLUMBIA RIVER BETWEEN VANCOUVER, WA AND THE DALLES, O	382	382
COOS BAY, OR	3,598	3,598
COQUILLE RIVER, OR	---	300
COTTAGE GROVE LAKE, OR	724	724
COUGAR LAKE, OR	3,577	3,577
DEPOE BAY (HARBOR WALL STABILIZATION), OR	---	400
DETROIT LAKE, OR	2,002	2,002
DORENA LAKE, OR	535	535
FALL CREEK LAKE, OR	464	464
FERN RIDGE LAKE, OR	956	1,500
GREEN PETER - FOSTER LAKES, OR	2,545	2,545

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
HILLS CREEK LAKE, OR	4,895	4,895
INSPECTION OF COMPLETED WORKS, OR	161	161
JOHN DAY LOCK AND DAM, OR & WA	4,038	4,538
LOOKOUT POINT LAKE, OR	2,027	2,027
LOST CREEK LAKE, OR	5,154	5,154
MCNARY LOCK AND DAM, OR & WA	5,484	5,484
PORT ORFORD, OR	---	250
PROJECT CONDITION SURVEYS, OR	200	200
ROUGE RIVER, GOLD BEACH, OR	---	400
SCHEDULING RESERVOIR OPERATIONS, OR	60	60
SIUSLAW RIVER, OR	---	150
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OR	134	134
TILLAMOOK BAY AND BAR, OR	---	400
UMPQUA RIVER, OR	---	425
WILLAMETTE RIVER AT WILLAMETTE FALLS, OR	259	359
WILLAMETTE RIVER BANK PROTECTION, OR	58	58
WILLOW CREEK LAKE, OR	599	599
YAQUINA BAY AND HARBOR, OR	1,228	1,228
PENNSYLVANIA		
ALLEGHENY RIVER, PA	4,596	4,846
ALVIN R BUSH DAM, PA	712	712
AYLESWORTH CREEK LAKE, PA	254	254
BELTZVILLE LAKE, PA	1,095	1,095
BLUE MARSH LAKE, PA	2,810	2,810
CONEMAUGH RIVER LAKE, PA	962	962
COWANESQUE LAKE, PA	3,118	3,118
CROOKED CREEK LAKE, PA	1,369	1,369
CURWENSVILLE LAKE, PA	743	743
EAST BRANCH CLARION RIVER LAKE, PA	1,057	1,057
ERIE HARBOR, PA	135	135
FOSTER JOSEPH SAYERS DAM, PA	789	789
FRANCIS E WALTER DAM, PA	681	1,000
GENERAL EDGAR JADWIN DAM AND RESERVOIR, PA	348	348
INSPECTION OF COMPLETED WORKS, PA	271	271
JOHNSTOWN, PA	997	2,247
KINZUA DAM AND ALLEGHENY RESERVOIR, PA	1,437	1,437
LOYALHANNA LAKE, PA	885	885
MAHONING CREEK LAKE, PA	820	820
MONONGAHELA RIVER, PA	15,158	15,500
OHIO RIVER LOCKS AND DAMS, PA, OH & WV	22,504	22,504
OHIO RIVER OPEN CHANNEL WORK, PA, OH & WV	488	488
PROJECT CONDITION SURVEYS, PA	21	21
PROMPTON LAKE, PA	455	455
PUNXSUTAWNEY, PA	17	17
RAYSTOWN LAKE, PA	5,674	6,074
SCHEDULING RESERVOIR OPERATIONS, PA	57	57
SCHUYLKILL RIVER, PA	1,360	1,360
SHENANGO RIVER LAKE, PA	1,829	1,829
STILLWATER LAKE, PA	385	385
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, PA	79	79
TIOGA - HAMMOND LAKES, PA	3,852	4,352
TIONESTA LAKE, PA	1,790	2,340
UNION CITY LAKE, PA	224	224
WOODCOCK CREEK LAKE, PA	810	810
YORK INDIAN ROCK DAM, PA	691	691
YOUGHIOGHENY RIVER LAKE, PA & MD	1,804	1,804
RHODE ISLAND		
INSPECTION OF COMPLETED WORKS, RI	6	6
PROJECT CONDITION SURVEYS, RI	2,163	2,163
PROVIDENCE RIVER AND HARBOR, RI	21,000	21,000

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
SOUTH CAROLINA		
ATLANTIC INTRACOASTAL WATERWAY, SC	269	1,432
CHARLESTON HARBOR, SC	9,740	10,000
COOPER RIVER, CHARLESTON HARBOR, SC	3,380	3,380
FOLLY RIVER, SC	277	400
GEORGETOWN HARBOR, SC	2,719	2,719
INSPECTION OF COMPLETED WORKS, SC	26	26
MURRELLS INLET, SC	45	45
PROJECT CONDITION SURVEYS, SC	229	229
TOWN CREEK, SC	419	419
SOUTH DAKOTA		
BIG BEND DAM, LAKE SHARPE, SD	6,715	6,715
CHEYENNE, RIVER SIOUX TRIBE, LOWER BRULE, SD	---	5,000
COLD BROOK LAKE, SD	238	238
COTTONWOOD SPRINGS LAKE, SD	192	192
FORT RANDALL DAM, LAKE FRANCIS CASE, SD	6,873	6,873
INSPECTION OF COMPLETED WORKS, SD	21	21
LAKE TRAVERSE, SD & MN	907	907
MISSOURI R BETWEEN FORT PECK DAM AND GAVINS PT, SD, MT	410	410
OAHE DAM, LAKE OAHE, SD & ND	13,768	13,768
SCHEDULING RESERVOIR OPERATIONS, SD	48	48
TENNESSEE		
CENTER HILL LAKE, TN	8,604	8,604
CHEATHAM LOCK AND DAM, TN	5,612	5,612
CHICKAMAUGA LOCK, TN	2,480	2,480
CORDELL HULL DAM AND RESERVOIR, TN	3,870	3,870
DALE HOLLOW LAKE, TN	6,120	6,120
INSPECTION OF COMPLETED WORKS, TN	127	127
J PERCY PRIEST DAM AND RESERVOIR, TN	3,150	3,150
OLD HICKORY LOCK AND DAM, TN	7,685	7,685
PROJECT CONDITION SURVEYS, TN	6	6
TENNESSEE RIVER, TN	16,521	17,200
WOLF RIVER HARBOR, TN	20	530
TEXAS		
AQUILLA LAKE, TX	589	589
ARKANSAS - RED RIVER BASINS CHLORIDE CONTROL - AREA VI	1,262	1,262
BARBOUR TERMINAL CHANNEL, TX	659	659
BARDWELL LAKE, TX	1,598	1,598
BELTON LAKE, TX	3,299	4,100
BENBROOK LAKE, TX	2,038	2,038
BUFFALO BAYOU AND TRIBUTARIES, TX	2,413	2,413
CANYON LAKE, TX	2,770	2,770
CORPUS CHRISTI SHIP CHANNEL, TX	6,650	6,650
DENISON DAM, LAKE TEXOMA, TX	8,500	8,800
ESTELLINE SPRINGS EXPERIMENTAL PROJECT, TX	3	3
FERRELLS BRIDGE DAM, LAKE O' THE PINES, TX	2,660	2,660
FREEPORT HARBOR, TX	4,500	4,500
GALVESTON HARBOR AND CHANNEL, TX	4,676	4,676
GRANGER DAM AND LAKE, TX	1,568	1,568
GRAPEVINE LAKE, TX	2,596	2,596
GULF INTRACOASTAL WATERWAY, TX	21,329	21,329
HORDS CREEK LAKE, TX	1,223	1,223
HOUSTON SHIP CHANNEL, TX	13,539	13,539
INSPECTION OF COMPLETED WORKS, TX	256	256
JIM CHAPMAN LAKE, TX	1,141	1,141
JOE POOL LAKE, TX	626	626
LAKE KEMP, TX	487	487
LAVON LAKE, TX	3,312	3,312
LEWISVILLE DAM, TX	3,124	3,124

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
MATAGORDA SHIP CHANNEL, TX	4,690	4,690
NAVARRO MILLS LAKE, TX	1,597	1,597
NORTH SAN GABRIEL DAM AND LAKE GEORGETOWN, TX	1,711	1,711
O C FISHER DAM AND LAKE, TX	1,419	1,419
PAT MAYSE LAKE, TX	794	900
PROCTOR LAKE, TX	1,683	1,683
PROJECT CONDITION SURVEYS, TX	50	50
RAY ROBERTS LAKE, TX	689	1,200
SABINE - NECHES WATERWAY, TX	8,849	8,849
SAM RAYBURN DAM AND RESERVOIR, TX	5,618	5,618
SCHEDULING RESERVOIR OPERATIONS, TX	190	190
SOMERVILLE LAKE, TX	3,323	3,323
STILLHOUSE HOLLOW DAM, TX	2,487	2,600
TEXAS CITY SHIP CHANNEL, TX	---	1,000
TEXAS WATER ALLOCATION ASSESSMENT, TX	100	100
TOWN BLUFF DAM, B A STEINHAGEN LAKE, TX	1,946	2,500
WACO LAKE, TX	2,316	2,816
WALLISVILLE LAKE, TX	958	958
WHITNEY LAKE, TX	4,695	4,695
WRIGHT PATMAN DAM AND LAKE, TX	3,404	3,464
UTAH		
INSPECTION OF COMPLETED WORKS, UT	65	65
SCHEDULING RESERVOIR OPERATIONS, UT	464	464
VERMONT		
BALL MOUNTAIN LAKE, VT	651	651
INSPECTION OF COMPLETED WORKS, VT	42	42
NARROWS OF LAKE CHAMPLAIN, VT & NY	50	50
NORTH HARTLAND LAKE, VT	582	582
NORTH SPRINGFIELD LAKE, VT	621	621
TOWNSHEND LAKE, VT	595	595
UNION VILLAGE DAM, VT	545	545
WINHALL BROOK, VT	---	600
VIRGINIA		
APPOMATTOX RIVER, VA	---	150
ATLANTIC INTRACOASTAL WATERWAY - ACC, VA	1,991	1,991
ATLANTIC INTRACOASTAL WATERWAY - DSC, VA	1,033	1,033
BONUM CREEK, VA	705	705
CAPE CHARLES CITY HARBOR, VA	25	25
CHINCOTEAGUE INLET, VA	915	915
DEEP CREEK, NEWPORT NEWS, VA	---	350
GATHRIGHT DAM AND LAKE MOOMAW, VA	1,756	1,756
HAMPTON CREEK, VA	733	733
HAMPTON RDS, NORFOLK & NEWPORT NEWS HBR, VA (DRIFT REM	1,200	1,200
HOSKINS CREEK, VA	1,479	1,479
INSPECTION OF COMPLETED WORKS, VA	111	111
JAMES RIVER CHANNEL, VA	3,107	3,107
JOHN H KERR LAKE, VA & NC	10,839	10,839
JOHN W FLANNAGAN DAM AND RESERVOIR, VA	1,341	1,341
LYNNHAVEN INLET, VA	200	200
MONROE BAY AND CREEK, VA	422	422
NORFOLK HARBOR, VA	7,115	7,115
NORFOLK HARBOR, VA (PREVENTION OF OBSTRUCTIVE DEPOSITS	200	200
NORTH FORK OF POUND RIVER LAKE, VA	343	343
OYSTER CHANNEL, VA	310	310
PAGAN RIVER, VA	---	300
PHILPOTT LAKE, VA	3,854	3,854
PROJECT CONDITION SURVEYS, VA	750	750
QUINBY CREEK, VA	40	40
RUDEE INLET, VA	1,180	1,180
TYLER'S BEACH DREDGING PROJECT	---	100

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
WATERWAY ON THE COAST OF VIRGINIA, VA	1,285	1,400
YORK RIVER, VA	1,585	1,585
WASHINGTON		
BELLINGHAM HARBOR, WA	50	50
CHIEF JOSEPH DAM, WA	711	711
COLUMBIA RIVER BTWN CHINOOK & HEAD OF SAND ISLAND, WA.	---	500
EVERETT HARBOR AND SNOHOMISH RIVER, WA	1,579	1,579
GRAYS HARBOR AND CHEHALIS RIVER, WA	8,377	9,377
HOWARD HANSON DAM, WA	2,050	2,050
ICE HARBOR LOCK AND DAM, WA	7,770	7,770
INSPECTION OF COMPLETED WORKS, WA	295	295
LAKE CROCKETT (KEYSTONE HARBOR), WA	7	7
LAKE WASHINGTON SHIP CANAL, WA	6,262	6,262
LITTLE GOOSE LOCK AND DAM, WA	1,342	1,342
LOWER GRANITE LOCK AND DAM, WA	2,074	2,074
LOWER MONUMENTAL LOCK AND DAM, WA	2,004	2,004
MILL CREEK LAKE, WA	1,196	1,196
MT ST HELENS SEDIMENT CONTROL, WA	263	263
MUD MOUNTAIN DAM, WA	2,931	2,931
PROJECT CONDITION SURVEYS, WA	347	347
PUGET SOUND AND TRIBUTARY WATERS, WA	961	961
SCHEDULING RESERVOIR OPERATIONS, WA	472	472
SEATTLE HARBOR, WA	985	985
STILLAGUAMISH RIVER, WA	254	254
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WA	62	62
SWINOMISH CHANNEL, WA	520	520
TACOMA, PUYALLUP RIVER, WA	115	115
THE DALLES LOCK AND DAM, WA & OR	3,278	3,278
WILLAPA RIVER AND HARBOR, WA	510	510
WEST VIRGINIA		
BEECH FORK LAKE, WV	1,061	1,061
BLUESTONE LAKE, WV	1,074	1,074
BURNSVILLE LAKE, WV	1,446	1,446
EAST LYNN LAKE, WV	1,609	1,609
ELKINS, WV	18	18
INSPECTION OF COMPLETED WORKS, WV	106	106
KANAWHA RIVER LOCKS AND DAMS, WV	7,655	7,655
OHIO RIVER LOCKS AND DAMS, WV, KY & OH	24,270	24,270
OHIO RIVER OPEN CHANNEL WORK, WV, KY & OH	2,366	2,366
R D BAILEY LAKE, WV	1,457	1,607
STONEWALL JACKSON LAKE, WV	836	836
SUMMERSVILLE LAKE, WV	1,469	1,469
SUTTON LAKE, WV	1,785	3,000
TYGART LAKE, WV	4,195	4,195
WISCONSIN		
EAU GALLE RIVER LAKE, WI	1,599	1,599
FOX RIVER, WI	3,929	3,929
GREEN BAY HARBOR, WI	3,492	3,492
INSPECTION OF COMPLETED WORKS, WI	47	47
KENOSHA HARBOR, WI	178	178
KEWAUNEE HARBOR, WI	120	120
MANITOWOC HARBOR, WI	63	63
MILWAUKEE HARBOR, WI	781	781
PORT WASHINGTON HARBOR, WI	170	170
PROJECT CONDITION SURVEYS, WI	96	96
SHEBOYGAN HARBOR, WI	991	991
STURGEON BAY HARBOR AND LAKE MICHIGAN SHIP CANAL, WI	317	317
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WI	472	472
TWO RIVERS HARBOR, WI	1,200	1,200

OPERATION AND MAINTENANCE
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
WYOMING		
INSPECTION OF COMPLETED WORKS, WY	11	11
JACKSON HOLE LEVEES, WY	1,217	1,217
SCHEDULING RESERVOIR OPERATIONS, WY	86	86
MISCELLANEOUS		
AQUATIC NUISANCE CONTROL RESEARCH	725	1,025
AUTOMATED BUDGET SYSTEM (ABS)	285	285
COASTAL INLET RESEARCH PROGRAM	2,750	3,050
CULTURAL RESOURCES (NAGPRA/CURATION)	1,545	1,545
DREDGE WHEELER READY RESERVE	8,000	8,000
DREDGING DATA AND LOCK PERFORMANCE MONITORING SYSTEM	1,180	1,180
DREDGING OPERATIONS AND ENVIRONMENTAL RESEARCH (DOER)	6,755	6,755
DREDGING OPERATIONS TECHNICAL SUPPORT PROGRAM	1,545	1,545
EARTHQUAKE HAZARDS REDUCTION PROGRAM	300	300
EXTRAORDINARY MAINTENANCE	---	15,000
FACILITY PROTECTION	13,000	13,000
GREAT LAKES SEDIMENT TRANSPORT MODELS	1,000	1,000
HARBOR MAINTENANCE FEE DATA COLLECTION	675	675
INLAND WATERWAY NAVIGATION CHARTS	4,120	4,120
LONG TERM OPTION ASSESSMENT FOR LOW USE NAVIGATION	1,000	---
MONITORING OF COMPLETED NAVIGATION PROJECTS	1,750	1,750
NATIONAL DAM SAFETY PROGRAM	45	45
NATIONAL DAM SECURITY PROGRAM	30	30
NATIONAL EMERGENCY PREPAREDNESS PROGRAM (NEPP)	6,000	6,000
NATIONAL LEWIS AND CLARK COMMEMORATION COORDINATOR	310	310
PERFORMANCE BASED BUDGETING SUPPORT PROGRAM	815	815
PROTECT, CLEAR AND STRAIGHTEN CHANNELS(SEC 3)	50	50
RECREATION MANAGEMENT SUPPORT PROGRAM (RMSP)	1,545	1,545
REGIONAL SEDIMENT MANAGEMENT DEMONSTRATION PROGRAM	1,545	1,795
RELIABILITY MODELS PROGRAM FOR MAJOR REHABILITATION	675	675
REMOVAL OF SUNKEN VESSELS	500	500
WATER OPERATIONS TECHNICAL SUPPORT (WOTS)	725	725
WATERBORNE COMMERCE STATISTICS	4,745	4,745
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-13,491	-114,038
TOTAL, OPERATION AND MAINTENANCE	1,939,000	1,967,925

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

The conference agreement appropriates $38,191,000 to carry out the provisions of the Central Utah Project Completion Act as proposed by the House and the Senate.

Section 402(b)(3)(B) of the Central Utah Project Completion Act directed that the Secretary of Energy, out of funds appropriated to the Western Area Power Administration, contribute funds annually to the Utah Reclamation Mitigation and Conservation Fund. On May 9, 2003, the Administration submitted a budget amendment proposing to transfer that responsibility to the Secretary of the Interior and requesting an additional $6,000,000 in this account for that purpose. The conference agreement (Section 214) provides that this payment shall continue to be made from funds appropriated to the Western Power Administration for ten years from the date of enactment of this Act.

BUREAU OF RECLAMATION

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Bureau of Reclamation. Additional items of conference agreement are discussed below.

WATER AND RELATED RESOURCES

The conference agreement appropriates $857,498,000 for Water and Related Resources instead of $817,913,000 as proposed by the House and $859,517,000 as proposed by the Senate.

The conference agreement includes $4,500,000 for the Colorado River Front Work and Levee system project, $1,000,000 more than the budget request. The Bureau of Reclamation is directed to carry out the work on the water management reservoirs near the All American Canal and associated facilities under the authority of the Colorado River Front Work and Levee System (P.L. 585 and P.L. 560, as amended).

The conferees are concerned that the Bureau of Reclamation is having to make excess releases of more than 100,000 acre-feet of water per year from storage in Colorado River reservoirs in order to meet the delivery requirements of the 1944 Treaty with Mexico. This is due to not counting Welton-Mohawk Irrigation and Drainage District drainage flows that are bypassed to the Cienega de Santa Clara as part of the 1.5 million acre-feet required to satisfy the Treaty. This loss of water has become particularly acute due to the drought in the Colorado River Basin. The loss of more than 100,000 acre-feet per year robs all seven basin states of badly needed water. Title I of the Colorado River Basin Salinity Control Act identified construction and operation of the Yuma Desalting Plant as the solution to the agreement between the United States and Mexico preferred by all parties. Accordingly, the conferees direct the Bureau of Reclamation to expedite its modifications of the plant to accomplish state of the art operation, and accelerate the permitting and environmental compliance activities needed for operation of the plant. The Bureau of Reclamation is directed to report to the House and Senate Committees on Appropriations on the status of those activities within 180 days of enactment of this Act.

The amount provided for the Delta Division of the Central Valley Project includes: $1,000,000 for the Bureau of Reclamation to continue design of an intertie between the Delta-Mendota Canal and the California Aqueduct; $500,000 to continue oversight activities in coordination with the CALFED Program Implementation Plan; and $1,000,000 to continue activities associated with the enlargement of Los Vaqueros Reservoir.

The amount provided for the Friant Division of the Central Valley Project includes $1,500,000 to continue Upper San Joaquin River Basin storage investigations.

The amount provided for Miscellaneous Project Programs of the Central Valley Project includes: $400,000 for the Kaweah River Delta Corridor Enhancement Study; $3,500,000 to continue work on Sacramento River fish screen projects; $1,000,000 for the administration of storage, conveyance, water use efficiency, ecosystem restoration, science, and water transfer activities in support of the CALFED program; $1,000,000 for technical assistance to the State of California; and an additional $2,000,000 for the Environmental Water Account.

The amount provided for the Sacramento River Division of the Central Valley Project includes: an additional $1,800,000 for the Glenn-Colusa Irrigation District fish passage improvement project, including funds for the Bureau of Reclamation to reimburse the Glenn-Colusa Irrigation District for costs incurred by the District in excess of its non-Federal cost-sharing requirement; $1,250,000 to continue planning and study activities for Sites Reservoir, including an evaluation of the utilization of both the GCID Main Canal and the Tehama-Colusa Canal as a means to convey water to the proposed reservoir; and $400,000 to continue work on the Colusa Basin Integrated Resources Management Plan.

The amount provided for the Shasta Division of the Central Valley Project includes $750,000 to continue the evaluation of potential impacts of the proposed Shasta Dam raise.

The amount provided for the West San Joaquin Division of the Central Valley Project includes $1,000,000 for implementation of the Westside Regional Drainage Plan. The conferees have not provided the funds requested for the payment of settlement costs in the case of *Sumner Peck Ranch* v. *Bureau of Reclamation*.

The conference agreement includes $4,000,000 for the Salton Sea Research Project in California, including $1,000,000 to continue environmental restoration efforts at the New and Alamo Rivers, including efforts in and around Calexico, California, $1,000,000 to continue the Imperial Valley groundwater assessment in cooperation with Lawrence Livermore National Laboratory, and $1,000,000 for additional work needed to prepare for the construction of pilot desalination and demonstration facilities.

The conferees have provided $1,835,000 for the Southern California Investigations Program, including $300,000 to continue the Chino Basin Conjunctive Use Project, and an additional $400,000 for the Los Angeles Basin Watershed Water Supply Augmentation study.

The conference agreement includes bill language proposed by the House which provides that $10,000,000 of the funds appropriated for Water and Related Resources shall be deposited in the San Gabriel Basin Restoration Fund to continue the program to design, construct, and operate projects to contain and treat the spreading groundwater contamination in the San Gabriel and Central Groundwater Basins in California.

The conference agreement includes $52,000,000 for the Bureau of Reclamation to continue construction of the Animas-La Plata project in Colorado. The conferees are very concerned about the recently announced $162,000,000 cost increase for this project. This cost increase threatens the project schedule set forth in the authorizing legislation and the ability of the Congress to continue to fund this important project. The conferees direct the Bureau of Reclamation to submit to the Committees on Appropriations within 90 days of enactment of this Act, a detailed report on the cost increase, including an explanation of the elements that comprise the cost increase, the impact of the cost increase on the project schedule, and the need for additional authorization for completion of the project.

The conference agreement includes $15,000,000 for the Columbia and Snake Rivers Salmon Recovery Project. The conference agreement does not include the $4,000,000 requested by the Administration for construction activities that require additional authorization.

The conference agreement includes an additional $270,000 for the Boise Area Projects in Idaho to offset costs associated with water service contract renewals for Lucky Peak Reservoir. The conferees direct the Bureau of Reclamation to not seek reimbursement of these funds from water users.

The conferees have provided an additional $700,000 under the Oklahoma Investigations Program for the Bureau of Reclamation to continue studies of ways to better manage the resources of the Arbuckle-Simpson aquifer.

The conference agreement includes $350,000 for the Bend Feed Canal element of the Deschutes Project in Oregon. The conferees understand that this funding will complete the Federal obligation for this project.

The conference agreement deletes bill language proposed by the Senate regarding the Mni Wiconi project in South Dakota. The amount appropriated for Water and Related Resources includes $25,217,000 to continue construction of the Mni Wiconi project.

The conference agreement includes $500,000 for the Bureau of Reclamation to continue a feasibility study of water supply infrastructure improvements in Park City, Utah. The Senate had proposed to fund this effort within the programs of the U.S. Army Corps of Engineers.

The conference agreement includes $4,000,000 for the Drought Emergency Assistance Program. Within the funds provided, $1,000,000 is for emergency assistance in Nebraska, $1,000,000 is for assistance to the Navajo Nation in New Mexico and Arizona, and $1,000,000 is for the completion of emergency wells in Santa Fe, New Mexico. The conference agreement includes language directing the Bureau of Reclamation to complete the Santa Fe wells project through a cooperative agreement with the City of Santa Fe. In addition, the conferees urge the Bureau of Reclamation to provide full and fair consideration to the request for drought assistance from the State of Hawaii. The conferees also encourage the Bureau of Reclamation to investigate the use of moisture sensor irrigation control systems and to give consideration to a demonstration project on Bureau property at the Boulder City, Nevada, office. The demonstration project would determine water savings that might be achieved by use of moisture sensor irrigation control systems where individual and separately adjustable moisture sensors are placed in each irrigation zone on a landscape to monitor and automatically terminate irrigation on a zone-by-zone basis.

The conference agreement includes $12,871,000 for the Endangered Species Recovery Implementation Program, $500,000 below the budget request. Of the amount provided, $2,000,000 is for the program in the Platte River basin. The conferees are very concerned about the lack of clear authority for the Bureau of Reclamation to participate in this large, multi-year effort. Although the cost of the first increment of this program is currently estimated at $75,000,000, the Bureau of Reclamation indicates that costs

could be as much as $150,000,000. The only authority cited by the Bureau of Reclamation for its participation in this effort is the Endangered Species Act, which would seem to limit Reclamation's participation to addressing impacts of operation of its projects on the species at risk. The Commissioner of Reclamation testified that a specific authorization for the program would provide clearer guidance for the expenditure of funds. The conferees agree with that assessment and urge the Administration to work with the states and other Federal agencies to develop a specific authorization for this multi-year, multi-million dollar undertaking.

The conferees have provided $3,980,000 for the Title XVI Water Reclamation and Reuse Program. Within the amount provided, $2,000,000 is to continue support to the WateReuse Foundation's research program, $300,000 is for the Alamogordo, New Mexico desalination study, and $200,000 is for the Bureau of Reclamation to work with local authorities in Hawaii on water reclamation and reuse opportunities as described in the Senate Report.

The conference agreement includes $8,400,000 for the Bureau of Reclamation's new Western Water Initiative. Of the funds provided, $1,000,000 is for the Desert Research Institute to address water quality and environmental issues in ways that will bring industry and regulators to mutually acceptable answers, $1,750,000 is for efficiency improvements in the Middle Rio Grande Conservancy District, and $1,000,000 is for the Bureau of Reclamation to enter into a strategic alliance with the International Center for Water Resources Management at Central State University in Ohio, the Ohio View Consortium, and Colorado State University for the development of advanced remote sensing technologies for use in operational decisions to deal with the current drought conditions, and to develop optimal strategies for managing water resources to deal with future constraining events. The House had proposed to fund this work under the Science and Technology Program. In addition, the conferees urge the Bureau of Reclamation to undertake a pilot project for innovative water conservation measures within the Klamath Basin project.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

The conference agreement includes $200,000 for administrative expenses for the Bureau of Reclamation Loan Program as proposed by the House and the Senate.

CENTRAL VALLEY PROJECT RESTORATION FUND

The conference agreement appropriates $39,600,000 for the Central Valley Project Restoration Fund as proposed by the House and the Senate.

Within the Anadromous Fish Restoration Program, the conferees urge the Bureau of Reclamation to use $500,000 to facilitate cooperative efforts between the Bureau of Reclamation and local agencies or conservation entities in the Mill Creek Watershed to evaluate and undertake water diversion and fishery options on Mill Creek, and to develop guidelines for resource valuation and Restoration Fund crediting for restoration activities under the Central Valley Project Improvement Act.

The conference agreement includes language proposed by the House which provides that none of the funds made available from the Central Valley Project Restoration Fund may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA ECOSYSTEM RESTORATION

The conference agreement includes no funds in the California Bay-Delta Ecosystem Restoration account as proposed by the House and the Senate.

The conferees have provided additional finds within the various units of the Central Valley Project under the Water and Related Resources account for activities that support the goals of the California Bay-Delta Ecosystem Restoration Program as proposed by the Senate. The conferees are aware that legislation to authorize this multi-year, multi-billion dollar program is under consideration by the Congress, but has yet to be enacted. Absent such an authorization, it will be difficult for the Congress to continue its support for this program. Therefore, the conferees strongly urge the parties involved to work to enact an authorization for the program so additional funding can be considered in the fiscal year 2005 appropriations cycle. The additional funds provided in support of the program are to be used as described in the Senate report except for storage investigations in the Upper San Joaquin Watershed, for which a total of $1,500,000 is provided, and activities related to Sites Reservoir, for which a total of $1,250,000 is provided.

Should funding requirements shift within the CALFED related activities funded within the Central Valley Project, the conferees would consider requests to reprogram funding within the designated CALFED items.

POLICY AND ADMINISTRATION

The conference agreement appropriates $55,525,000 for Policy and Administration instead of $56,525,000 as proposed by the House and instead of $54,425,000 as proposed by the Senate.

The conference agreement does not include language proposed by the Senate regarding acquisitions made by the Department of the Interior of articles, materials and supplies manufactured outside the United States.

Contracting Out.—The conferees continue to be committed to increasing the contracting out of the Bureau of Reclamation's functions which can be reasonably performed in the private sector, particularly planning, engineering and design work. However, the conferees also believe that some Federal capability is necessary and needs to be maintained. The conferees are pleased that the Bureau achieved the 10 percent target for fiscal year 2003, and look forward to working with the Commissioner to further the Administration's initiative in this area with regard to the Bureau of Reclamation.

Underfinancing.—The conferees are very concerned about the way the Bureau of Reclamation applied underfinancing in the Water and Related Resources account for fiscal year 2003. The conferees recognize that the total amount of underfinancing and the lateness of the fiscal year 2003 appropriation placed the Bureau of Reclamation in a difficult situation. However, the conferees believe that in fiscal year 2003, the Bureau of Reclamation used underfinancing to inappropriately reduce funding for Congressional priorities to the benefit of its own priorities. The use of underfinancing is a recognition that during the course of the year, it is inevitable that some projects and activities will fall behind schedule for a wide variety of reasons. The conferees agree that underfinancing should be applied against those activities or projects. However, underfinancing should not be used to pick winners and losers. The conferees remind the Bureau of Reclamation that current law provides that, ''Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.'' (31 U.S.C. 1301). The best expression of the purposes for which funds are appropriated are the House and Senate reports which accompany appropriations acts. Underfinancing should not be used to subvert the will of the Congress as expressed in those documents. Accordingly, the conferees direct that the Bureau of Reclamation apply the amount of underfinancing provided in this Act proportionately to all projects and activities funded in the Water and Related Resources account. As the year progresses, the Bureau of Reclamation has available to it the normal reprogramming procedures to adjust the funding levels for individual projects or activities to reflect actual project performance.

WORKING CAPITAL FUND

The conference agreement rescinds $4,525,000 of unobligated balances in the Working Capital Fund as proposed by the House and the Senate.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

Section 201. The conference agreement includes language proposed by the House and the Senate regarding the San Luis Unit and the Kesterson Reservoir in California.

Section 202. The conference agreement includes language proposed by the House and the Senate which prohibits the use of funds for any water acquisition or lease in the Middle Rio Grande or Carlsbad Projects in New Mexico unless the acquisition is in compliance with existing State law and administered under State priority allocation.

Section 203. The conference agreement includes language proposed by the House which amends Section 206 of Public Law 101–514 regarding water supply contracts for Sacramento County Water Agency and the San Juan Suburban Water District in California.

Section 204. The conference agreement includes language proposed by the House which authorizes and directs the Secretary of the Interior to amend the Central Valley Project water supply contracts for the Sacramento County Water Agency and the San Juan Suburban Water District by deleting a provision requiring a determination of annual water needs.

Section 205. The conference agreement includes language proposed by the House, modified to make technical corrections, regarding funds available in the Lower Colorado River Basin Development Fund. The Senate bill included a similar provision.

Section 206. The conference agreement includes language proposed by the House which provides that funds provided to the Bureau of Reclamation may be used for the payment of claims not exceeding $5,000,000.

Section 207. The conference agreement includes language proposed by the Senate concerning drought emergency assistance.

Section 208. The conference agreement includes language proposed by the Senate regarding Endangered Species Act requirements on the Rio Grande River in New Mexico. The language has been amended to state that the restrictions on changes to water deliveries also apply to water stored in Heron Reservoir, to clarify that it only applies to Federal and non-Federal actions addressed in the March 17, 2003, Biological Opinion, and to provide that subsection (b) shall remain in effect for 2 years from the date of enactment of this Act.

The conferees recognize that the six Middle Rio Grande Pueblos (Sandia, Isleta, San Felipe, Cochiti, Santa Ana, and Santo Domingo) were not parties to the *Silvery Minnow* v. *Keys*, 333 F.3d 1109 (10th Cir. 2003) litigation. The conferees also recognize that the ruling of the three judge panel may potentially impact them. The conferees therefore direct the Secretary of the Interior to report to Congress, within 180 days of the enactment of this Act, on the impact of the ruling on the Pueblos' water rights and water deliveries with regard to the enforcement of the

silvery minnow biological opinion by the Bureau of Reclamation.

Section 209. The conference agreement includes language proposed by the Senate which reforms the Endangered Species Collaborative Program. The language has been amended to change the representation in the Collaborative Program executive committee and change the effective date of the section.

Section 210. The conference agreement includes language proposed by the Senate regarding the Tularosa Basin National Research Facility in New Mexico.

Section 211. The conference agreement includes language proposed by the Senate regarding feasibility studies undertaken in connection with CALFED-related activities.

Section 212. The conference agreement includes language proposed by the Senate regarding the Western Water Initiative.

Section 213. The conference agreement includes language proposed by the Senate amending the Hawaii Water Resources Act of 2000.

Section 214. The conference agreement includes language proposed by the Senate regarding contributions of the Western Area Power Administration to the Utah Reclamation Mitigation and Conservation Account.

Section 215. The conference agreement includes language proposed by the Senate regarding a feasibility study in the Tualatin River Basin in Oregon.

Section 216. The conference agreement includes language proposed by the Senate regarding Indian water rights settlements in the State of Arizona.

Section 217. The conference agreement includes language proposed by the Senate regarding the restoration of fish and wildlife habitat in the vicinity of Fallon, Nevada. The language has been amended to make technical corrections.

Section 218. The conference agreement includes language which extends the terms of Sacramento River Settlement Contracts.

Section 219. The conference agreement includes language which amends the authorization to construct temperature control devices at Folsom Dam in California.

Section 220. The conference agreement includes language authorizing the Secretary of the Interior to undertake activities at Savage Rapids Dam in Oregon.

Section 221. The conference agreement includes language extending certain irrigation project contracts in Wyoming and Nebraska.

Provisions not included in the conference agreement.—The conference agreement does not include language proposed by the Senate regarding the Bureau of Reclamation program to provide grants to institutions of higher learning to support the training of Native Americans to manage their water resources. The fiscal year 2003 Energy and Water Development Appropriations Act made this provision permanent.

The conference agreement does not include language proposed by the Senate providing funds for the Middle Rio Grande project in New Mexico and the Lake Tahoe Regional Wetlands Development project in California and Nevada. Funding for those projects is included within the amount appropriated for Water and Related Resources.

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
WATER AND RELATED RESOURCES				
ARIZONA				
AK CHIN INDIAN WATER RIGHTS SETTLEMENT ACT PROJECT....	---	5,743	---	5,743
CENTRAL ARIZONA PROJECT, COLORADO RIVER BASIN.....	34,009	78	34,009	78
COLORADO RIVER BASIN SALINITY CONTROL PROJECT, TITLE I	751	10,499	751	10,499
COLORADO RIVER FRONT WORK AND LEVEE SYSTEM.....	3,500	---	4,500	---
FORT MCDOWELL SETTLEMENT ACT.....	1,000	---	1,000	---
NORTHERN ARIZONA INVESTIGATIONS PROGRAM.....	325	---	325	---
PHOENIX METROPOLITAN WATER RECLAMATION & REUSE PROJ...	250	---	250	---
SALT RIVER PROJECT.....	87	---	87	---
SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT PROJ.....	4,017	---	4,017	---
SOUTH/CENTRAL ARIZONA INVESTIGATIONS PROGRAM.....	775	---	775	---
TRES RIOS WETLANDS DEMONSTRATION.....	630	---	630	---
YUMA AREA PROJECTS.....	1,552	21,120	1,552	21,120
CALIFORNIA				
CACHUMA PROJECT.....	751	665	751	665
CALIFORNIA INVESTIGATIONS PROGRAMS.....	215	---	215	---
CALLEGUAS MUNICIPAL WATER DISTRICT RECYCLING PROJECT..	700	---	1,100	---
CENTRAL VALLEY PROJECT:				
AMERICAN RIVER DIVISION.....	1,966	7,033	1,966	7,033
AUBURN-FOLSOM SOUTH UNIT.....	9,899	100	9,899	100

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
DELTA DIVISION	10,039	6,041	12,539	6,041
EAST SIDE DIVISION	1,465	2,450	1,465	2,450
FRIANT DIVISION	2,393	3,782	3,893	3,782
MISCELLANEOUS PROJECT PROGRAMS	13,284	1,087	21,184	1,087
REPLACEMENTS, ADDITIONS, & EXTRAORDINARY MAINT	---	24,000	---	14,000
SACRAMENTO RIVER DIVISION	4,215	1,808	7,665	1,808
SAN FELIPE DIVISION	745	---	745	---
SAN JOAQUIN DIVISION	383	---	383	---
SHASTA DIVISION	831	7,134	1,581	7,134
TRINITY RIVER DIVISION	7,616	2,970	7,616	2,970
WATER AND POWER OPERATIONS	1,800	11,076	1,800	11,076
WEST SAN JOAQUIN DIVISION, SAN LUIS UNIT	40,437	6,538	7,437	6,538
YIELD FEASIBILITY INVESTIGATION	1,000	---	1,000	---
LAKE TAHOE REGIONAL WETLANDS DEVELOPMENT	200	---	4,500	---
LONG BEACH AREA WATER RECLAMATION AND REUSE PROJECT	1,100	---	1,800	---
LONG BEACH DESALINATION RESEARCH/ DEVELOPMENT PROJ	---	---	700	---
NAPA-SOMOMA-MARIN AGRICULTURAL REUSE PROJECT	---	---	500	---
NORTH SAN DIEGO COUNTY AREA WATER RECYCLING PROJECT	1,300	---	3,000	---
ORANGE COUNTY REGIONAL WTR RECLAMATION PROJ, PHS 1	1,300	---	3,500	---
ORLAND PROJECT	41	445	41	445
PASADENA RECLAIMED WATER PROJECT	---	---	250	---
SALTON SEA RESEARCH PROJECT	1,000	---	4,000	---
SAN DIEGO AREA WATER RECLAMATION PROGRAM	4,300	---	4,300	---
SAN GABRIEL BASIN PROJECT	1,300	---	1,300	---
SAN GABRIEL BASIN RESTORATION PROJECT	---	---	10,000	---

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
SAN JOSE WATER RECLAMATION AND REUSE PROGRAM	1,000	---	3,000	---
SANTA MARGARITA RIVER CONJUNCTIVE USE PROJECT	---	---	500	---
SOLANO PROJECT	1,522	2,693	1,522	2,693
SOUTHERN CALIFORNIA INVESTIGATIONS PROGRAM	1,135	---	1,835	---
WATSONVILLE AREA WATER RECYCLING PROJECT	---	---	1,500	---
VENTURA RIVER PROJECT	529	---	529	---
COLORADO				
ANIMAS-LA PLATA PROJECT, CRSP SECTIONS 5 & 8	58,000	---	52,000	---
COLLBRAN PROJECT	184	1,513	184	1,513
COLORADO-BIG THOMPSON PROJECT	12	10,198	12	10,198
COLORADO-BIG THOMPSON PROJECT - HORSETOOTH DAM	---	3,153	---	3,153
COLORADO INVESTIGATIONS PROGRAM	77	---	77	---
GRAND VALLEY UNIT, CRBSCP, TITLE II	206	546	206	546
PARADOX VALLEY UNIT, CRBSCP, TITLE II	52	2,050	52	2,050
FRUITGROWERS DAM PROJECT	69	145	69	145
FRYINGPAN-ARKANSAS PROJECT	---	5,443	200	5,443
LEADVILLE/ARKANSAS RIVER RECOVERY	593	1,838	593	1,838
MANCOS PROJECT	88	57	88	57
PINE RIVER PROJECT	141	113	141	113
SAN LUIS VALLEY PROJECT	356	4,237	356	4,237
UNCOMPAHGRE PROJECT	181	124	181	124

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
HAWAII				
HAWAIIAN RECLAIM AND REUSE STUDY	---	---	100	---
IDAHO				
BOISE AREA PROJECTS	2,637	4,047	2,907	4,047
COLUMBIA AND SNAKE RIVER SALMON RECOVERY PROJECT	19,000	---	15,000	---
DRAIN WATER MANAGEMENT STUDY, BOISE	200	---	200	---
IDAHO INVESTIGATIONS PROGRAM	580	---	580	---
MINIDOKA AREA PROJECTS	3,459	2,041	3,459	2,041
MINIDOKA NORTHSIDE DRAIN WATER MANAGEMENT PROJECT	200	---	200	---
KANSAS				
KANSAS INVESTIGATIONS PROGRAM	143	---	143	---
WICHITA PROJECT	7	208	7	208
MONTANA				
FORT PECK DRY PRAIRIE RURAL WATER SYSTEM	---	---	7,500	---
HUNGRY HORSE PROJECT	---	1,056	---	1,056
MILK RIVER PROJECT	1,045	558	1,045	558
MONTANA INVESTIGATIONS	533	---	533	---
N. CENTRAL MT. RURAL WATER SUPPLY SYSTEM (ROCKY BOYS)	---	---	915	---

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
NEBRASKA				
MIRAGE FLATS PROJECT	---	58	---	58
NEBRASKA INVESTIGATIONS PROGRAM	191	---	191	---
SANTEE SIOUX RESERVATION WATER SYSTEM	---	---	300	---
NEW MEXICO				
ALBUQUERQUE METRO AREA WATER & RECLAMATION REUSE	---	---	1,360	---
CARLSBAD PROJECT	2,036	1,056	2,036	1,056
EASTERN NEW MEXICO WATER SUPPLY	---	---	175	---
MIDDLE RIO GRANDE PROJECT	6,467	10,921	16,567	17,921
NAVAJO NATION INVESTIGATIONS PROGRAM	300	---	300	---
NAVAJO-GALLUP WATER SUPPLY PROJECT	391	---	500	---
PECOS RIVER BASIN WATER SALVAGE PROJECT	---	127	---	327
RIO GRANDE PROJECT	796	3,186	796	3,186
SAN JUAN RIVER BASIN INVESTIGATIONS PROGRAM	179	---	179	---
SANTA FE-WATER RECLAMATION AND REUSE PROJECT	---	---	400	---
TUCUMCARI PROJECT	104	4	104	4
NEVADA				
CITY OF NORTH LAS VEGAS WATER REUSE, NV	---	---	1,000	---
HALFWAY WASH PROJECT STUDY	100	---	500	---
LAHONTAN BASIN PROJECT (HUMBOLT, NEWLANDS, WASHOE)	6,467	2,446	6,467	2,446

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
LAKE MEAD /LAS VEGAS WASH PROGRAM	1,408	---	1,408	---
SOUTHERN NEVADA WATER RECYCLING PROJECT	---	---	3,000	---
NORTH DAKOTA				
DAKOTAS INVESTIGATIONS PROGRAM	223	---	223	---
DAKOTAS TRIBES INVESTIGATIONS PROGRAM	326	---	326	---
PICK-SLOAN MISSOURI BASIN PROGRAM, GARRISON DIVERSION	13,928	3,386	24,000	3,386
OKLAHOMA				
ARBUCKLE PROJECT	---	205	---	205
MCGEE CREEK PROJECT	---	460	---	460
MOUNTAIN PARK PROJECT	---	267	---	267
NORMAN PROJECT	250	176	250	176
NORTH FORK OF THE RED RIVER PROJECT	---	---	150	---
OKLAHOMA INVESTIGATIONS PROGRAM	188	---	888	---
W.C. AUSTIN PROJECT	---	314	---	314
WASHITA BASIN PROJECT	---	887	---	887
OREGON				
CROOKED RIVER PROJECT	212	465	212	465
DESCHUTES ECOSYSTEM RESTORATION PROJECT	500	---	900	---
DESCHUTES PROJECT	418	155	418	155

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
DESCHUTES PROJECT, TUMALO, BEND FEED CANAL	---	---	350	---
DESCHUTES PROJECT, WICKIUP DAM	---	3,000	---	3,000
EASTERN OREGON PROJECTS	781	280	781	280
GRANDE RONDE WATER OPTIMIZATION STUDY	100	---	100	---
KLAMATH PROJECT	20,041	776	22,041	3,376
OREGON INVESTIGATIONS PROGRAM	620	---	620	---
ROGUE RIVER BASIN PROJECT, TALENT DIVISION	554	172	554	172
TUALATIN PROJECT	287	127	287	127
UMATILLA BASIN PROJECT, PHASE III STUDY	200	---	200	---
UMATILLA PROJECT, OR	601	2,101	601	2,101
WESTLANDS-RAMOS, OR	---	---	200	---
WILLOW LAKE NATURAL TREATMENT SYSTEM, OR	---	---	300	---
SOUTH DAKOTA				
LEWIS & CLARK RURAL WATER PROJECT	---	---	17,000	---
MID-DAKOTA RURAL WATER PROJECT	2,000	15	15,000	15
MNI WICONI PROJECT	6,717	6,254	25,217	6,254
PERKINS COUNTY RURAL WATER DISTRICT	---	---	1,000	---
RAPID VALLEY PROJECT, DEERFIELD DAM	---	28	---	28
TEXAS				
CANADIAN RIVER PROJECT	---	117	---	117
EL PASO WATER RECLAMATION AND REUSE	---	---	370	---

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
LOWER RIO GRANDE VALLEY WATER RESOURCES	---	---	4,500	---
NUECES RIVER	---	536	---	536
SAN ANGELO PROJECT	---	276	---	276
TEXAS INVESTIGATIONS PROGRAM	202	---	202	---
UTAH				
HYRUM PROJECT	128	62	128	62
MOON LAKE PROJECT	45	15	45	15
NEWTON PROJECT	61	24	61	24
NORTHERN UTAH INVESTIGATIONS PROGRAM	280	---	280	---
OGDEN RIVER PROJECT	373	40	373	40
PARK CITY, UT	---	---	500	---
PROVO RIVER PROJECT	843	355	843	355
SCOFIELD PROJECT	121	66	121	66
SOUTHERN UTAH INVESTIGATIONS PROGRAM	300	---	300	---
STRAWBERRY VALLEY PROJECT	198	7	198	7
WEBER BASIN PROJECT	1,650	431	1,650	431
WEBER RIVER PROJECT	87	63	87	63
WASHINGTON				
COLUMBIA BASIN PROJECT	4,547	4,435	4,547	4,435
LOWER ELWHA KLALLAM WATER SUPPLY FEASIBILITY STUDY	25	---	100	---
MAKAH INDIAN COMMUNITY WATER SUPPLY FEASIBILITY	25	---	100	---

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
STORAGE DAM FISH PASSAGE FEASIBILITY STUDY	550	---	250	---
TULALIP TRIBES WATER QUALITY FEASIBILITY STUDY	50	---	100	---
WASHINGTON INVESTIGATIONS PROGRAM	525	---	525	---
YAKIMA PROJECT	1,179	6,066	1,179	6,066
YAKIMA PROJECT, KEECHELUS DAM, SOD	---	3,700	---	3,700
YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT	12,730	---	12,730	---
YAKIMA RIVER BASIN WATER STORAGE	---	---	1,500	---
WYOMING				
KENDRICK PROJECT	6	4,048	6	4,048
NORTH PLATTE PROJECT	10	1,038	10	1,038
SHOSHONE PROJECT	10	1,193	10	1,193
VARIOUS				
COLORADO RIVER BASIN SALINITY CONTROL PROJECT, TITLE I	9,198	---	9,198	---
COLORADO RIVER STORAGE PROJECT, (CRSP), SECTION 5	7,553	2,469	7,553	2,469
COLORADO RIVER STORAGE PROJECT, SECTION 8	4,914	---	3,992	---
COLORADO RIVER WATER QUALITY IMPROVEMENT PROGRAM	450	---	450	---
DAM SAFETY PROGRAM:				
DEPARTMENT DAM SAFETY PROGRAM	---	1,700	---	1,700
INITIATE SOD CORRECTIVE ACTION	---	40,900	---	38,900
SAFETY EVALUATION OF EXISTING DAMS	---	18,000	---	18,000
SAFETY OF DAMS CORRECTIVE ACTION STUDIES	---	500	---	500

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
DEPARTMENTAL IRRIGATION DRAINAGE PROGRAM	2,623	---	3,623	---
DROUGHT EMERGENCY ASSISTANCE	1,120	---	4,000	---
EFFICIENCY INCENTIVES PROGRAM	3,265	---	3,515	---
EMERGENCY PLANNING & DISASTER RESPONSE PROGRAM	---	450	---	450
ENDANGERED SPECIES RECOVERY IMPLEMENTATION	13,371	---	12,871	---
ENVIRONMENTAL & INTERAGENCY COORDINATION ACTIVITIES	1,804	---	1,804	---
ENVIRONMENTAL PROGRAM ADMINISTRATION	1,483	---	1,483	---
EXAMINATION OF EXISTING STRUCTURES	---	5,521	---	5,521
FEDERAL BUILDING SEISMIC SAFETY PROGRAM	---	1,575	---	1,575
GENERAL PLANNING STUDIES	1,989	---	2,089	---
LAND RESOURCES MANAGEMENT PROGRAM	8,994	---	8,994	---
LOWER COLORADO RIVER OPERATIONS PROGRAM	13,822	---	13,822	---
LOWER COLORADO RIVER INVESTIGATIONS PROGRAM	325	---	525	---
MISCELLANEOUS FLOOD CONTROL OPERATIONS	---	639	---	639
NATIVE AMERICAN AFFAIRS PROGRAM	8,600	---	8,600	---
NEGOTIATION & ADMINISTRATION OF WATER MARKETING	1,571	---	1,571	---
OPERATION & MAINTENANCE PROGRAM MANAGEMENT	344	1,029	344	1,029
PICK-SLOAN MISSOURI BASIN PROGRAM, OTHER PROJECTS	2,998	34,709	2,998	34,709
POWER PROGRAM SERVICES	991	250	1,141	250
PUBLIC ACCESS AND SAFETY PROGRAM	565	---	565	---
RECLAMATION LAW ADMINISTRATION	4,491	---	4,491	---
RECLAMATION RECREATION MANAGEMENT	2,800	---	2,800	---
RECREATION AND FISH & WILDLIFE PROGRAM ADMIN	1,720	---	1,720	---

WATER AND RELATED RESOURCES
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST		CONFERENCE	
	RESOURCES MANAGEMENT	FACILITIES OM&R	RESOURCES MANAGEMENT	FACILITIES OM&R
SCIENCE AND TECHNOLOGY PROGRAM:				
ADVANCED WATER TREATMENT DESALINATION PROGRAM	2,000	---	2,000	---
APPLIED SCIENCE/TECHNOLOGY AND DEVELOPMENT	4,190	---	4,190	---
DESALINATION RESEARCH AND DEVELOPMENT PROGRAM	775	---	7,375	---
HYDROELECTRIC INFRASTRUCTURE PROTECTION/ENHANCE	990	---	990	---
TECHNOLOGY ADVANCEMENT	350	---	350	---
WATERSHED/RIVER SYSTEMS MANAGEMENT PROGRAM	1,000	---	1,000	---
SITE SECURITY	---	28,583	---	28,583
SOIL AND MOISTURE CONSERVATION	267	---	267	---
TECHNICAL ASSISTANCE TO STATES	1,908	---	1,908	---
TITLE XVI, WATER RECLAMATION AND REUSE PROGRAM	1,430	---	3,980	---
WATER MANAGEMENT & CONSERVATION PROGRAM	6,639	---	6,639	---
WESTERN WATER INITIATIVE	11,000	---	8,400	---
WETLANDS DEVELOPMENT	---	---	1,000	---
UNDISTRIBUTED REDUCTION BASED ON ANTICIP DELAYS	-40,030	---	-53,945	-7,133
TOTAL, WATER AND RELATED RESOURCES	422,965	348,252	518,579	338,919

TITLE III

DEPARTMENT OF ENERGY

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Department of Energy. Additional items of conference agreement are discussed below.

SAFEGUARDS AND SECURITY FUNDING

The conferees agree with House concerns about the problems with direct funding of safeguards and security and the desirability of returning to indirect funding of these costs, with appropriate controls and reporting. However, the conferees also recognize the difficulty in making such a shift in one fiscal year, and that safeguards and security requirements may change significantly with implementation of the revised Design Basis Threat. Therefore, the conferees instruct the Department to continue budgeting safeguards and security funding as a separate line item in fiscal year 2005, and to transition back to indirect funding of these costs beginning in fiscal year 2006. The conferees are receptive to a phased implementation during this transition period, beginning with single-purpose projects and sites in fiscal year 2006 and addressing the more complex multi-program sites in subsequent fiscal years.

HOMELAND SECURITY-RELATED WORK

The conferees concur with the House-proposed requirement for an annual report on all homeland security work being performed by Department of Energy (DOE) contractors, including direct funded DOE work, work for other agencies, laboratory directed research and development, and work funded via any other funding mechanism.

PROJECT MANAGEMENT

The conferees support language included in the House report regarding the efforts to improve the Department's construction and project management.

FACILITIES AND INFRASTRUCTURE

The conferees agree with House language regarding the need to strengthen and standardize management of the Department's facilities and infrastructure (F&I) activities throughout all programs of the Department. The conferees urge the Department to compete contracts for the decontamination, decommissioning, and demolition of excess facilities to the maximum extent practicable, and to identify the costs for removing these excess facilities in construction project data sheets.

SAFETY AT DOE FACILITIES

The conferees concur with the House language requiring an annual report on the backlog of safety deficiencies at National Nuclear Security Administration and defense cleanup sites and the estimated cost and schedule for corrective actions.

LABORATORY DIRECTED RESEARCH AND DEVELOPMENT

The conferees agree with the House concerns regarding the Laboratory Directed Research and Development (LDRD) program and with the guidance to streamline the annual LDRD report to Congress.

AUGMENTING FEDERAL STAFF

The conferees agree that the number of management and operating contractor employees assigned to the Washington metropolitan area shall not exceed 220 in fiscal year 2004, the same as the fiscal year 2003 ceiling. The reporting requirements remain as proposed by the House.

STRATEGIC INITIATIVE AND BUSINESS DEVELOPMENT FUNDS

The conferees agree with the guidance provided in the House report.

REPROGRAMMING GUIDELINES

The conferees require the Department to promptly and fully inform the House and Senate Committees on Appropriations when a change in program execution or funding is required during the fiscal year. A reprogramming includes the reallocation of funds from one activity to another within an appropriation, or any significant departure from a program, project, or activity described in the agency's budget justification as presented to and approved by Congress. For construction projects, a reprogramming constitutes the reallocation of funds from one construction project identified in the justifications to another project or a significant change in the scope of an approved project.

A reprogramming should be made only when an unforeseen situation arises, and then only if delay of the project or the activity until the next appropriations year would result in a detrimental impact to an agency program or priority. The Department should not submit reprogrammings in the fourth quarter of the fiscal year unless necessitated by an unforeseeable change in external circumstances. Reprogrammings may also be considered if the Department can show that significant cost savings can accrue by increasing funding for an activity. Mere convenience or desire should not be factors for consideration.

Reprogrammings should not be employed to initiate new programs or to change program, project, or activity allocations specifically denied, limited, or increased by Congress in the Act or report. In cases where unforeseen events or conditions are deemed to require such changes, proposals shall be submitted in advance to the Committees and be fully explained and justified.

The conferees have not provided statutory language to define the reprogramming guidelines, but do expect the Department to follow the spirit and the letter of the guidance provided in this report. The conferees have not provided the Department with any internal reprogramming flexibility in fiscal year 2004, unless specifically identified in the House, Senate, or conference reports. Any reallocation of new or prior year budget authority or prior year deobligations must be submitted to the Committees in writing and may not be implemented prior to approval by the Committees on Appropriations.

REDUCTIONS NECESSARY TO ACCOMMODATE SPECIFIC PROGRAM DIRECTIONS

The Department is directed to provide a report to the House and Senate Committees on Appropriations by March 30, 2004, on the actual application of any general reductions of funding or applications of prior year balances contained in this conference agreement. Such reductions are to be applied proportionately against each program, project, or activity. If necessary, the Department must submit a reprogramming to reallocate funds if the proportional reduction unduly impacts a specific program, project, or activity.

ENERGY SUPPLY

The conference agreement provides $737,537,000 for Energy Supply instead of $691,534,000 as proposed by the House and $920,357,000 as proposed by the Senate.

RENEWABLE ENERGY RESOURCES

The conference agreement provides $344,400,000 instead of $330,144,000 as proposed by the House and $358,476,000 as proposed by the Senate for renewable energy resources. The conference agreement does not include language specifying funding allocations as contained in the House and Senate reports. As in fiscal year 2003, funds for Renewable Energy Resources shall remain available until expended.

Biomass/biofuels.—The conference agreement includes $75,000,000 for biomass/biofuels. As in prior fiscal years, the conferees have combined the subprograms for power systems and transportation into a single program for biomass/biofuels and no longer provide separate allocations for power systems and transportation. The conference agreement includes $20,000,000, the amount of the request, for the Bioconversion Production Integration Program.

The conference agreement includes $3,000,000 for the Consortium for Plant Biotechnology Research (CPBR), of which $750,000 is for CPBR research in Ohio and $1,000,000 is for CPBR research at the University of Kentucky; $1,000,000 for the E-Diesel research project by the National Corn Growers Association; $1,000,000 for the Iowa State University Center for Catalysis; $1,000,000 for work on biobased products by the New Uses Information and Entrepreneur Development Center in Belvidere, Illinois; $300,000 for the University of Louisville Ethanol Production from Biomass large-scale facility design project; $2,000,000 for the development of sustainable biobased products and bioenergy at Purdue University in cooperation with the Midwest Consortium for Sustainable Biobased Products and Bioenergy; $3,000,000 for continued work on the Gridley Rice Straw Project; $1,000,000 for the McMinnville Biodiesel Project; $960,000 for the Mount Mass CC Bio Wood Gasification Project; and $200,000 for the North Central Texas Dairy Waste Control Pilot Project.

The conference agreement includes $1,000,000 for the Mississippi State Biodiesel Production Project; $1,000,000 for Maine Forest Bioproducts research and development; $1,000,000 for the University of Tennesssee Switchgrass Demonstration Project; $250,000 for clean energy from the gasification of switchgrass at Iowa State University; $300,000 for the Missouri Soybean Association biodiesel demonstration; and $500,000 for research in Nebraska on improved soybean oil for biodiesel fuel.

The conference agreement includes $2,000,000 for the Regional Biomass Energy Program; $750,000 for the On-Farm Small Scale Waste Energy Demonstration Project; $1,000,000 for the Oxydiesel demonstration program in California and Nevada; $500,000 for a biorefinery at the Louisiana State University Agricultural Center; $500,000 for the Center for Biomass Utilization at the University of North Dakota; $400,000 for the Vermont Biomass Energy Center; $250,000 for the biomass/cogeneration project at North Country Hospital; $500,000 for the gasification of switchgrass at the University of Iowa; $1,000,000 for the Ag-Based Industrial Lubricants Center at the University of Northern Iowa; and $2,000,000 for the Michigan Biotechnology Initiative. In addition, the conferees direct the Department to continue the Iowa switchgrass project at agreed-upon levels.

Geothermal.—The conference agreement includes $26,000,000 for geothermal activities. The conferees direct the Department to continue funding university research and Geopowering the West at the fiscal year 2003 funding level. The conference agreement includes $1,000,000 for the Full Circle Project in Lake County, California, and $1,000,000 for geothermal research at the University of Nevada-Reno.

Hydrogen.—The conference agreement includes $78,000,000 for hydrogen activities. The conferees remind the Department that the requirements for competition and industry cost sharing, as specified in the Hydrogen Future Act of 1996 (P.L. 104–271, 42 U.S.C. 12403), apply to this research, and urge the Department to compete the hydrogen research program to the fullest extent possible.

From within available funds, the Department is directed to spend not less than $2,500,000 for a competitive solicitation for solid oxide fuel cell research. The conference agreement also includes $1,000,000 for the Lansing Community College Alternative Energy Center; $3,000,000 for the Edison Materials Technology Center to develop improved materials to support the hydrogen economy; $3,000,000 for the National Center for Manufacturing Sciences to develop advanced manufacturing technologies for renewable energy applications; $2,000,000 for the HI–Way Initiative in New York State; $1,000,000 for the Shared Technology Transfer Program by Nicholls State University; $2,000,000 for the Florida Hydrogen Partnership; $2,000,000 for fuel cell research by the University of South Florida; $2,000,000 for fuel cell development for distributed generation and carbon sequestration in Northwest Indiana; $3,000,000 for the Hydrogen Regional Infrastructure Program in Pennsylvania; $955,000 for the Evermont hydrogen electrolyzer project; $300,000 for the residential fuel cell demonstration by the Delaware County Electric Cooperative; and $2,200,000 for the Expanding Clean Energy Research and Education Program at the University of South Carolina.

The conference agreement includes $750,000 for the Hydrogen Futures Park at the University of Montana; $2,000,000 for the Fuel Cell Mine Loader and Prototype Locomotive; $3,000,000 for the evaluation of solar-powered thermo-chemical production of hydrogen from water at the University of Nevada-Las Vegas; $3,000,000 for the University of Nevada-Las Vegas renewable hydrogen fueling station system; $500,000 for the Startech Hydrogen Production Project; $2,000,000 for the hydrogen fuel cell project for the Regional Transportation Commission of Washoe County, Nevada; $500,000 for the Hawaii Hydrogen Center for Development and Deployment of Distributed Energy Systems; and $500,000 for the Smart Energy Management Control System.

Hydropower.—The conference agreement provides $5,000,000 for hydropower, including $400,000 to assess low head and low power hydropower resources.

Solar Energy.—The conference agreement includes $85,000,000 for solar energy programs. As in prior fiscal years, the conferees have combined the concentrating solar power, photovoltaic energy systems, and solar building technology subprograms into a single program for solar energy, with the control level at the solar energy program account level.

The conferees include $5,500,000 from within available funds for concentrating solar power (CSP). Of these funds, $1,000,000 is provided for industry based 20–25 kW Dish-Stirling and the Department is directed to continue with deployment of the 1.0 MW dish engine project. If the Department needs more than $5,500,000 in fiscal year 2004 to regain lost momentum in the CSP program, the conferees urge the Department to seek a reprogramming.

The conference agreement includes $250,000 for the solar energy project in Yucca Valley, California; $400,000 for the Center for Ecological Technology; and $500,000 for the Hackensack University Green Building Medical Center. The Department should continue funding for the Southeast and Southwest photovoltaic experiment stations and the Million Solar Roofs program at current year levels.

Zero Energy Buildings.—The conference agreement does not provide any separate funds for Zero Energy Buildings in fiscal year 2004, although the Department is directed to spend up to $4,000,000 of available funds within Solar Energy for Zero Energy Building activities related to solar energy. If the Department seeks funds for Zero Energy Buildings in fiscal year 2005, it should request those funds as part of its Interior and Related Agencies appropriation request.

Wind.—The conference agreement includes $41,600,000 for wind programs. The conference agreement includes $147,000 for a wind farm feasibility study by Saint Francis University; $300,000 for the Saginaw Chippewa Wind Energy Development Project; $500,000 for the Vermont Wind Energy Program; and $1,000,000 to continue the ongoing wind turbine effort in Bellevue, Washington. The Wind Powering America initiative is to be continued at last year's funding level. The conferees continue to recognize the need for a set-aside for small wind programs. The conferees are aware that the potential for expanding wind generated energy to new locations is significant, but further development in the Dakotas and the Upper Midwest is stymied by transmission constraints. The conferees are committed to developing the potential of wind energy in the United States and especially on tribal lands. The conferees direct the Department to work with the transmission industry to conduct a comprehensive analysis of upper Midwest wind energy locations and transmission requirements and to report to the Committees on Appropriations by May 31, 2004.

Electricity Reliability.—The funds originally requested for Electricity Reliability are provided under the new Electricity Transmission and Distribution account within the Energy Supply appropriation, as requested by the Department.

Intergovernmental Activities.—The conference agreement includes $15,000,000 for renewable support and implementation. This amount includes $6,000,000 for the international renewable energy program, including $2,000,000 for the International Utility Efficiency Partnership (IUEP); $5,000,000 for tribal energy activities, including $1,000,000 for the Council of Renewable Energy Tribes (CERT), $1,300,000 for the Intertribal Council on Utility Policy, and $1,000,000 for the Pyramid Lake Paiute Tribe Renewable Energy Park; and $4,000,000 for the Renewable Energy Production Incentive (REPI). From within available funds, the conference agreement provides $750,000 for the Renewable Energy Policy Project.

The conferees adopt the Senate proposal for the Clean Energy Technology Exports (CETE) initiative, requiring the interagency group, through the Department of Energy and other Federal agency partners, to provide the Appropriations Committees with a report, no later than January 15, 2004, on the status of the implementation of the strategic plan and specific actions that each of the participating agencies have taken in fiscal year 2003 and will take in fiscal year 2004 to engage non-governmental, private sector, and other international partners. In addition, the conferees direct the Department to make $400,000 available to establish an interagency CETE center in the Office of International Energy Market Development. All energy technology program offices and other agencies participating in the CETE initiative are urged to contribute to this nine-agency effort. To provide further leverage for this initiative, the Department should also consider establishing a Federal Advisory Committee Act board and complementary demonstration and deployment efforts.

Renewable Support and Implementation.—The conference agreement provides $6,000,000, including $2,000,000 for departmental energy management and $4,000,000 to continue the efforts of the National Renewable Energy Laboratory (NREL) to develop renewable energy resources uniquely suited to the Southwestern United States through its virtual site office in Nevada.

National Climate Change Technology Initiative.—The conferees provide no funds for this initiative, consistent with the rationale provided in the House and Senate reports.

Facilities and Infrastructure.—The conference agreement provides the requested amount of $4,200,000 for the National Renewable Energy Laboratory (NREL) and includes an additional $4,000,000 to initiate construction of the new Science and Technology facility at NREL (project 02–EERE–001). Funding for the new Energy Reliability and Efficiency Laboratory at Oak Ridge National Laboratory (project 04–E–TBD) is provided in the new Electricity Transmission and Distribution account. The conference agreement includes $5,000,000 for the National Center on Energy Management and Building Technologies.

Program direction.—The conference agreement includes $12,600,000 for program direction.

Use of prior year balances.—The conference agreement includes the use of $13,000,000 of prior year funds carried over from fiscal year 2003 to offset fiscal year 2004 requirements.

ELECTRICITY TRANSMISSION AND DISTRIBUTION

The conference agreement provides $82,377,000 for the new Office of Electricity Transmission and Distribution, $5,000,000 over the requested amount. The conferees provide the additional $5,000,000 for the Department of Energy to complete its investigation into the causes of the August 14th, 2003 blackout. These funds shall be used to conduct an extensive investigation, to include modeling and analysis, of the various electrical and System Control and Data Analysis (SCADA) systems, the reliability rules, systems operations and other factors, such as cyber situations and disturbances, that might have caused or contributed to the outage.

Within available funds, the conferees urge the Department to continue its high temperature superconductivity research and development program at the requested level of $47,838,000. The conference agreement also includes the requested $750,000 for the new Energy Reliability and Efficiency Laboratory at Oak Ridge National Laboratory (project 04–E–TBD), and removes the industry cost sharing requirement for this facility as proposed in the budget request. The industry cost sharing requirement applies to research activities, not to construction of this new facility. The Department should include full funding for the construction and operation of the facility in future budget requests.

The conference agreement includes $4,000,000 to continue research on aluminum matrix composite conductors; $3,000,000 for research into lead carbon acid asymmetric supercapacitors; $300,000 for research on advanced ceramic engines and materials for energy applications; $1,000,000 for a joint research program between Wright State University and the University of Albany, in collaboration with Wright Patterson Air Force Base, to enhance the performance of second-generation, high temperature coated superconductors; $2,000,000 for the PowerGrid simulator at Drexel University and the New Jersey Institute of Technology; $500,000 for the Center for Distributed Generation and Thermal Distribution at Washington State University; $1,000,000 for electricity transmission research at the University of Missouri-Rolla; $300,000 for research at the Georgia Institute of Technology on the use of recycled carpet as fuel for kilns; $1,000,000 for distributed generation projects in Northwest Indiana; $2,000,000 for the Connecticut Power Technologies project; $3,000,000 for the Electric Infrastructure Technology, Training, and Assessment Program in Pennsylvania; and $1,000,000 for the Indian Point Energy Center Study in New York.

The conference agreement includes $3,000,000 for the Navajo electrification demonstration program; $1,000,000 to continue development of the bipolar nickel metal hydride battery storage system; $250,000 for the Microgrid distributed generation prototype in Vermont; $500,000 for the Natural Energy Laboratory in Hawaii to continue development and deployment of distributed energy systems; $2,000,000 for research, development, and demonstration of advanced thermal energy storage technology integrated with renewable thermal energy technology; and $400,000 for the Diné Power Authority.

NUCLEAR ENERGY

The conference agreement provides $300,763,000 for nuclear energy activities instead of $268,016,000 as proposed by the House and $437,422,000 as proposed by the Senate. The conference agreement does not include language specifying funding allocations as contained in the House and Senate reports. With the designation of the Office of Nuclear Energy, Science and Technology as the lead office with landlord responsibilities for the Idaho site, $112,306,000 of costs are allocated to the 050 budget function and are funded in the Other Defense Activities account. The Department should follow this structure in its fiscal year 2005 budget submission.

Radiological Facilities Management.—The Office of Nuclear Energy, Science and Technology operates a variety of facilities and equipment to support the needs of space, defense, and medical customers who obtain radiological materials from the Department of Energy on a reimbursable basis.

Space and defense power systems infrastructure.—The conference agreement includes $36,230,000 to maintain the infrastructure necessary to support future national security needs and National Aeronautics and Space Administration missions.

Medical isotopes infrastructure.—The conference agreement includes $28,425,000 for the medical isotope program. From within available funds, the Department is directed to provide $4,000,000 for upgrades of radiological facilities at Oak Ridge National Laboratory.

University reactor fuel assistance and support.—The conference agreement includes $23,500,000, an increase of $5,000,000 over the budget request. The conferees provide an additional $2,500,000 to fund more regional university reactor consortia, and the conferees strongly encourage the Department to request sufficient funding in future years to fund all meritorious proposals. The conferees also provide an additional $2,500,000 to pay for the university costs of transporting spent nuclear fuel from university reactors. The conferees encourage the Department to support the new graduate program in nuclear engineering at the University of South Carolina and the new program being considered at the University of Nevada-Las Vegas.

Research and development.—The conference agreement provides $132,500,000 for nuclear energy research and development activities, an increase of $5,475,000 over the budget request. The conference agreement includes $3,000,000 for nuclear energy plant optimization (NEPO), $11,000,000 for the nuclear energy research initiative (NERI), $44,000,000 for nuclear energy technologies, $6,500,000 for the nuclear hydrogen initiative, and $68,000,000 for the Advanced Fuel Cycle Initiative (AFCI).

Within the funds provided for NEPO, the conferees include $1,000,000 to expand the transfer of the Mechanical Stress Improvement Process (MSIP) technology to other countries in the former Soviet Union.

Of the $44,000,000 made available for nuclear energy technologies, $20,000,000 is for Nuclear Power 2010 and $24,000,000 is for the Generation IV initiative. The Department is directed to use $15,000,000 provided under the Generation IV initiative to begin the research, development, and design work for an advanced reactor hydrogen co-generation project at Idaho National Laboratory.

The $6,500,000 made available for the nuclear hydrogen initiative includes $2,000,000 to support research and development on high temperature electrolysis and sulfur-iodine thermochemical technologies necessary to support the advanced reactor hydrogen co-generation project at Idaho National Laboratory, and $2,000,000 for the University of Nevada-Las Vegas Research Foundation to continue the development, in partnership with industry and national laboratories, of an efficient high temperature heat exchanger.

Within the funds available for AFCI, the conference agreement includes $2,000,000 for the Idaho Accelerator Center; $3,500,000 for the University of Nevada-Las Vegas; and $3,000,000 for directed research aimed at enhancing university-based collaborations on AFCI. The conferees also direct the Secretary to conduct the study, described in more detail in the Senate report, to identify the necessary capacities and time scales for implementation of advanced recycle technologies, and to report to Congress by March 2005 with quantitative goals for the AFCI work. The conferees expect the Department to partner with universities and industry, as well as use existing expertise at national laboratories, in this effort.

Idaho Facilities Management.—The conference agreement provides $42,615,000 for ANL–West operations, including an additional $5,000,000 for the addition of a high temperature gas loop in the Advanced Test Reactor and $6,000,000 for deferred landlord activities and critical infrastructure needs. The conference agreement provides $31,605,000 for infrastructure at the Idaho National Engineering and Environmental Laboratory (INEEL), of which $21,415,000 is allocated to the 050 budget function. The conference agreement provides the requested amounts of $500,000 for project 95–E–201 and $1,840,000 for project 99–E–200, both at the Test Reactor Area.

Idaho Sitewide Safeguards and Security.—The conference agreement provides $56,654,000 for Idaho sitewide safeguards and security. Consistent with the request, all of these costs are assigned to the 050 budget function.

Program direction.—The conference agreement includes $59,200,000 for program direction. Of this amount, $34,815,000 is assigned to the 050 budget function.

Funding adjustments.—The conferees direct the Department to use $20,000,000 of prior year funds to meet a portion of the Department's liability stemming from the termination of the contract with the Ohio Valley Electric Corporation for power to supply the Portsmouth Gaseous Diffusion Plant. The conference agreement also includes an offset of $112,306,000 from Other Defense Activities, which represents the contribution for the defense share of costs at the Idaho site.

ENVIRONMENT, SAFETY AND HEALTH

The conference agreement provides $23,000,000 for non-defense environment, safety and health activities, which include $16,000,000 for program direction. The conference agreement includes the transfer of $2,000,000 to the Occupational Safety and Health Administration (OSHA) for the costs of OSHA regulation of worker health and safety at DOE's non-nuclear facilities not covered under the Atomic Energy Act, and to complete the ongoing safety audits of DOE's ten Science laboratories. The conferees concur with the revised date of May 31, 2004, as proposed by the House for the submission of these audits and associated cost estimates.

ENERGY SUPPLY INFRASTRUCTURE

The conference agreement does not include this new program as proposed by the Senate.

FUNDING ADJUSTMENTS

The conference agreement includes a general reduction of $10,000,000, and an offset of $3,003,000 for the safeguards and security charge for reimbursable work, as proposed in the budget request.

NON-DEFENSE SITE ACCELERATION COMPLETION

The conference agreement provides $163,375,000 for Non-Defense Site Acceleration Completion instead of $170,875,000 as proposed by the House and $171,875,000 as proposed by the Senate. None of these funds are available for economic development activities.

2006 Accelerated Completions.—The conference agreement provides $48,677,000, the same as the budget request, including the requested amounts of $37,520,000 for soil and water remediation and graphite research reactor decommissioning at Brookhaven National Laboratory, $3,272,000 for soil and water remediation at Lawrence Berkeley National Laboratory, and $2,416,000 for soil and water remediation at the Stanford Linear Accelerator Center.

2012 Accelerated Completions.—The conference agreement provides $119,750,000, the same as the budget request, including the requested amounts of $99,558,000 for the West Valley Demonstration Project, $1,320,000 for the High Flux Beam Reactor at Brookhaven National Laboratory, and $18,467,000 for decontamination and decommissioning of the Energy Technology Engineering Center.

2035 Accelerated Completions.—The conference agreement provides $4,948,000, including an additional $2,500,000 to provide a total of $4,500,000 to accelerate remediation of the Atlas uranium mill tailings site in Moab, Utah.

Funding adjustment.—The conference agreement includes an adjustment of $10,000,000 for the use of prior year balances.

NON-DEFENSE ENVIRONMENTAL SERVICES

The conference agreement provides $339,468,000 for non-defense environmental services, an increase of $47,347,000 over the budget request. None of these funds are available for economic development activities. Additional funds are provided for the depleted uranium hexaflouride conversion project at Paducah and for cleanup activities at Portsmouth, and for the non-defense costs of the new Office of Legacy Management.

Community and regulatory support.—The conference agreement provides $1,034,000, the same as the budget request.

Environmental cleanup projects.—The conference agreement provides $43,842,000, the same as the budget request.

Office of Legacy Management (non-defense).—The conference agreement includes $28,347,000 for the non-defense share of the costs of the new Office of Legacy Management, which is funded primarily under the Other Defense Activities account.

Non-closure environmental activities.—The conference agreement provides $276,245,000, an increase of $29,000,000 over the request. The conference agreement includes an additional $12,000,000 for construction of the depleted uranium hexaflouride conversion project at Paducah, Kentucky. The conference agreement also provides an additional $17,000,000 to continue the Department's activities at Portsmouth, including enhanced cold standby, deposit removal, cleanup of technetium–99 contamination, and accelerated cleanup of the Gaseous Centrifuge Enrichment Plant (GCEP). The Department is encouraged to work with the contractors and the unions to redeploy the

existing cold standby workforce to this variety of tasks in fiscal year 2004. The conferees encourage the Department to continue the existing barter arrangement for part of fiscal year 2004 to resolve the problem of uranium contaminated with technetium–99, and direct the Department to budget funds for this activity in fiscal year 2005. The conference agreement also includes a reduction of $323,000 for Oak Ridge cleanup activities as requested by the Department.

Funding adjustment.—The conference agreement includes the use of $10,000,000 of prior year balances to offset fiscal year 2004 spending.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

The conference agreement provides $416,484,000 for activities funded from the Uranium Enrichment Decontamination and Decommissioning Fund, instead of $392,002,000 as proposed by the House and $396,124,000 as proposed by the Senate. None of these funds are available for economic development activities.

This agreement includes $365,484,000 for decontamination and decommissioning activities. This amount includes an increase of $2,000,000 over the request to continue support of the Kentucky Consortium for Energy and Environment. Given that the Department and the State of Kentucky have reached agreement on accelerated cleanup for the Paducah site, the conference agreement restores the $26,122,000 reduction proposed by the House. The conference agreement also includes a reduction of $3,640,000 for Oak Ridge cleanup activities as requested by the Department.

The conferees provide $51,000,000 for uranium and thorium reimbursements, the same as the requested amount.

SCIENCE

The conference agreement provides $3,451,700,000 instead of $3,480,180,000 as proposed by the House and $3,360,435,000 as proposed by the Senate. The conference agreement does not include language specifying funding allocations as contained in the House and Senate reports. The conferees encourage the Department to request sufficient funds for the Office of Science in fiscal year 2005 to increase operating time, enhance user support, and upgrade essential equipment at the Department's Science user facilities.

The conferees reiterate their support for broader participation by universities in DOE's research programs, including existing user facilities and potential new user facilities. The conferees are aware of the Office of Science's strategy for future facilities. Where existing facilities provide capabilities critical to a new user facility, co-location is appropriate; where this is not the case, the location of new user facilities should be openly competed. Regardless of location, broad participation in design by staff from national laboratories, user faculty from universities, and industrial investigators and groups should be sought. All these user groups must have access to these capabilities on a competitive basis.

High energy physics.—The conference agreement provides $725,478,000 for high energy physics research, the same as the budget request. The conference agreement also includes the requested amount, $12,500,000, for construction of the Neutrinos at the Main Injector project at Fermilab. The conferees recognize the efforts by Fermilab, the Office of Science, and the other Science laboratories on the challenges posed by the Tevatron luminosity upgrade. The conferees encourage the Department to accelerate progress on the Supernova/Accelerator Probe (SNAP).

Nuclear physics.—The conference agreement provides $391,930,000 for nuclear physics, $2,500,000 over the budget request. The additional funds are provided for research and development and preconceptual design activities in support of the Rare Isotope Accelerator. The conferees encourage the Department to increase operational time for the Continuous Electron Beam Accelerator Facility at the Thomas Jefferson National Accelerator Facility and to move forward expeditiously with the 12GeV upgrade for this facility.

Biological and environmental research.—The conference agreement includes $592,000,000 for biological and environmental research, an increase of $92,465,000 over the budget request. The conference agreement provides an additional $5,000,000 for the Genomes to Life program, an additional $2,000,000 for the Environmental Molecular Sciences Laboratory, and $5,000,000 to develop new molecular imaging probes. The conference agreement provides the requested amounts of $7,776,000 for the Savannah River Ecology Laboratory and $17,496,000 for low dose radiation research.

The conference agreement provides $250,000 for surgical robotics research at the Keck Cancer Center with the Cleveland Clinic; $250,000 for the Genomics Laboratory at SUNY-Oneonta; $750,000 for the San Antonio Cancer Therapy and Research Center; $250,000 for the University of South Alabama Cancer Center; $250,000 for the University of South Carolina study of groundwater contamination; $750,000 for the Jacksonville University Environmental Science Center; $750,000 for the St. Joseph Hospital technology upgrade in California; $250,000 for green power technology development at Grand Valley State University; $750,000 to upgrade the Drew University Hall of Science in New Jersey; $750,000 to upgrade the Pahrump Medical Center; $750,000 to upgrade the Grover C. Dils Medical Center; $7,500,000 for the Judson College library, academic and service center; $500,000 for the T3 MRI for St. Jude's Children Research Hospital in Tennessee; $250,000 for Ohio State University for environmental research in cooperation with Earth University; $5,000,000 for the Community Improvement Corporation of Springfield-Clark County for a computing and data management center; $750,000 for the Mercer University Critical Personnel Development Program; $750,000 for the Michigan Research Institute life sciences research; $750,000 for the University of Arizona Institute for Biomedical Science and Biotechnology; $250,000 for the St. Francis Medical Center Rapid Treatment Unit in Illinois; $300,000 for the Boulder City Hospital Emergency Room Expansion; $750,000 for the National Childhood Cancer Foundation; $750,000 for functional genomics research by the University of Kentucky and the University of Alabama; $750,000 for the Rensselaer Polytech Center for Quantitative Bioscience; $750,000 for the Western Carolinas Biotechnology Initiative; $750,000 for the Vanguard University Science Center; $750,000 for the Syracuse University Environmental Systems Center; $750,000 for the University of Tennessee Climate Change Research Initiative; and $300,000 for the Eckerd College Science Center.

The conference agreement includes $500,000 for the Biomedical Engineering Laboratory at the Center for Biomedical Engineering in Louisiana; $150,000 for the Derby Center for Science and Mathematics at Lyon College; $500,000 for the Experimental Medicine Program at the Dana Farber Cancer Institute; $500,000 for the Clafin University Science Center; $500,000 for the Life Sciences Facility, Tennessee State University; $1,000,000 for the Rush-Presbyterian-St. Luke's Medical Center; $1,000,000 for the Carnegie Mellon University Green Chemistry Project; $500,000 for the College of Mount St. Vincent Science Hall; $500,000 for the Urban Education Research Center in Pennsylvania; $500,000 for genomics research at Indiana University; $1,000,000 for the Illinois Museum of Science and Industry; $1,000,000 for the Georgia State University Science Research & Teaching Lab; $1,000,000 for the Northwestern University Institute of Bioengineering and Nanoscience in Medicine; $500,000 for the Nuclear Resonance Mass Spectrometer at the University of Massachusetts Medical School; $500,000 for St. Joseph Hospital in Arizona; $500,000 for Comparative Functional Genomics at New York University; $1,000,000 for Augsburg College; $1,000,000 for the Bronx Community Center for Sustainable Energy; $1,000,000 for the Carolinas Medical Center; $1,000,000 for the Michigan Technology Center for Nanostructure and Light Weight Materials; $500,000 for the Tri-State University Technology Center; $2,000,000 for the Notre Dame Multi-Discipline Engineering Center; and $1,000,000 for the University of Southern California Center for Excellence in Neurogenetics.

The conference agreement includes $10,000,000 for the Mental Illness and Neuroscience Discovery Institute; $2,000,000 for the University of New Mexico medical building; $2,500,000 for the University of Northern Iowa building design and engineering; $500,000 for the University of Dubuque Environmental Science Center; $750,000 for the University of Missouri Cancer Center; $1,000,000 for the Earth University Foundation in Georgia; $750,000 for material research for energy security in Idaho; $750,000 for advanced bioreactor technology development in Montana; $1,000,000 for the CHP project at Mississippi State University; $1,000,000 for the University of Alabama-Huntsville Climate Action Project; $500,000 for the Hackensack medical building in New Jersey; $750,000 for the Middletown Regional Hospital in Ohio; $1,000,000 for Clean Energy Research at the University of Delaware; and $500,000 for the Center for Advanced Research in Texas.

The conference agreement includes $750,000 for the Swedish American Regional Cancer Center; $250,000 for the Cancer Center at Edward Hospital; $500,000 for the Morgan State University Center for Environmental Toxicology; $1,000,000 for Digitalization of the Cardiac Cath Lab at the University Medical Center of Southern Nevada; $1,000,000 for Mega Voltage Cargo Imaging Development Applications for the Nevada Test Site; $1,000,000 for the Nevada Cancer Institute; $1,500,000 for a Structural Biology Research Center at the Hauptman-Woodward Medical Research Institute; $2,000,000 for the University of Buffalo Center of Excellence in Bioinformatics; $1,000,000 for the Huntsman Cancer Institute; $250,000 for the St. Francis Hospital Emergency Services Department; $300,000 for the Christiana Comprehensive Cancer Initiative; $500,000 for the University of Massachusetts at Boston Multidisciplinary Research Facility and Library; $400,000 for the Robert Wood Johnson University Hospital; $100,000 for the Hackensack University Medical Center; $1,000,000 for the Coastal Research Center at the Medical University of South Carolina; $500,000 for the Mary Bird Perkins Cancer Center; $750,000 for the Tahoe Center for Environmental Sciences; $500,000 for Adventist Health Care; $1,000,000 for the Environmental Control and Life Support Project; $1,000,000 for the Southern California Water Education Center; $1,000,000 for the University of Nevada-Reno to conduct nuclear waste repository research in the areas of materials evaluation, fundamental studies on degradation mechanisms, alternate materials and design, and computational and analytical modeling; $1,000,000 for the Research Foundation at the University of Nevada-Las Vegas to conduct safety and risk analyses, simulation and

modeling, systems planning, and operations and management to support radioactive and hazardous materials transportation; $1,000,000 for the Research Foundation at the University of Nevada-Las Vegas to assess earthquake hazards and seismic risk in Southern Nevada; $1,000,000 for the University of Nevada-Reno to expand the earthquake engineering and simulation facility; and $100,000 for the Space Grant Consortium at the Desert Research Institute.

Basic energy sciences.—The conference agreement includes $1,016,575,000 for basic energy sciences, an increase of $8,000,000 over the budget request. The conference agreement includes $575,711,000 for materials sciences and engineering research, and $220,914,000 for chemical sciences, geosciences, and energy biosciences. The additional $8,000,000 for materials sciences and engineering research is to support additional nanoscience research at existing user facilities and the new nanoscale science research centers. For purposes of reprogramming in fiscal year 2004, the Department may reallocate funding among all operating accounts within Basic Energy Sciences.

The conference agreement provides the requested amounts of $124,600,000 for construction of the Spallation Neutron Source (99–E–334); $35,000,000 for the Molecular Foundry (94–R–313); $29,850,000 for the Center for Integrated Nanotechnologies (04–R–313); $20,000,000 for the Center for Nanophase Materials Sciences (03–R–312); $7,500,000 for project engineering and design (PED) for the Linac Coherent Light Source (03–SC–002); and $3,000,000 for the Center for Functional Nanomaterials (02–SC–002). The conference agreement also provides the request of $7,673,000 for the Experimental Program to Stimulate Competitive Research (EPSCoR).

Advanced scientific computing research.—The conference agreement includes $203,490,000 for advanced scientific computing research (ASCR), an increase of $30,000,000 over the budget request. The conferees provide these additional funds for the Department to acquire additional advanced computing capability to support existing users in the near term and to initiate longer-term research and development on next generation computer architectures. The conferees expect that, to the maximum extent practicable, these funds will be awarded among various technologies, laboratories, universities, and private sector suppliers using a merit-based, competitive process. The conferees support the High End Computing Revitalization Task Force established by the Office of Science and Technology Policy, and expect the Department to participate fully in this interagency effort.

Science laboratories infrastructure.—The conference agreement provides $54,590,000 for science laboratories infrastructure, including an additional $10,000,000 to correct safety deficiencies at Science laboratories for the purpose described in the House report, and $1,000,000 additional for excess facilities disposal for the 88-inch cyclotron at Lawrence Berkeley National Laboratory. From within available funds, the conferees expect the Department to provide not less than $15,600,000 to meet infrastructure needs at Oak Ridge National Laboratory.

The conferees support the ongoing effort to determine realistic costs for the transition to external regulation, and adopt the House-recommended date of May 31, 2004, for completion of the safety compliance audits and associated costs estimates for the ten Science laboratories. The conferees also support the House direction to the Department to begin budgeting for the necessary corrective actions beginning in fiscal year 2005.

The conference agreement provides the requested amounts of $1,520,000 for infrastructure support, $5,079,000 for Oak Ridge landlord costs, $29,936,000 for construction of various infrastructure projects (MEL–001), and $2,000,000 for project MEL–001–36 at the Stanford Linear Accelerator Center under Science Laboratories Infrastructure Project Engineering Design (04–SC–001).

Fusion energy sciences.—The conference agreement includes $264,110,000 for fusion energy sciences, an increase of $6,800,000 over the budget request. The budget request proposed $12,000,000 for the International Thermonuclear Experimental Reactor (ITER), but did so by displacing $10,800,000 of ongoing domestic fusion research. The conference agreement provides $8,000,000 for ITER activities in fiscal year 2004, and restores $6,800,000 to domestic fusion research. The conferees strongly caution the Department against submitting any future budget requests for ITER that are funded at the expense of domestic research.

Safeguards and security.—The conference agreement includes $51,887,000 for safeguards and security activities at laboratories and facilities managed by the Office of Science. The additional $3,760,000 over the budget request represents the costs for safeguards and security support contracts that were transferred out of Science Program Direction into this subaccount.

Science workforce development.—The conference agreement provides the requested amount of $6,470,000 for science workforce development. The conferees advise the Department to apply the Laboratory Science Teacher Professional Development initiative to all five multiprogram Science laboratories rather than just to one laboratory. The conferees also encourage the Department to provide funds and technical expertise for high school students to participate in the 2004 For Inspiration and Recognition of Science and Technology (FIRST) Robotics competition. FIRST has proven to be a valuable program to introduce and mentor students in math and science.

Science program direction.—The conference agreement includes $147,053,000 for science program direction. This amount includes $80,102,000 for field offices, $58,217,000 for headquarters, $7,714,000 for the Technical Information Management program, and $1,020,000 for Energy Research Analyses. The control level for fiscal year 2004 is at the program account level of Science Program Direction.

Funding adjustments.—The conference agreement includes an offset of $4,383,000 for the safeguards and security charge for reimbursable work, as proposed in the budget request. The conference agreement also includes the use of $10,000,000 of prior year balances.

NUCLEAR WASTE DISPOSAL

The conference agreement provides $190,000,000 for Nuclear Waste Disposal, instead of $335,000,000 as proposed by the House and $140,000,000 as proposed by the Senate. When combined with the $390,000,000 appropriated from the Defense Nuclear Waste Disposal account, a total of $580,000,000 will be available for program activities in fiscal year 2004.

DEPARTMENTAL ADMINISTRATION

The conference agreement provides $313,212,000 for Departmental Administration expenses. Including a transfer of $86,679,000 from Other Defense Activities, revenues of $123,000,000, the same as estimated by the Congressional Budget Office, and the use of $10,000,000 of prior year balances, this results in a net appropriation of $93,533,000.

Specific funding levels for each Departmental organization are provided in the accompanying table.

Chief Information Officer.—The conferees provide $35,000,000 and direct the additional funds over the fiscal year 2003 funding level be used for implementation of STARS and the data warehouse for the Department's financial data.

Office of Management, Budget and Evaluation.—The conference agreement directs the Office of Environmental Management to transfer $2,500,000 from Defense Site Acceleration Completion to continue external independent reviews by the Office of Engineering and Construction Management of proposed Environmental Management projects and programs and to provide increased oversight of the Environmental Management accelerated cleanup contracts. To continue to train and certify DOE project managers, the conferees direct the Department to arrange financing of not less than $2,500,000 from the Working Capital Fund to fund training under the Project Management Career Development Program.

Working Capital Fund.—The conferees renew the guidance as presented in House Report 107–681 regarding management of the Working Capital Fund.

Work for Others.—The conference agreement for the cost of the Work for Others program is $69,682,000, the same as in fiscal year 2003. The conferees adopt the Congressional Budget Office estimate of $123,000,000 for revenues from Work for Others activities.

Funding Adjustments.—The conference agreement includes the use of $10,000,000 of prior year balances.

Transfer from Other Defense Activities.—The conferees believe that defense-related programs should fund a proportional share of total Departmental Administration costs. By the conferees' calculation, the Department's defense-related activities account for 70.3 percent of the Department's total budget request for fiscal year 2004. Subtracting out the costs for the National Nuclear Security Administration (NNSA), which has largely established its own corporate functions analogous to Departmental Administration functions, the remaining defense-related costs account for 32.7 percent of the Department's total budget. For the gross Departmental Administration request of $351,306,000 in fiscal year 2004, the minimum defense contribution should have been $114,877,000. Using some other system of mathematics, the Department requested only $25,000,000 as the defense share of Departmental Administration. The conferees consider this an inadequate share of Departmental Administration costs, and provide instead $86,679,000, the same contribution from Other Defense Activities as provided in fiscal year 2003. The conferees direct the Department to submit a budget request for fiscal year 2005 that reflects a proportional contribution from Other Defense Activities for these Departmental Administration costs.

Reprogramming guidelines.—The conference agreement provides reprogramming authority of $1,000,000 or 10 percent, whichever is less, within the Departmental Administration account without prior submission of a reprogramming to be approved by the House and Senate Committees on Appropriations. No individual program account may be increased or decreased by more than this amount during the fiscal year using this reprogramming authority. Congressional notification within 30 days of the use of this reprogramming authority is required. Transfers which would result in increases or decreases in excess of $1,000,000 or 10 percent to an individual program account require prior notification and approval.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides $39,462,000 for the Inspector General as proposed by the House and the Senate.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department of Energy, manages the Nation's nuclear weapons, nuclear nonproliferation, and naval reactors activities.

Availability of funds.—The conference agreement makes funds appropriated to the NNSA available until expended as proposed by the Senate.

Stockpile Plan.—The conferees direct the Secretary of Energy in conjunction with the Secretary of Defense to provide a report to the Appropriations and Armed Services Committees of Congress providing a revised Nuclear Weapons Stockpile plan that supports the President's revised Nuclear Weapons Stockpile Memorandum. The revised Nuclear Weapons Stockpile plan should detail the Department of Defense and Department of Energy's program plan and detailed schedule to achieve the President's proposed inventory adjustments to the Total Strategic Stockpile, reducing the Operationally Deployed weapons to 1,700–2,200 by 2012, as well as the inventory adjustments to the other categories of the nuclear stockpile (i.e., Strategic Active and Inactive Stockpile) by weapon systems and warhead type. The conference agreement restricts a portion of the funds provided for Advanced Concepts research on nuclear weapons pending congressional review of the Nuclear Stockpile report. This report is due to the Appropriations and Armed Services Committees concurrent with the submission of the fiscal year 2005 budget request.

WEAPONS ACTIVITIES

The conference agreement provides $6,272,511,000 for Weapons Activities instead of $6,117,609,000 as proposed by the House and $6,473,814,000 as proposed by the Senate.

Reprogramming.—The conference agreement provides limited reprogramming authority within the Weapons Activities account without submission of a reprogramming to be approved in advance by the House and Senate Committees on Appropriations. The reprogramming thresholds will be as follows: directed stockpile work, science campaigns, engineering campaigns, inertial confinement fusion, advanced simulation and computing, pit manufacturing and certification, readiness campaigns, and operating expenses for readiness in technical base and facilities. This should provide the needed flexibility to manage these programs.

In addition, funding of not more than $5,000,000 may be transferred between each of these categories and each construction project subject to the following limitations: only one transfer may be made to or from any program or project; the transfer must be necessary to address a risk to health, safety or the environment or to assure the most efficient use of weapons activities funds at a site; and funds may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

Congressional notification within 15 days of the use of this reprogramming authority is required. Transfers during the fiscal year which would result in increases or decreases in excess of $5,000,000 or which would be subject to the limitations outlined in the previous paragraph require prior notification and approval from the House and Senate Committees on Appropriations. Failure to notify the Committees within the 15–day period will result in denial of the reprogramming.

W80 life extension project.—The conferees have had a special interest in the W80 warhead stockpile life extension project (W80 LEP) and have consistently asked for unambiguous answers from the NNSA and the Air Force justifying the significant budget increases and the aggressive schedule for the W80 LEP. In fiscal year 2000, the Nuclear Weapons Council agreed to a W80 LEP schedule assuming a W80 LEP First Production Unit (FPU) in fiscal year 2006. Based on information provided by the Department of Energy submitted subsequent to the fiscal year 2004 budget request, the conferees understand that both the NNSA and the Department of Defense have agreed to a revised W80 LEP baseline delaying the FPU requirement until 4th quarter fiscal year 2007. Because the fiscal year 2006 FPU baseline milestone resulted in a very aggressive W80 LEP program, the conferees reduced the significant budget request for the W80 LEP in fiscal year 2004.

Directed stockpile work.—The conference agreement includes $1,340,286,000 for directed stockpile work instead of $1,343,786,000 as proposed by the House and $1,367,786,000 as proposed by the Senate.

The conference agreement provides $412,650,000 for stockpile research and development, a reduction of $20,500,000 from the budget request. The budget adjustments in stockpile R&D include a reduction of $13,000,000 from the budget request consistent with the W80 rebaselining reductions and a $7,500,000 reduction in the robust nuclear earth penetrator study budget request.

Advanced Concepts.—The conferees provide $6,000,000 for Advanced Concepts, as proposed by the Senate, of which $4,000,000 is available for obligation only after the official delivery of a revised Nuclear Weapons Stockpile plan to Congress and a 90-day review period by the House and Senate Committees on Appropriations and the Committees on Armed Services. The revised Nuclear Weapons Stockpile plan should detail the Department of Defense and Department of Energy's program plan and detailed schedule to achieve the President's proposed inventory adjustments to the Total Strategic Stockpile, including the Strategic Active Stockpile and Inactive Stockpile, by weapon systems and warhead type.

Robust Nuclear Earth Penetrator.—The conferees provide $7,500,000 for the Robust Nuclear Earth Penetrator study, instead of $5,000,000 as proposed by the House and $15,000,000 as proposed by the Senate. The conferees remind the Administration that none of the funds provided may be made used for activities at the engineering development phases, phase 3 or 6.3, or beyond, in support of advanced nuclear weapons concepts, including the Robust Nuclear Earth Penetrator.

The conference agreement provides $409,746,000 for stockpile maintenance, an increase of $4,000,000 from the budget request. Within the funds available for stockpile maintenance the conference agreement provides a $10,000,000 increase for activities at the Y–12 plant in Tennessee to complete closeout W87 LEP activities in fiscal year 2004. The conference agreement includes a $6,000,000 reduction in W80 stockpile maintenance activities consistent with the W80 rebaselining. The conference agreement provides $201,885,000 for stockpile evaluation, a reduction of $1,000,000 from the budget request consistent with the W80 rebaselining reductions. In the dismantlement/disposal program the conferees have provided $37,722,000, the same as the budget request. In the production support program, the conferees have provided $271,113,000, a reduction of $7,000,000 from the budget request. In field engineering, training and manuals program, the conferees have provided $7,170,000, the same as the budget request.

Campaigns.—Funding for individual campaigns is shown on the accompanying table. The conferees agree with the House language requesting detailed project baseline data for each campaign showing the total, annual, and five-year costs, schedule, scope, and deliverables for individual project activities as part of the annual budget request.

From within funds provided for the various campaigns, $4,300,000 is provided for the University Research Program in Robotics.

For science campaigns, the conference agreement provides $250,548,000, a reduction of $19,000,000 from the budget request. The conference agreement provides $57,849,000 for primary certification, a reduction of $8,000,000 from the budget request. In the dynamic materials properties program, the conferees have provided $82,251,000 the same as the budget request. Using $5,000,000 within the funds provided for dynamic materials properties, the NNSA is directed to make full use of existing and developing capabilities for materials properties studies, including the subcritical experiments at the U1a facility, Joint Actinide Shock Physics Experimental Research facility and the Atlas facility at the Nevada Test Site. In the advanced radiography program, the conferees have provided $55,985,000, a reduction of $10,000,000 from the budget request. In the secondary certification and nuclear systems margins program, the conferees have provided $54,463,000, a reduction of $1,000,000 from the budget request.

For engineering campaigns, the conference agreement provides $344,387,000, an increase of $13,200,000 over the budget request. Enhanced surety is funded at $32,974,000, a reduction of $5,000,000 from the request, consistent with the W80 rebaselining reductions. In the weapons system engineering certification program, the conferees have provided $27,238,000, a reduction of $1,000,000 from the budget request. In the nuclear survivability program, the conferees have provided $22,977,000, a reduction of $1,000,000 from the budget request. In the enhanced surveillance program, the conferees have provided $91,781,000, a reduction of $3,000,000 from the budget request. In the advanced design and production technologies program, the conferees have provided $77,917,000, a reduction of $2,000,000 from the budget request.

Engineering campaign construction projects.—The conference agreement provides $87,000,000, an increase of $25,200,000 over the budget request, for Project 01–D–108, Microsystem and engineering science applications (MESA) at Sandia, in New Mexico.

Inertial Confinement Fusion (ICF) Ignition and High Yield.—The conferees include $517,269,000 for the inertial confinement fusion ignition and high yield program, an increase of $50,500,000 over the budget request.

National Ignition Facility.—Within the funds provided, $150,000,000 is for National Ignition Facility (NIF) construction, Project 96–D–111, and $367,269,000 is for the ICF ignition and high yield program. Within the funds provided for the NIF program, the conferees direct the Department to fund a public-private research and development activity focused on damage resistant gratings at not less than $1,000,000.

The conferees note that NIF construction funds and NIF program funds have been provided consistent with the Administration's request, but are concerned that these budget figures are not consistent with the revised NIF baseline due to the Department's decision to fund a variety of NIF-related projects and programs within the overall NIF program. While the conferees are supportive of these activities and believe them necessary to achieve the goal of ignition, they strongly recommend that the Department submit future budgets that fund these activities as one or more separate line items.

Inertial Fusion Technology.—The conferees also include $25,000,000 to continue development of high average power lasers and supporting science and technology, the budget request of $10,467,000 for the Naval Research Laboratory, and $63,132,000 for the University of Rochester, an increase of $20,000,000 over the budget request. The additional funding is provided to the University of Rochester's Laboratory for Laser Energetics for the OMEGA Extended Performance (EP) Facility in support of the Nation's stockpile stewardship program. The conferees expect additional funding requirements to complete Omega EP construction will be included by the Department in future budget requests. Additionally, the conferees provide funding of $4,000,000 to initiate assessments and initial development and testing of Z-Pinch inertial fusion energy.

Petawatt Lasers.—The conferees also include an additional $4,500,000 for university grants and other support. Within this amount, $2,500,000 is provided for the continued development of an ultra short-pulse petawatt laser at the University of Texas; and $2,000,000 is provided to continue short-pulse laser development and research at the University of Nevada-Reno.

The conferees agree with the Senate position that high intensity laser physics enables major new areas of science and engineering endeavor in the United States and that advances in this field will enable important progress in critical aspects of basic science, fusion energy, and national security. A robust, coordinated program in high intensity lasers will affordably maintain U.S. leadership in this critically important area. Accordingly, the conferees direct the Department to pursue a joint high intensity laser program with the National Science Foundation. The conferees further direct the NNSA and the Department's Office of Science to develop, in collaboration with the NSF, a report that identifies the benefits and disadvantages of multi-agency coordinated research in high intensity laser science and delineates how a joint program in this area will be structured. This report shall be delivered to the House and Senate Committees on Appropriations no later than April 15, 2004.

For advanced simulation and computing, the conference agreement provides $725,626,000, as proposed by the Senate. From within available funds for advanced simulation and computing, $6,000,000 is provided for the development of a data-intensive computing center to be operated by the Ohio Supercomputing Center at its Springfield, Ohio site; $3,000,000 is provided to demonstrate three-dimensional chip scale packaging integrated with spray cooling. The conferees direct the University Partnerships program be funded at the budget request.

For the pit manufacturing and certification campaign, the conference agreement provides $298,528,000 a reduction of $21,700,000 from the budget request. The conference agreement provides $126,773,000 for W88 pit manufacturing and $108,592,000 for W88 pit certification, the same as the budget request. Providing the requested level of funding will ensure that the NNSA maintains its commitment to produce a certified W88 pit by 2007. The conference agreement provides $10,000,000 for Pit Manufacturing Capability instead of $4,700,000 as proposed by the House and $19,700,000 as proposed by the Senate. The conference agreement provides $10,810,000 for the Modern Pit Facility, a reduction of $12,000,000 from the request. The conferees agree with the House Report that until the Congress reviews the revised future Stockpile plan it is premature to pursue further decisions regarding the Modern Pit Facility.

For readiness campaigns, the conference agreement provides $247,097,000, a reduction of $10,000,000 from the budget request. Funding for the Stockpile readiness campaign includes $55,158,000, the same as the budget request. High explosives manufacturing and weapons assembly/disassembly readiness is funded at $23,649,000, instead of $19,649,000 as proposed by the House and $27,649,000 as proposed by the Senate. The $6,000,000 reduction to the budget request for this program slows the significant program growth from the previous year. The conference agreement provides $33,397,000 for Non-nuclear readiness, a reduction of $4,000,000 as proposed by the House, consistent with the W80 rebaselining reductions. Funding for the tritium readiness campaign includes $134,893,000, the same as the budget request.

Readiness in technical base and facilities.—For readiness in technical base and facilities, the conference agreement provides $1,027,773,000 for operations of facilities, an increase of $55,000,000 over the budget request, and includes several funding adjustments.

Within funds provided for operations of facilities, the conferees direct that, at a minimum, an additional $5,000,000 be provided for the Pantex Plant in Texas and an additional $5,000,000 be provided for the Y–12 Plant in Oak Ridge, Tennessee; an additional $5,000,000 for the Kansas City Plant to address pension liability issues; and an additional $10,000,000 for Los Alamos National Laboratory. The conference agreement provides an additional $5,000,000 to support operation of facilities at the Nevada Test Site, (NTS) including the Device Assembly Facility, the Joint Actinide Shock Physics Experimental Research facility, operations associated with the Atlas relocation project, U1a operations, general plant projects and other NTS support facilities. An additional $25,000,000 is provided for continued facility upgrades, refurbishments, operations and maintenance costs associated with and for the National Center for Combating Terrorism (NCCT). Within the funds available for the NCCT, not less than $5,000,000 is provided jointly to the Institute for Security Studies at UNLV and the Consortium of Terrorism Studies and Fire Science at the University of Nevada, Reno. The conference agreement includes an additional $5,000,000 for modifications of the Z-beamlet laser to the Z machine operations at Sandia. Within available funds, the conference agreement includes $3,000,000 for technology transfer activities as proposed by the Senate. The conference agreement provides $500,000 within available funds for the NNSA to utilize the capabilities of its national laboratories for a joint effort with the U.S. Consumer Product Safety Commission on sensor technologies and applications as proposed by the Senate.

For program readiness, the conference agreement provides $131,093,000 the same as the budget request.

Test Readiness.—Within funds provided for program readiness activities the conference agreement provides $24,891,000 for test readiness in Nevada, the same as the budget request. The conferees recognize that test readiness activities in Nevada were allowed to atrophy during the last decade under the current nuclear test moratorium as documented by the DOE Inspector General and the NNSA's internal assessments. However, the conferees expect the NNSA to focus on restoring a rigorous test readiness program that is capable of meeting the current 24–month requirement before requesting significant additional funds to pursue a more aggressive goal of an 18–month readiness posture. The conferees expect the House and Senate Appropriations Committees be kept informed on the progress of restoring the current test readiness program. The conferees remind the Administration that Congressional authorization must be obtained before proceeding with specific activities that support the resumption of testing.

For special projects, the conference agreement provides $51,675,000, an increase of $8,700,000 over the budget request. Within funds provided for special projects, the conference agreement includes $6,900,000 for the New Mexico Education Enrichment Foundation; $1,000,000 for the preservation of Manhattan Project historical sites; $500,000 for the Atomic Testing History Institute; $1,000,000 for the UNLV Research Foundation; $2,000,000 for stockpile stewardship research at the Nevada terarwatt facility at the University of Nevada-Reno; $3,000,000 is provided for Total Asset Management Suite (TAMS) technology to be applied to a defense lab or site; $3,000,000 is provided for a defense and security research center; and the budget request for the Los Alamos County Schools.

The conference agreement includes $76,189,000 for materials recycle and recovery, the same as the budget request.

The conference agreement includes the budget request of $16,006,000 for containers, $11,365,000 for storage, and $89,694,000 for nuclear weapons incident response.

Construction projects.—For construction projects in RTBF, the conference agreement includes $260,440,000, a $12,936,000 reduction from the budget request. The conferees included the following adjustments to reflect the latest program planning assumption. The conference agreement provides $10,000,000 for Project 04–D–125, Chemistry and Metallurgy Facility Replacement (CMR–R) at Los Alamos in New Mexico, a reduction of $10,500,000 from the budget request; $11,300,000 for Project 03–D–121, Gas Transfer Capacity Expansion, at Kansas City Plant, Kansas City, a reduction of $4,000,000 from the budget request; $3,564,000 for Project 04–D–103, Project Engineering and Design (PED), various locations, an increase of $1,564,000 from the budget request.

Facilities and infrastructure recapitalization.—The conference agreement includes $240,123,000 for the facilities and infrastructure (F&I) recapitalization program, a reduction of $25,000,000 from the budget request due to funding constraints. The conferees agree with the House direction to procure decontamination, decommissioning and demolition services through an open competitive process to the greatest extent practicable. At least $45,000,000 is to be used to dispose of excess facilities.

Secure Transportation Asset.—The conference agreement provides $162,400,000 for secure transportation asset, as proposed by the Senate. The fiscal year 2003 supplemental included an additional $20,000,000 for the secure transportation asset and the conferees direct the use of the carryover balances for fiscal year 2004. The secure transportation asset program provides for the safe, secure movement of nuclear weapons, special nuclear material, and weapon components between military locations and nuclear complex facilities within the United States.

Safeguards and security.—The conference agreement includes $585,750,000, the same as the budget request, for safeguards and security activities at laboratories and facilities managed by the National Nuclear Security Administration. The conferees are aware that there are unique security requirements at the Y–12 plant in Tennessee and that additional resources are needed to address the current deficiencies. The conferees direct the NNSA to address those security needs within available funds or propose a reprogramming action to provide the necessary resources.

Funding adjustments.—The conference agreement includes an adjustment of $28,985,000 for a security charge for reimbursable work, as proposed in the budget, and the

use of $74,753,000 in prior year balances. In addition, the conferees direct the Department to use $23,000,000 of prior year funds to meet a portion of the Department's liability stemming from the termination of the contract with the Ohio Valley Electric Corporation for power to supply the Portsmouth Gaseous Diffusion Plant.

DEFENSE NUCLEAR NONPROLIFERATION

The conference agreement provides $1,327,612,000 for Defense Nuclear Nonproliferation instead of $1,280,195,000 as proposed by the House and $1,340,195,000 as proposed by the Senate.

Availability of funds.—The conference agreement makes the funds available until expended as proposed by the Senate.

Liability Protection for U.S. interests in Russia.—The conferees are greatly concerned with the continued impasse between the United States and Russia on negotiations over liability protections for U.S. companies and personnel conducting nonproliferation work in Russia. The conferees place great importance on the continued successful implementation of the Department's nuclear nonproliferation activities and are concerned that in allowing the government-to-government implementing agreements to lapse for the Nuclear Cities Initiative and Plutonium Disposition activities, the Administration is creating unnecessary impediments to the effective implementation of nuclear nonproliferation programs. Additional delays in program implementation not only carry the risk of disrupting important nuclear nonproliferation activities but also exacerbate the problem of ever-increasing prior year balances carried by the Nuclear Nonproliferation program each year. The conferees urge a speedy resolution to the liability negotiations.

Nonproliferation and verification research and development.—The conference agreement provides $233,373,000 for nonproliferation and verification research and development, an increase of $29,500,000 from the request. The conference agreement includes $20,000,000, the same as the budget request, for ground-based systems for treaty monitoring.

The conference agreement does not adopt the House language requiring all nonproliferation and verification research and development funds be competed using the Technical Support Working Group (TSWG) Broad Area Announcement process.

From within available funds for research and development activities, $7,000,000 is provided to support ongoing activities at the Remote Sensing Test and Evaluation Center (RSL) at the Nevada Test Site to recover eroding emergency response infrastructure, replace aging equipment, and upgrade current technology. From within the funds provided to RSL, the recommendation includes $2,000,000 for the University of Nevada-Reno for the development of chemical, biological, and nuclear detection sensors.

The conference agreement provides $3,000,000 for the Incorporated Research Institutions for Seismology PASSCAL Instrument Center. The conferees intend fiscal year 2004 to be the last year of funding for the PASSCAL Instrument Center provided for within this account. Within available funds, the NNSA is directed to provide $15,000,000 in support of the nuclear and radiological national security program. The conference agreement provides $2,500,000 for the University of South Florida Center for Biological Defense; $1,000,000 for the George Mason University Center for Biodefense; and $1,000,000 for SUNY-Binghamton Advanced Sensor Design and Threat Detection.

The conferees continue to support more opportunity for open competition in appropriate areas of the nonproliferation and verification research and development program. The conferees expect the Department to continue to implement recommendations provided by the external review group in support of open competition and direct the Department to continue a free and open competitive process for at least 25 percent of its research and development activities during fiscal year 2004 for ground-based systems treaty monitoring. The competitive process should be open to all Federal and non-Federal entities. From within funds provided for ground-based systems treaty monitoring, the conferees include $2,500,000 in support of the Caucasus Seismic Information Network. These funds are provided outside the 25 percent of ground-based systems treaty monitoring funds to be awarded by the Department through a free and open competitive process.

Nonproliferation and international security.—The conference agreement provides $110,734,000 for nonproliferation and international security, an increase of $9,000,000 over the budget request. Within the additional funds, the conferees provide the budget request of $3,000,000 for accelerated Reduced Enrichment for Research and Test Reactors (RERTR) and $1,000,000 for the HEU Research Reactor Fuel Purchase initiative as proposed under the Accelerated Materials Disposition proposal. The conferees provide $5,000,000 for initiatives focused on removing nuclear weapons-usable materials from vulnerable sites around the world as proposed by Senate.

Nonproliferation programs with Russia.—The conferees continue to be concerned that too much of the money for Russian programs is being spent in the United States at the Department of Energy's own facilities rather than going to the facilities in Russia. The Department is directed to submit a plan to the Committees on Appropriations that shows how the ratio of the funding within each program that is spent in Russia versus the funding that remains in the United States for the Department's contractors will be increased significantly in each subsequent fiscal year.

International materials protection, control and cooperation (MPC&A).—The conference agreement includes $260,000,000 for the MPC&A program, an increase of $34,000,000 over the budget request. Within funds provided for MPC&A, the conferees provide $28,000,000 for accelerating the Second Line of Defense MegaPorts Initiative and other critical border activities and $5,000,000 for other high priority MPC&A activities, to include countries outside the Former Soviet Union (FSU) such as Pakistan, India, and China.

Accelerated Materials Disposition.—The conferees provide no funding for the Accelerated Materials Disposition (AMD) initiative. The conferees continue to be highly supportive of the successful U.S./Russian HEU Purchase Agreement to blend down 500 metric tons of highly enriched uranium over twenty years. The conferees are supportive of the House language on the AMD proposal and direct the Department to develop a rigorous risk-based priority setting process for allocating budget resources to the activity with the highest nonproliferation benefit. The conferees provide the funding request for accelerated Reduced Enrichment for Research and Test Reactors (RERTR) and the HEU Research Reactor Fuel Purchase under Nonproliferation and International Security account and the accelerated Material Consolidation and Conversion (MCC) program in the International materials protection, control and cooperation (MPC&A) account.

Russian Transition Initiatives.—The conference agreement provides $40,000,000, the same as the budget request, for the Initiatives for Proliferation Prevention (IPP) program and the Nuclear Cities Initiative (NCI). The conferees are troubled by the continuing liability provision impasse that caused the lapsing of the NCI implementing agreement. The conferees urge the Department to work aggressively with the State Department and their Russian counterparts to conclude the liability provision negotiations expeditiously prior to significant delays to nonproliferation work in Russia.

HEU transparency implementation.—The conference agreement provides $18,000,000, the same as the budget request.

International nuclear safety.—The conference agreement provides $4,000,000, a reduction of $10,083,000 from the budget request, for the international nuclear safety program. The conferees note the successful conclusion of the Soviet-designed reactor safety program in fiscal year 2003 and expect the Department to close out all remaining International Nuclear Safety activities in fiscal year 2004 with the funds provided.

Elimination of weapons-grade plutonium production.—The conference agreement includes the budget request of $50,000,000 for the elimination of weapons-grade plutonium production program.

Fissile materials disposition.—The conference agreement provides $656,505,000 for fissile materials disposition, the same as the budget request. The conferees direct the Department to continue the thorium-based fuel cycle program currently being conducted by the Russian Research Centre Kurchatov Institute in conjunction with their U.S. industrial partners. Within available funds the conference agreement provides $4,000,000 to be used in Russia for testing and evaluation of those test results to confirm this thorium-based fuel's plutonium disposition qualities in Russian VVER–1000 reactors and other non-proliferation and environmental benefits. The testing will include irradiation experiments at the IR–8 reactor at Kurchatov Institute. The objective of this testing and evaluation is to assess the timeframe, cost, and technical feasibility of this thorium-based fuel cycle for plutonium disposition in Russia, with a goal of lead test assemblies in 2006 in a Russian VVER–1000 nuclear power plant.

Funding adjustments.—The conference agreement includes the use of $45,000,000 of prior year balances.

NAVAL REACTORS

The conference agreement provides $766,400,000 for Naval Reactors.

Funding adjustments.—The conference agreement includes the use of $2,000,000 of prior year balances. In addition, the conferees direct the Department to use $2,000,000 of prior year balances to meet a portion of the Department's liability stemming from the termination of the contract with the Ohio Valley Electric Corporation for power to supply the Portsmouth Gaseous Diffusion Plant.

OFFICE OF THE ADMINISTRATOR

The conference agreement provides $339,980,000 for the Office of the Administrator instead of $341,980,000 as proposed by the House and $337,980,000 as proposed by the Senate. These funds are available until expended as proposed by the Senate. Statutory language providing $12,000 for official reception and representation expenses has also been included.

The conferees direct the Administrator of NNSA to provide at least $2,500,000 for the NNSA Office of Project Management and Engineering Support to continue its project oversight work and to provide training and mentoring programs to improve the skills of NNSA program and project managers.

Defense Nuclear Nonproliferation.—The conference agreement provides $58,000,000 for the

Federal employees in the Office of Defense Nuclear Nonproliferation. None of these funds may be taxed by the NNSA for any purpose without prior notification and approval by the House and Senate Committees on Appropriations.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL MANAGEMENT

The conference agreement provides a total of $6,626,877,000 for Defense Environmental Management instead of $6,748,457,000 as proposed by the House and $6,743,045,000 as proposed by the Senate. This funding is provided in two separate appropriations: $5,651,062,000 for Defense Site Acceleration Completion and $991,144,000 for Defense Environmental Services, and also includes a rescission of $15,329,000 from the Defense Environmental Management Privatization account.

Lack of Agreement for Accelerated Performance Management Plans.—The conferees share the concerns articulated in the House report regarding the linkage between additional funding for accelerated cleanup and the agreement of State regulators to the accelerated performance management plans. The House withheld funds for specific accelerated cleanup projects where State agreement was lacking. Where the necessary State agreement has been reached by the time of this conference, those funds have been restored. Although a final agreement has not yet been reached with the State of New Mexico on the accelerated cleanup plan for the Los Alamos National Laboratory, the Department believes such agreement will be reached shortly. The conferees provide funds for accelerated cleanup of this site in fiscal year 2004, but remind the Department and the State of New Mexico that these funds for accelerated cleanup activities at Los Alamos are contingent on the Department and the State reaching final agreement in the near future.

Statutory Changes Required for Accelerated Cleanup.—The conferees strongly object to the Department sending forth its contractors to advocate for legislative changes that are necessary to execute accelerated cleanup plans, as was apparently the case with the proposal to consider the material in the Fernald silos as suitable for disposal as 11e.(2) material. If such statutory changes are responsible and for the benefit of the Government and the taxpayer, then the Department should submit such changes as part of a formal legislative proposal from the Administration to the Congress. The conferees direct the Department to review its current Performance Management Plans and cleanup contracts to identify any other instances where statutory changes are required to execute accelerated cleanup. The conferees direct the Department to report to the House and Senate Committees on Appropriations and to the relevant House and Senate authorizing committees within 60 days after enactment of this Act with the results of this review, and to submit a comprehensive legislative proposal with the fiscal year 2005 budget request including all such proposed changes to existing law.

Review of Cost and Schedule Baselines.—The conferees share the concerns expressed in the House and Senate reports regarding the recent 33 percent cost increase for the Hanford Waste Treatment and Immobilization Plant. This increase reflects a troubling lack of accountability at the Department for prior cost and schedule estimates, and does not inspire Congressional confidence in the reliability of the current cost and schedule baseline for this project and for other major cleanup projects. Therefore, the conferees direct the Department to transfer $1,500,000 to the U.S. Army Corps of Engineers Directorate of Expertise for Cost Engineering (i.e., the Corps Walla Walla District) to conduct a detailed, bottoms-up, independent review of the cost and schedule baseline for the Hanford Waste Treatment and Immobilization Plant. This independent review should be completed no later than April 30, 2004, to allow the results of the Corps review to inform the House and Senate Committees on Appropriations in their consideration of the Department's fiscal year 2005 budget request. The conferees expect the Department to execute this fund transfer within 30 days of enactment of this Act, and to provide full cooperation to the Corps in executing this independent review.

The conference agreement also directs the Department to transfer $2,500,000 from the Office of Environmental Management to the Office of Management, Budget and Evaluation to increase its oversight of the Department's accelerated cleanup projects. The conferees concur with the Senate language directing the Department to report back to the House and Senate Committees on Appropriations by March 15, 2004, with a specific proposal on how to use these additional funds to establish a formal process by which the Office of Management, Budget and Evaluation shall certify to the Committees that new acceleration and reform agreements based on the site performance management plans are comprehensive in their cost estimates and contain adequate contingency amounts.

Oak Ridge Adjustments.—At the request of the Department, the conference agreement makes a number of reallocations to reflect the current cleanup plans for Oak Ridge National Laboratory, the East Tennessee Technology Park, and the Y–12 Plant. The reallocations occur in the Defense Site Acceleration Completion, Defense Environmental Services, Non-Defense Environmental Services, and Uranium Enrichment D&D Fund accounts, and net to zero.

DEFENSE SITE ACCELERATION COMPLETION

The conference agreement provides $5,651,062,000 for defense site acceleration completion, instead of $5,758,278,000 as proposed by the House and $5,770,695,000 as proposed by the Senate.

Accelerated Completions 2006.—The conference agreement provides $1,248,453,000, an increase of $3,282,000 over the request to reflect the adjustment for accelerated Oak Ridge cleanup activities.

Accelerated Completions 2012.—The conference agreement provides $2,236,252,000, an increase of $7,938,000 over the request to reflect the adjustment for accelerated Oak Ridge cleanup activities.

Accelerated Completions 2035.—The conference agreement provides $1,929,536,000, a reduction of $49,061,000 from the budget request to reflect the adjustment for accelerated Oak Ridge cleanup activities.

From within available funds, the conferees direct the Department to provide a total of $6,000,000 for worker training programs and supporting communications infrastructure, oversight, and management activities at the Hazardous Materials Management and Emergency Response Training and Education Center. The conferees direct the Department to provide $8,500,000 for the Hazardous Waste Worker Training Program from within available funds. The conference agreement provides $750,000 from within available funds to the State of Oregon for its oversight activities related to the Hanford cleanup.

The conferees direct the Department to pay its title V air permitting fees at the Idaho National Laboratory consistent with prior year levels, and to bring the Pit 9 litigation to an end as expeditiously as possible. The conference agreement includes the budget request of $1,356,000 for activities at Amchitka Island, Alaska.

Waste Isolation Pilot Plant.—The Department's activities at the Waste Isolation Pilot Plant (WIPP) are primarily funded under the Accelerated Completions 2035 subaccount within the Defense Site Acceleration Completion account. From within available funds for Accelerated Completions 2035, the conferees direct the Department to provide an additional $3,500,000 to the Carlsbad community for educational support, infrastructure improvements, and related initiatives to address the impacts of accelerated operations at WIPP, and an additional $1,500,000 to consolidate at Carlsbad all record archives relevant to the operations of WIPP and the transuranic waste in WIPP.

Technology Development and Deployment.—The conference agreement provides $66,920,000, an increase of $3,000,000 over the budget request. From within available funds, the conference agreement provides $4,500,000 to continue the five-year agreement with AEA technology and $7,000,000 to continue the five-year agreement with Florida International University's Hemispheric Center for Environmental Technology.

Within available funds, the conference agreement provides $5,000,000 for the Western Environmental Technology Office; $5,000,000 for the Diagnostic Instrumentation and Analysis Laboratory; $2,000,000 for work on the subsurface science research institute by Idaho National Laboratory and the Inland Northwest Research Alliance institutions; and $3,000,000 for the Mid-Atlantic Recycling Center for End-of-Life Electronics. The conferees direct the Department to renew its cooperative agreements with the University of Nevada-Las Vegas Research Foundation and the University of Nevada-Reno, and to continue its support of the Tribal Colleges Initiative involving Crownpoint Institute of Technology, Diné College in New Mexico, and the Southwestern Indian Polytechnic Institute to develop high quality environmental programs at tribal colleges.

Within available funds, the conference agreement provides $3,000,000 to continue the arsenic removal research in conjunction with the American Water Works Association as begun in fiscal year 2003; $3,000,000 in support of desalination research consistent with the Desalination and Water Purification Technology roadmap developed in partnership with the Bureau of Reclamation; $750,000 to support the public/private ZeroNet Energy Water Initiative; and $3,000,000 to fund the demonstration on Native American reservations of a stand-alone stirling engine combined with an advanced vapor compression distillation system for removing water contaminants.

Within available funds, the conference agreement provides $1,500,000 for the Advanced Monitoring Systems Initiative at the Nevada Test Site; $1,000,000 for the Management of Nevada Natural Resources with Remote Sensing Systems program; $1,000,000 for the Desert Research Institute's Yucca Mountain Environmental Monitoring Program; and $500,000 to initiate development of an electrochemical system utilizing ceramic ionic transport membranes for the recycle and disposal of radioactive sodium-ion waste.

Reprogramming authority.— The conferees support the need for flexibility to meet changing funding requirements at sites that are undergoing accelerated cleanup activities. In fiscal year 2004, each site manager may transfer up to $5,000,000 between Defense Site Acceleration Completion subaccounts (i.e., accelerated completions 2006, accelerated completions 2012, accelerated completions 2035, and line item construction projects) to reduce health or safety risks or to gain cost savings as long as no program or project is increased or decreased by more

than a total of $5,000,000 during the fiscal year. This reprogramming authority may not be used to initiate new programs or programs specifically denied, limited, or increased by Congress in the Act or report. The Committees on Appropriations in the House and Senate must be notified within thirty days of the use of this reprogramming authority.

Safeguards and security.—The conference agreement includes $303,606,000, an increase of $3,629,000 over the budget request, for safeguards and security activities at laboratories and facilities managed by the Office of Environmental Management. The increase reflects the adjustment for accelerated Oak Ridge cleanup activities.

Funding adjustments.—The conference agreement includes the use of $132,361,000 of prior year balances to offset fiscal year 2004 spending. In addition, the conferees direct the Department to use $21,000,000 of prior year balances to meet a portion of the Department's liability stemming from the termination of the contract with the Ohio Valley Electric Corporation for power to supply the Portsmouth Gaseous Diffusion Plant. The conference agreement also includes an offset of $1,344,000 for the security costs associated with reimbursable work.

DEFENSE ENVIRONMENTAL SERVICES

The conference agreement provides $991,144,000 instead of $990,179,000 as proposed by the House and $987,679,000 as proposed by the Senate. The conference agreement includes $61,570,000 for community and regulatory support, $452,000,000 for the Federal contribution to the Uranium Enrichment Decontamination and Decommissioning Fund, $210,430,000 for non-closure environmental activities, and $287,144,000 for program direction. The conference agreement includes within these amounts an additional $20,732,000 in non-closure environmental activities and an additional $233,000 in community and regulatory support to reflect the adjustment for accelerated Oak Ridge cleanup activities.

Within available funds, the conference agreement includes $2,500,000 for the Waste Management Education and Research Consortium consistent with the terms of its cooperative agreement with the Department, and $500,000 to support the Energy and Environmental Hispanic Community Participation project of the Self Reliance Foundation.

From within available funds for Community and Regulatory Support, the conferees direct the Department to use $1,000,000 for regulatory and technical assistance to the State of New Mexico to amend the existing WIPP Hazardous Waste Permit to comply with the provisions of section 310 of this Act. Also from within available funds, the conferees provide $3,000,000 for the US-Mexico Border Program and expect the funds to be allocated for the following activities which focus on reducing waste streams that threaten public health along the US-Mexico border: Ongoing university programs associated with the needs of Carlsbad and WIPP and the Center of Excellence in Hazardous Materials.

Within the funds available for community and regulatory support, the conferees direct the Department to provide $1,000,000 for the State of Nevada and $4,000,000 for the affected units of local government for external oversight activities related to nuclear waste disposal in Nevada.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

(RESCISSION)

The conference agreement includes the rescission of $15,329,000 from the Defense Environmental Management Privatization account as proposed by the Senate. The balances shall be derived as follows: $13,329,000 from the Paducah Disposal Facility Privatization (OR–574) and $2,000,000 from the Portsmouth Disposal Facility Privatization (OR–674).

OTHER DEFENSE ACTIVITIES

The conference agreement provides $674,491,000 for Other Defense Activities instead of $666,516,000 as proposed by the House and $492,209,000 as proposed by the Senate. Details of the conference agreement are provided below.

ENERGY SECURITY AND ASSURANCE

The conference agreement provides $22,472,000 for the energy security and assurance program. Of the additional funds included for the Office of Energy Assurance, $16,000,000 shall be available for the National Energy Technology Laboratory (NETL) to implement and manage a national energy assurance training capability and other related activities to support the Department in accordance with its National Agenda for Energy Assurance activities, including $3,500,000 for program direction costs, travel, and other related direct and indirect expenses. An additional $4,000,000 shall be for NETL to implement and manage construction, renovation, furnishing, and demolition of agency facilities. The conferees provide $2,472,000 for program direction in the Office of Energy Security and Assurance.

OFFICE OF SECURITY

The conference agreement provides $211,757,000, the same as the budget request, for the Office of Security.

INTELLIGENCE

The conference agreement includes $39,823,000, the same as the budget request, for the Department's intelligence program.

COUNTERINTELLIGENCE

The conference agreement includes $45,955,000, the same as the budget request, for the Department's counterintelligence program.

INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE

The conference agreement provides $22,575,000, the same as the budget request, for the independent oversight and performance assurance program.

ENVIRONMENT, SAFETY AND HEALTH (DEFENSE)

The conference agreement provides $112,261,000 for defense-related environment, safety and health activities, including $18,910,000 for program direction. The conferees have provided $3,075,000, an increase of $2,075,000 above the budget request, for medical monitoring at the gaseous diffusion plants at Paducah, Kentucky, and Portsmouth, Ohio, and Oak Ridge, Tennessee. The conferees have provided $4,000,000 to continue the DOE worker records digitization project through the Research Foundation at the University of Nevada-Las Vegas. The conferees direct the Department to establish an employee field resource center in the Bay Area of the State of California within 120 days of enactment.

Energy Employees Compensation Initiative.—The conferees are very concerned about the Department's lackluster performance to date in processing the employee claims under Subtitle D of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) of 2000. The conferees do not adopt the Senate proposal to transfer responsibility for processing the Subtitle D claims from the Department of Energy to the Department of Labor. However, if the Department does not show significant improvement in processing Subtitle D claims during fiscal year 2004, the conferees will consider seriously such a transfer next fiscal year. The conferees also encourage the Department to work with the authorizing committees to streamline Subtitle D of the EEOICPA. Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the House and Senate Committees on Appropriations and the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on administrative expenditures of the Department for the EEOICPA.

WORKER AND COMMUNITY TRANSITION

The conference agreement provides $13,400,000 for the worker and community transition program. Funding of $1,400,000 has been provided for the Pinellas Community Reuse Organization to complete the STAR Center transition, as proposed by the House. The conferees agree with the Senate language on incorporating the mission of the Office of Worker and Community Transition with the Office of Legacy Management. The conferees expect the two separate activities for worker and community transition and legacy management to continue to be identified separately in future budget requests.

No funds may be used to augment the $13,400,000 made available for obligation for severance payments and other benefits and community assistance grants unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

LEGACY MANAGEMENT

The conferees support the fiscal year 2004 budget request proposal to establish the Office of Legacy Management to manage the long-term stewardship responsibilities at the Department's cleanup sites. The conference agreement provides a total of $47,525,000 for the Office of Legacy Management, the same as the budget request, of which $19,178,000 is provided in Other Defense Activities and the balance is provided in Non-Defense Environmental Services. The conferees encourage the Department to utilize the Mike Mansfield Advanced Technology Center to support the new Office of Legacy Management.

FUNDING FOR DEFENSE ACTIVITIES IN IDAHO

The conference agreement provides $112,306,000 as proposed in the House Report to fund the defense-related activities at the Idaho National Engineering and Environmental Laboratory (INEEL) and associated Idaho cleanup sites.

NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT

The conference agreement provides $86,679,000 as proposed by the House for national security programs administrative support.

OFFICE OF HEARINGS AND APPEALS

The conference agreement provides $3,797,000 for the Office of Hearings and Appeals, the same as the budget request.

FUNDING ADJUSTMENTS

Funding adjustments include a security charge for reimbursable work of $712,000 and a reduction of $15,000,000 to be applied to those programs that have balances carried over from prior fiscal years and lower priority program activities.

DEFENSE NUCLEAR WASTE DISPOSAL

The conference agreement provides $390,000,000 for the defense contribution to the nuclear waste repository program, a reduction of $40,000,000 from the request.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

The conferees are aware of the Department of the Treasury's concerns relating to Bonneville Power Administration's financial accounting practices and expect Bonneville to

rectify the situation as soon as is possible. The conferees agree with the House Report language directing the Secretary of Energy to conduct a review of Bonneville's mission, management, and financial condition and make specific recommendations to Congress to address GAO findings. The Secretary should submit this report to the House and Senate Committees on Appropriations by April 30, 2004. No new direct loan obligations may be made during fiscal year 2004.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

The conference agreement includes $5,100,000, the same as the budget request, for the Southeastern Power Administration. The conference agreement provides $34,000,000 for purchase power and wheeling in fiscal year 2004. The offsetting collections total of $34,000,000 includes $15,000,000 made available in Public Law 106–377 for use in fiscal year 2004, plus an additional $19,000,000 provided in this Act.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

The conference agreement includes $28,600,000, the same as the budget request, for the Southwestern Power Administration. The conference agreement provides $1,800,000 for purchase power and wheeling in fiscal year 2004. The offsetting collections total of $1,800,000 includes $288,000 made available in Public Law 106–377 for use in fiscal year 2004, plus an additional $1,512,000 provided in this Act. The Committee recommendation also provides authority for Southwestern to accept advances from non-Federal entities to provide interconnections to Southwestern's transmission system.

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

The conference agreement provides $177,950,000, an increase of $6,950,000 over the budget request for Western Area Power Administration. The conference agreement includes $6,200,000 for the Utah Mitigation and Conservation Account and $750,000 on a non-reimbursable basis for a transmission study on the placement of 500 MW of wind energy in North Dakota and South Dakota. The conference agreement provides $186,100,000 for purchase power and wheeling in fiscal year 2004. The offsetting collections for purchase power and wheeling includes $20,000,000 made available in Public Law 106–377 for use in fiscal year 2004, plus an additional $162,108,000 provided in this Act. The conference agreement includes $4,825,000 for upgrades to substations and transmission lines for the South of Phoenix portion of the Parker-Davis project as proposed by the House.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

The conference agreement includes $2,640,000, the same as the budget request, for the Falcon and Amistad Operating and Maintenance Fund.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $204,400,000 for the Federal Energy Regulatory Commission (FERC), an increase of $5,000,000 over the budget request. The conferees provide the additional funds for FERC work related to the August 2003 blackout and for subsequent implementation of enforceable reliability standards. Revenues for FERC are set at an amount equal to the budget authority, resulting in a net appropriation of $0.

The conferees are concerned that the cyber security standard recently announced by the North American Electric Reliability Council omits process control systems, distributed control systems, and electronic relays for generating stations, switching stations, and substations from the definition of critical cyber assets. Computer systems that provide security to the national power grid are increasingly integrated among generation, transmission, and distribution, and control and communication functions, and therefore share interdependent vulnerability. Given that technologies exist in the marketplace to protect plant-level control systems, the conferees encourage the Federal Energy Regulatory Commission to ensure that process control systems, switching stations, and substations are adequately protected by any cyber security standards issued for the national power grid.

The conferees have concerns regarding the continuing impacts of Enron's past business practices on electricity customers in Nevada wherein Enron Power Marketing, Inc., terminated forward power contracts it entered into with Sierra Pacific Power Company and Nevada Power Company and is now seeking under bankruptcy protection to enforce full collection of termination payments for such contracts even though no power was ever delivered. In addition to the substantial record of fraud and market manipulation which has been established through Congressional oversight, the FERC, based upon its own investigation has appropriately sanctioned Enron with a ''death penalty'' prohibition against participation in the energy trading business in the future. The conferees expect FERC to review carefully the uniquely inequitable circumstances such as those in Nevada which could result in additional adverse impacts on electricity consumers resulting from Enron's past illegal activities. Further, the conferees encourage FERC to view any contract for the sale of electric energy at wholesale that contains rates, terms, or conditions affected by any manipulative or fraudulent activity to be deemed contrary to the public interest.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

Sec. 301. The conference agreement modifies bill and report language proposed by the House requiring competition of certain management and operating (M&O) contracts of the Department of Energy. This section applies to those M&O contracts that were awarded non-competitively over fifty years ago (i.e., fifty years prior to the start of fiscal year 2004). The affected contracts are specifically identified as: Ames Laboratory, Argonne National Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and Los Alamos National Laboratory.

Subsection (a) limits the use of appropriated funds to pay for these contracts unless the Secretary, not later than 60 days after enactment of this Act, notifies Congress and publishes in the Federal Register a notice of his decision to compete these contracts when their current terms expire. Subsection (a)(2) allows the Secretary to use a reasonable amount of funds to maintain operations of these contracts during the 60–day period beginning on the date of enactment of this Act.

The conferees recognize the challenges inherent in competing these contracts, especially those that are currently managed by non-profit educational institutions and those that are located on university property. The conferees expect that the Secretary's Blue Ribbon Commission on the Use of Competitive Procedures for DOE Laboratories will advise the Secretary how to address these challenges. Further, the conferees recognize the difficulties of competing these five laboratory contracts over the next two fiscal years, which is the time span during which the current contracts will expire. The conferees expect the Secretary to use the flexibility provided by subsection (a)(3) to stagger the award dates for these five contracts, so that incumbents and other potential bidders do not have to compete for multiple contracts with the same award date, as would be the case with the Argonne-East and Argonne-West contracts.

The conferees strongly encourage the Secretary to use the competitive procedures outlined in 41 U.S.C. 253. The exemption from full and open competition for federally funded research and development centers (FFRDCs), as provided in 41 U.S.C. 253(c)(3), shall not be used as a rationale for not competing these five laboratory contracts. The Department has successfully competed a number of contracts for other DOE laboratories that have been, and continue to be, designated as FFRDCs, and the FFRDC status of the five laboratories that are the subject of this section should not be used to avoid competition for those contracts. The Secretary may, however, use the flexibility provided in 41 U.S.C. 253 to tailor a procurement that will attract both for-profit and non-profit bidders.

Sec. 302. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or implement workforce restructuring plans or provide enhanced severance payments and other benefits and community assistance grants for Federal employees of the Department of Energy under section 3161 of the National Defense Authorization Act of Fiscal Year 1993, Public Law 102–484. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 303. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to augment the $13,400,000 made available for obligation for severance payments and other benefits and community assistance grants unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 304. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or initiate Requests for Proposals for a program if that program has not been funded by Congress in the current fiscal year. This provision also precludes the Department from initiating activities for new programs which have been proposed in the budget request, but which have not yet been funded by Congress. This provision has been carried in previous Energy and Water Development Appropriations Acts.

(TRANSFERS OF UNEXPENDED BALANCES)

Sec. 305. The conference agreement includes a provision proposed by the House and Senate that permits the transfer and merger of unexpended balances of prior appropriations with appropriation accounts established in this bill. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 306. The conference agreement includes a provision proposed by the House and Senate prohibiting the Bonneville Power Administration from performing energy efficiency services outside the legally defined Bonneville service territory unless the Administrator certifies in advance that such services are not available from private sector businesses. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 307. The conference agreement includes a provision proposed by the House establishing certain notice and competition requirements for Department of Energy user

facilities. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 308. The conference agreement includes a provision proposed by the House and Senate allowing the Administrator of the National Nuclear Security Administration to authorize certain nuclear weapons production plants, including the Nevada Test Site, to use not more than 2 percent of available funds for research, development and demonstration activities. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 309. The conference agreement includes a provision proposed by the House and Senate which would authorize intelligence activities of the Department of Energy for purposes of section 504 of the National Security Act of 1947 until enactment of the Intelligence Authorization Act for fiscal year 2004.

Sec. 310. The conference agreement includes a provision proposed by the Senate limiting the types of waste that can be disposed of in the Waste Isolation Pilot Plant in New Mexico. None of the funds may be used to dispose of transuranic waste in excess of 20 percent plutonium by weight for the aggregate of any material category. At the Rocky Flats site, this provision includes: ash residues; salt residues; wet residues; direct repackage residues; and scrub alloy as referenced in the ''Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site''. This provision has been carried in previous Energy and Water Development Appropriations Acts.

Sec. 311. The conference agreement includes a provision that requires that waste characterization at WIPP be limited to determining that the waste is not ignitable, corrosive, or reactive. This confirmation will be performed using radiography or visual examination of a representative subpopulation of the waste. The language directs the Department of Energy to seek a modification to the WIPP Hazardous Waste Facility Permit to implement the provisions of this section.

Sec. 312. The conference agreement modifies a provision proposed by the Senate allowing the disposal of certain waste at Fernald, Ohio, and the Niagara Falls Storage Site as ''byproduct material'' as defined by section 11e.(2) of the Atomic Energy Act.

Sec. 313. The conference agreement includes a provision proposed by the Senate limiting the funds that may be expended under the Advanced Concepts Initiative.

Sec. 314. The conference agreement modifies a provision proposed by the Senate relating to the Martin's Cove lease.

Sec. 315. The conference agreement includes a provision proposed by the Senate regarding the reinstatement and transfer of the FERC License for Project No. 2696.

Sec. 316. The conference agreement includes a provision limiting the use of funds provided for external oversight activities by the State of Nevada and the affected units of local government.

Provisions not adopted by the conference.—The conference agreement deletes language proposed by the Senate that: changes the arrangement for funding from the power marketing administrations for Corps of Engineers hydropower operation and maintenance activities; the limitation on funds available for engineering development of the robust nuclear earth penetrator; transfer responsibility for Subtitle D of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) from the Department of Energy to the Department of Labor; and that requires a report on administrative expenditures by DOE for EEOICPA activities.

CONFERENCE RECOMMENDATIONS

The conference agreement's detailed funding recommendations for programs in title III are contained in the following table.

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
ENERGY SUPPLY		
RENEWABLE ENERGY RESOURCES		
Renewable energy technologies		
Biomass/biofuels energy systems	69,750	75,000
Geothermal technology development	25,500	26,000
Hydrogen research	87,982	78,000
Hydropower	7,489	5,000
Solar energy	79,693	85,000
Zero energy building	4,000	---
Wind energy systems	41,600	41,600
Intergovernmental activities	12,500	15,000
Electricity reliability	76,866	---
Total, Renewable energy technologies	405,380	325,600
Renewable support and implementation		
Departmental energy management	2,300	2,000
Renewable program support	---	4,000
Total, Renewable support and implementation	2,300	6,000
National climate change technology initiative	15,000	---
Facilities and infrastructure		
National renewable energy laboratory	4,200	9,200
Construction		
02-E-001 Science and technology facility, NREL Golden, CO	---	4,000
Total, National renewable energy laboratory	4,200	13,200
Oak Ridge national laboratory		
Construction		
04-E-TBD Plant engineering and design (PED), energy reliability and efficiency laboratory	750	---
Total, Facilities and infrastructure	4,950	13,200
Program direction	16,577	12,600
Subtotal, Renewable Energy Resources	444,207	357,400
Use of prior year balances	---	-13,000
TOTAL, RENEWABLE ENERGY RESOURCES	444,207	344,400
ELECTRICITY TRANSMISSION AND DISTRIBUTION		
Research and development	---	70,807
Electricity restructuring	---	7,059
Program direction	---	3,761
Construction		
04-E-TBD Plant engineering and design (PED), energy reliability and efficiency laboratory	---	750
TOTAL, ELECTRICITY TRANSMISSION AND DISTRIBUTION	---	82,377

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
NUCLEAR ENERGY		
Radiological facilities management		
Space and defense infrastructure	36,230	36,230
Medical isotopes infrastructure	26,425	28,425
Total, Radiological facilities management	62,655	64,655
University reactor fuel assistance and support	18,500	23,500
Research and development		
Nuclear energy plant optimization	---	3,000
Nuclear energy research initiative	12,000	11,000
Nuclear energy technologies	48,000	44,000
Nuclear hydrogen initiative	4,000	6,500
Advanced fuel cycle initiative	63,025	68,000
Total, Research and development	127,025	132,500
Idaho facilities management		
ANL-West operations	31,615	42,615
INEEL infrastructure	10,190	31,605
Construction		
99-E-200 Test reactor area electrical utility upgrade, Idaho National Engineering Lab, ID	1,840	1,840
95-E-201 Test reactor area fire and life safety improvements, Idaho National Engineering Lab, ID	500	500
Subtotal, Construction	2,340	2,340
Subtotal, INEEL infrastructure	12,530	33,945
Total, Idaho facilities management	44,145	76,560
Idaho sitewide safeguards and security	---	56,654
Program direction	24,800	59,200
Subtotal, Nuclear Energy	277,125	413,069
Funding from other defense activities	---	-112,306
TOTAL, NUCLEAR ENERGY	277,125	300,763
ENVIRONMENT, SAFETY AND HEALTH		
Office of Environment, Safety and Health (non-defense)	10,000	7,000
Program direction	20,000	16,000
TOTAL, ENVIRONMENT, SAFETY AND HEALTH	30,000	23,000
Subtotal, Energy supply	751,332	750,540
General reduction	---	-10,000
Less security charge from reimbursable work	-3,003	-3,003
TOTAL, ENERGY SUPPLY	748,329	737,537

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
NON-DEFENSE SITE ACCELERATION COMPLETION		
Accelerated completions, 2006	48,677	48,677
Accelerated completions, 2012	119,750	119,750
Accelerated completions, 2035	2,448	4,948
Subtotal, Non-defense Site Acceleration Completion	170,875	173,375
Use of prior year balances	---	-10,000
TOTAL, NON-DEFENSE SITE ACCELERATION COMPLETION	170,875	163,375
URANIUM ENRICHMENT DECOMTAMINATION AND DECOMMISSIONING FUND		
Decontamination and decommissioning	367,124	365,484
Uranium/thorium reimbursement	51,000	51,000
TOTAL, URANIUM ENRICHMENT D&D FUND	418,124	416,484
NON-DEFENSE ENVIRONMENTAL SERVICES		
Community and regulatory support	1,034	1,034
Environmental cleanup projects	43,842	43,842
Office of Legacy Management (non-defense)	---	28,347
Non-closure environmental activities	160,445	177,445
Construction		
02-U-101 Depleted uranium hexafluoride conversion project, Paducah, KY and Portsmouth, OH	86,800	98,800
Total, Non-closure environmental activities	247,245	276,245
Subtotal, Non-defense Environmental Services	292,121	349,468
Use of prior year balances	---	-10,000
TOTAL, NON-DEFENSE ENVIRONMENTAL SERVICES	292,121	339,468
SCIENCE		
High energy physics		
Proton accelerator-based physics	399,494	399,494
Electron accelerator-based physics	159,486	159,486
Non-accelerator physics	43,000	43,000
Theoretical physics	42,256	42,256
Advanced technology R&D	81,242	81,242
Subtotal,	725,478	725,478
Construction		
98-G-304 Neutrinos at the main injector, Fermilab	12,500	12,500
Total, High energy physics	737,978	737,978
Nuclear physics	389,430	391,930
Biological and environmental research	499,535	592,000

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
Basic energy sciences		
Research		
Materials sciences and engineering research	567,711	575,711
Chemical sciences, geosciences and energy biosciences	220,914	220,914
Subtotal, Research	788,625	796,625
Construction		
04-R-313-Nanoscale science research center, the molecular foundry	35,000	35,000
04-R-313 Nanoscale science research center, the center for integrated nontechnologies, SNL/LASL	29,850	29,850
03-SC-002 Project engineering & design (PED) SLAC	7,500	7,500
03-R-312 Center for nanophase materials sciences, ORNL	20,000	20,000
02-SC-002 Project engineering and design (VL)	3,000	3,000
99-E-334 Spallation neutron source (ORNL)	124,600	124,600
Subtotal, Construction	219,950	219,950
Total, Basic energy sciences	1,008,575	1,016,575
Advanced scientific computing research	173,490	203,490
Science laboratories infrastructure		
Infrastructure support	1,520	1,520
Oak Ridge landlord	5,079	5,079
Excess facilities disposal	5,055	6,055
Safety-related corrective actions	---	10,000
Construction		
04-SC-001 Project engineering and design (PED), various locations	2,000	2,000
MEL-001 Multiprogram energy laboratory infrastructure projects, various locations	29,936	29,936
Subtotal, Construction	31,936	31,936
Total, Science laboratories infrastructure	43,590	54,590
Fusion energy sciences	257,310	264,110
Safeguards and security	48,127	51,887
Science workforce development	6,470	6,470
Science program direction		
Field offices	83,802	80,102
Headquarters	58,217	58,217
Technical information management program	7,774	7,714
Energy research analyses	1,020	1,020
Total, Science program direction	150,813	147,053
Subtotal, Science	3,315,318	3,466,083

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
General reduction/use of prior year balances	---	-10,000
Less security charge for reimbursable work	-4,383	-4,383
TOTAL, SCIENCE	3,310,935	3,451,700
NUCLEAR WASTE DISPOSAL		
Repository program	85,830	109,830
Program direction	75,170	80,170
TOTAL, NUCLEAR WASTE DISPOSAL	161,000	190,000
DEPARTMENTAL ADMINISTRATION		
Administrative operations		
Salaries and expenses		
Office of the Secretary	4,624	4,251
Board of contract appeals	653	653
Chief information officer	42,214	35,000
Congressional and intergovernmental affairs	4,724	4,449
Economic impact and diversity	4,701	4,701
General counsel	22,879	20,000
Office of Management, Budget and Evaluation	104,210	104,210
Policy and international affairs	17,777	13,822
Public affairs	4,465	3,854
Subtotal, Salaries and expenses	206,247	190,940
Program support		
Minority economic impact	1,400	1,192
Policy analysis and system studies	1,000	397
Energy security and assurance	2,000	---
Environmental policy studies	1,500	569
Cybersecurity and secure communications	26,432	26,432
Corporate management information program	37,632	24,000
Subtotal, Program support	69,964	52,590
Total, Administrative operations	276,211	243,530
Cost of work for others	75,095	69,682
Subtotal, Departmental Administration	351,306	313,212
Use of prior year balances and other adjustments	---	-10,000
Funding from other defense activities	-25,000	-86,679
Total, Departmental administration (gross)	326,306	216,533
Miscellaneous revenues	-146,668	-123,000
TOTAL, DEPARTMENTAL ADMINISTRATION (net)	179,638	93,533
OFFICE OF INSPECTOR GENERAL		
Office of Inspector General	39,462	39,462
TOTAL, OFFICE OF INSPECTOR GENERAL	39,462	39,462

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
ATOMIC ENERGY DEFENSE ACTIVITIES		
NATIONAL NUCLEAR SECURITY ADMINISTRATION		
WEAPONS ACTIVITIES		
Directed stockpile work		
Stockpile research and development	433,150	412,650
Stockpile maintenance	405,746	409,746
Stockpile evaluation	202,885	201,885
Dismantlement/disposal	37,722	37,722
Production support	278,113	271,113
Field engineering, training and manuals	7,170	7,170
Total, Directed stockpile work	1,364,786	1,340,286
Campaigns		
Science campaigns		
Primary certification	65,849	57,849
Dynamic materials properties	82,251	82,251
Advanced radiography	65,985	55,985
Secondary certification and nuclear systems margins	55,463	54,463
Subtotal, Science campaigns	269,548	250,548
Engineering campaigns		
Enhanced surety	37,974	32,974
Weapons system engineering certification	28,238	27,238
Nuclear survivability	23,977	22,977
Enhanced surveillance	94,781	91,781
Advanced design and production technologies	79,917	77,917
Engineering campaigns construction activities	4,500	4,500
Construction		
01-D-108 Microsystem and engineering science applications (MESA), SNL, Albuquerque, NM	61,800	87,000
Subtotal, Engineering campaigns & construction	66,300	91,500
Subtotal, Engineering campaigns	331,187	344,387
Inertial confinement fusion ignition and high yield	316,769	367,269
Construction		
96-D-111 National ignition facility, LLNL	150,000	150,000
Subtotal, Inertial confinement fusion	466,769	517,269
Advanced simulation and computing	713,326	688,326
Construction		
01-D-101 Distributed information systems laboratory, SNL, Livermore, CA	12,300	12,300
00-D-103, Terascale simulation facility, LLNL, Livermore, CA	25,000	25,000
Subtotal, Construction	37,300	37,300
Subtotal, Advanced simulation and computing	750,626	725,626
Pit manufacturing and certification	320,228	298,528

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
Readiness campaigns		
Stockpile readiness	55,158	55,158
High explosives manufacturing and weapons assembly/disassembly readiness	29,649	23,649
Non-nuclear readiness	37,397	33,397
Tritium readiness	59,893	59,893
Construction		
98-D-125 Tritium extraction facility, SR	75,000	75,000
Subtotal, Tritium readiness	134,893	134,893
Subtotal, Readiness campaigns	257,097	247,097
Total, Campaigns	2,395,455	2,383,455
Readiness in technical base and facilities		
Operations of facilities	972,773	1,027,773
Program readiness	131,093	131,093
Special projects	42,975	51,675
Material recycle and recovery	76,189	76,189
Containers	16,006	16,006
Storage	11,365	11,365
Nuclear weapons incident response	89,694	89,694
Subtotal, Readiness in technical base and fac	1,340,095	1,403,795
Construction		
04-D-101 Test capabilities revitalization, Sandia National Laboratories, Albuquerque, NM	36,450	36,450
04-D-102 Exterior communications infrastructure modernization, Sandia National Laboratories	20,000	20,000
04-D-103 Project engineering and design (PED), various locations	2,000	3,564
04-D-104 National security sciences building, Los Alamos National Laboratory, Los Alamos, NM	50,000	50,000
04-D-125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM	20,500	10,000
04-D-126 Building 12-44 production cells upgrade, Pantex plant, Amarillo, TX	8,780	8,780
04-D-127 Cleaning and loading modifications, Savannah River site, Aiken, SC	2,750	2,750
04-D-128 TA-18 mission relocation project, Los Alamos Laboratory, Los Alamos, NM	8,820	8,820
03-D-103 Project engineering and design various locations	10,570	10,570
03-D-121 Gas transfer capacity expansion, Kansas City Plant, Kansas City, MO	15,300	11,300
03-D-123 Special nuclear materials requalification, Pantex plant, Amarillo, TX	7,628	7,628
02-D-103 Project engineering and design, various locations	10,950	10,950

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
02-D-105 Engineering technology complex upgrade, LLNL, CA	9,776	9,776
02-D-107 Electrical power systems safety communications and bus upgrades, NV	2,887	2,887
01-D-103 Project engineering and design (PE&D), various locations	1,600	1,600
01-D-124 HEU materials facility, Y-12 plant, Oak Ridge, TN	45,000	45,000
01-D-126 Weapons Evaluation Test Laboratory Pantex Plant, Amarillo, TX	2,838	2,838
99-D-104 Protection of real property (roof reconstruction-Phase II), LLNL, Livermore, CA	3,500	3,500
99-D-127 Stockpile management restructuring initiative, Kansas City plant, Kansas City, MO	12,475	12,475
96-D-102 Stockpile stewardship facilities revitalization (Phase VI), various locations	1,552	1,552
Subtotal, Construction	273,376	260,440
Total, Readiness in technical base and facilities	1,613,471	1,664,235
Facilities and infrastructure recapitalization program	261,404	236,404
Construction		
04-D-203 Facilities and infrastructure recapitalization program (FIRP), project engineering design (PED), various locations	3,719	3,719
Total, Facilities and infrastructure recapitalization program	265,123	240,123
Secure transportation asset		
Operations and equipment	123,605	123,605
Program direction	58,795	58,795
Subtotal, Secure transportation asset	182,400	182,400
Use of prior year balances	---	-20,000
Total, Secure transportation asset	182,400	162,400
Safeguards and security	582,067	582,067
Construction		
99-D-132 SMRI nuclear material safeguards and security upgrade project (LANL), Los Alamos, NM	3,683	3,683
Total, Safeguards and security	585,750	585,750
Subtotal, Weapons activities	6,406,985	6,376,249

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
Use of prior year balances	---	-74,753
Less security charge for reimbursable work	-28,985	-28,985
Subtotal, Weapons Activities	6,378,000	6,272,511
TOTAL, WEAPONS ACTIVITIES	6,378,000	6,272,511
DEFENSE NUCLEAR NONPROLIFERATION		
Nonproliferation and verification, R&D	203,873	233,373
Nonproliferation and international security	101,734	110,734
Nonproliferation programs with Russia		
International materials protection, control, and cooperation	226,000	260,000
Accelerated highly enriched uranium (HEU) Russian transition initiative	40,000	40,000
HEU transparency implementation	18,000	18,000
International nuclear safety	14,083	4,000
Elimination of weapons-grade plutonium production program	50,000	50,000
Accelerated materials disposition	30,000	---
Fissile materials disposition		
U.S. surplus materials disposition	193,805	193,805
Russian surplus materials disposition	47,100	47,100
Construction		
99-D-141 Pit disassembly and conversion facility Savannah River, SC	13,600	13,600
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC	402,000	402,000
Subtotal, Construction	415,600	415,600
Subtotal, Fissile materials disposition	656,505	656,505
Total, Nonproliferation programs with Russia	1,034,588	1,028,505
Subtotal, Defense Nuclear Nonproliferation	1,340,195	1,372,612
Use of prior year balances	---	-45,000
TOTAL, DEFENSE NUCLEAR NONPROLIFERATION	1,340,195	1,327,612
NAVAL REACTORS		
Naval reactors development	724,600	723,100
Construction		
03-D-201 Cleanroom technology facility, Bettis atomic power lab, West Mifflin, PA	300	300
90-N-102 Expended core facility dry cell project, Naval Reactors Facility, ID	18,300	18,300
Subtotal, Construction	18,600	18,600
Total, Naval reactors development	743,200	741,700

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
Program direction	25,200	26,700
Subtotal, Naval Reactors	768,400	768,400
Use of prior year balances	---	-2,000
TOTAL, NAVAL REACTORS	768,400	766,400
OFFICE OF THE ADMINISTRATOR		
Office of the Administrator	347,980	281,980
Defense nuclear nonproliferation	---	58,000
TOTAL, OFFICE OF THE ADMINISTRATOR	347,980	339,980
TOTAL, NATIONAL NUCLEAR SECURITY ADMINISTRATION	8,834,575	8,706,503
DEFENSE SITE ACCELERATION COMPLETION		
Accelerated completions, 2006	1,245,171	1,248,453
Accelerated completions, 2012	1,512,554	1,520,492
Construction		
04-D-414 Project engineering and design (PED), various locations	23,500	23,500
04-D-423 Container surveillance capability in 235-F, Savannah River	1,134	1,134
02-D-402 Intec cathodic protection system expansion project, INEEL, Idaho Falls, ID	1,126	1,126
01-D-416 Hanford waste treatment plnt, Richland WA	690,000	690,000
Subtotal, Construction	715,760	715,760
Total, Acclerated completions, 2012	2,228,314	2,236,252
Acclerated completions, 2035	1,892,884	1,843,823
Construction		
04-D-408 Glass waste storage building #2, Savannah River	20,259	20,259
03-D-403 Immobilized high-level waste interim storage facility, Richland, WA	13,954	13,954
03-D-414 Project enginnering and design (PED), various locations	51,500	51,500
Subtotal, Construction	85,713	85,713
Total, Accelerated completions, 2035	1,978,597	1,929,536
Safeguards and security	299,977	303,606
Technology development and deployment	63,920	66,920
Subtotal, Defense Site Acceleration Completion	5,815,979	5,784,767

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
Less security charge for reimbursable work	-1,344	-1,344
Use of prior year balances	---	-132,361
TOTAL, DEFENSE SITE ACCELERATION COMPLETION	5,814,635	5,651,062
DEFENSE ENVIRONMENTAL SERVICES		
Community and regulatory support	61,337	61,570
Federal contribution to the uranium enrichment	452,000	452,000
Non-closure environmental activities	189,698	210,430
Program direction	292,144	287,144
Use of prior year balances	---	-20,000
TOTAL, DEFENSE ENVIRONMENTAL SERVICES	995,179	991,144
Defense Environmental Management Privatization (rescission)	---	-15,329
TOTAL, DEFENSE ENVIRONMENTAL MANAGEMENT	6,809,814	6,626,877
OTHER DEFENSE ACTIVITIES		
Other national security programs		
Energy security and assurance		
Energy security	---	20,000
Program direction	4,272	2,472
Subtotal, Energy security and assurance	4,272	22,472
Office of Security		
Nuclear safeguards and security	104,713	104,713
Security investigations	54,554	54,554
Program direction	52,490	52,490
Subtotal, Office of Security	211,757	211,757
Intelligence	39,823	39,823
Counterintelligence	45,955	45,955
Independent oversight and performance assurance	22,575	22,575
Environment, safety and health (Defense)	87,276	93,351
Program direction - EH	20,410	18,910
Subtotal, Environment, safety & health (Defense)	107,686	112,261
Worker and community transition	12,321	10,721
Program direction - WT	2,679	2,679
Subtotal, Worker and community transition	15,000	13,400
Office of Legacy Management (defense)	47,525	19,178
National Security programs administrative support	25,000	86,679
Defense activities at INEEL	113,476	112,306
Office of hearings and appeals	3,797	3,797
Subtotal, Other Defense Activities	636,866	690,203

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
Use of prior year balances	---	-15,000
Less security charge for reimbursable work	-712	-712
TOTAL, OTHER DEFENSE ACTIVITIES	636,154	674,491
DEFENSE NUCLEAR WASTE DISPOSAL		
Defense nuclear waste disposal	430,000	390,000
CERRO GRANDE FIRE ACTIVITIES		
Cerro Grande fire activites (rescission)	-75,000	---
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	16,635,543	16,397,871
POWER MARKETING ADMINISTRATIONS		
SOUTHEASTERN POWER ADMINISTRATION		
Operation and maintenance		
Purchase power and wheeling	15,000	34,000
Program direction	5,100	5,100
Subtotal, Operation and maintenance	20,100	39,100
Offsetting collections	---	-19,000
Carryover offsetting collections (P.L. 106-377)	-15,000	-15,000
TOTAL, SOUTHEASTERN POWER ADMINISTRATION	5,100	5,100
SOUTHWESTERN POWER ADMINISTRATION		
Operation and maintenance		
Operating expenses	4,663	4,663
Purchase power and wheeling	288	1,800
Program direction	19,205	19,205
Construction	4,732	4,732
Subtotal, Operation and maintenance	28,888	30,400
Offsetting collections	---	-1,512
Carryover offsetting collections (P.L. 106-377)	-288	-288
TOTAL, SOUTHWESTERN POWER ADMINISTRATION	28,600	28,600
WESTERN AREA POWER ADMINISTRATION		
Operation and maintenance		
Construction and rehabilitation	12,200	12,950
System operation and maintenance	36,204	36,204
Purchase power and wheeling	20,000	186,100
Program direction	126,588	126,588
Utah mitigation and conservation	---	6,200
Subtotal, Operation and maintenance	194,992	368,042
Offsetting collections	---	-166,100
Carryover offsetting collections (P.L. 98-381)	-3,992	-3,992
Carryover offsetting collections (P.L. 106-377)	-20,000	-20,000
TOTAL, WESTERN AREA POWER ADMINISTRATION	171,000	177,950

DEPARTMENT OF ENERGY
(Amounts in thousands)

	Budget Request	Conference
FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND		
Operation and maintenance	2,640	2,640
TOTAL, POWER MARKETING ADMINISTRATIONS	207,340	214,290
FEDERAL ENERGY REGULATORY COMMISSION		
Federal energy regulatory commission	199,400	204,400
FERC revenues	-199,400	-204,400
GRAND TOTAL, DEPARTMENT OF ENERGY	22,163,367	22,043,720

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

The conference agreement appropriates $66,000,000 for the Appalachian Regional Commission instead of $33,145,000 as proposed by the House and $71,145,000 as proposed by the Senate. The conferees support the Appalachian-Turkish Trade Project to promote trade and investment opportunities. From within available funds, $1,000,000 is provided to construct a multi-purpose facility for Noxubee County, Mississippi.

The conferees direct that no Appalachian Regional Commission funds shall be appropriated to Local Development Districts or other recipients of Commission funds who do not make available to the public on request their audited statements, annual budgets, minutes of meetings, and who do not give reasonable notification of their meetings to the public and allow the public to attend such meetings.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

The conference agreement includes $19,559,000 for the Defense Nuclear Facilities Safety Board as proposed by the House and Senate.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

The conference agreement appropriates $5,000,000 for the Delta Regional Authority instead of $2,000,000 as proposed by the House and $7,000,000 as proposed by the Senate. The conferees direct the Authority to submit to the House and Senate Committees on Appropriations quarterly financial reports providing detailed accounting data on the expenditures of funds during fiscal year 2004. The conferees also expect to receive from the Authority a detailed budget justification for the fiscal year 2005 budget. The Authority failed to comply with this requirement in fiscal year 2004.

DENALI COMMISSION

The conference agreement appropriates $55,000,000 for the Denali Commission instead of $48,500,000 as proposed by the Senate and no funding as proposed by the House. Within the funds provided, the conferees expect the Denali Commission to fund the projects outlined in the Senate Report, the Hope distribution line relocation, and the Southeastern Alaska Intertie System including the Upper Lynn Canal power supply project, the Swan Lake-Lake Tyee segment, the Juneau-Green's Creek-Hoonah segment, and planning and permitting for the Petersburg-Kake segment.

The conferees are very concerned that the Commission did not comply with the requirement that it submit a detailed budget justification for fiscal year 2004. Therefore, the conferees have agreed to include a provision in the bill which provides that $5,500,000 shall not be available to the Commission until the Commission submits a detailed budget justification for the fiscal year 2005 budget.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $618,800,000 as proposed by the House and the Senate, to be offset by revenues of $538,844,000, for a net appropriation of $79,956,000. This reflects the statutory language adopted by the conference in fiscal year 2001 to reduce the fee recovery requirement to 92 percent in fiscal year 2004.

The conferees direct the Nuclear Regulatory Commission to contract with the National Academy of Sciences for a study of spent nuclear fuel storage at commercial reactor sites. The study should assess (1) potential safety and security risks of spent nuclear fuel presently stored in cooling pools, including the density of such storage; (2) safety and security advantages, if any, of dry cask storage versus wet pool storage at reactor sites; and (3) potential safety and security advantages, if any, of dry cask storage using various single-, dual-, and multi-purpose cask designs. In light of the September 11, 2001, terrorist attacks, this study should explicitly consider the risks of terrorist attacks on these materials and the risk these materials might be used to construct a radiological dispersal device. The National Academy of Sciences should deliver a classified report to the House and Senate Committees on Appropriations no later than six months after funding is provided to undertake this study and an unclassified summary as soon as practicable thereafter.

From within funds made available to the Nuclear Regulatory Commission, the conferees direct the Commission to transfer $1,000,000 to the National Academy of Sciences to undertake this study. The conferees expect the Commission to execute this transfer within 30 days of enactment of this Act. This study should be conducted in coordination with the Department of Homeland Security and the Department of Energy. The conferees expect the Nuclear Regulatory Commission, the Department of Homeland Security, and the Department of Energy to make available to the National Academy of Sciences the information it needs to complete this study in a timely manner. Further, the Department of Homeland Security is expected to contribute funding to this National Academy of Sciences study to meet its requirement for a separate analysis of the safety and security of spent nuclear fuel storage at commercial nuclear power plants.

TITLE V

GENERAL PROVISIONS

Section 501. The conference agreement includes language proposed by the House and the Senate directing that none of the funds appropriated in this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress except to communicate to Members of Congress.

Section 502. The conference agreement includes language proposed by the Senate regarding the purchase of American-made equipment and products, and prohibiting contracts with persons falsely labeling products as made in America. The House bill included a provision regarding the false labeling of products.

Section 503. The conference agreement includes language proposed by the House regarding the transfer of funds made available in this Act to other departments or agencies of the Federal government.

Section 504. The conference agreement includes language proposed by the House making a technical correction to the Consolidated Appropriations Resolution, 2003.

Provisions not included in the conference agreement.—The conference agreement does not include language proposed by the House regarding the release of water from the San Juan Chama project and the Middle Rio Grande project and language proposed by the House regarding the export of certain materials to the Peoples' Republic of North Korea.

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	$26,712,195
Budget estimates of new (obligational) authority, fiscal year 2004	27,427,496
House bill, fiscal year 2004	27,585,000
Senate bill, fiscal year 2004	27,857,232
Conference agreement, fiscal year 2004	27,830,900
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2003	+1,118,705
Budget estimates of new (obligational) authority, fiscal year 2004	+403,404
House bill, fiscal year 2004	+245,900
Senate bill, fiscal year 2004	−26,332

DAVID L. HOBSON,
RODNEY P. FRELINGHUYSEN,
TOM LATHAM,
ZACH WAMP,
JO ANN EMERSON,
JOHN T. DOOLITTLE
JOHN E. PETERSON,
MICHAEL K. SIMPSON,
BILL YOUNG,
PETER J. VISCLOSKY,
CHET EDWARDS,
ED PASTOR,
JAMES E. CLYBURN,
MARION BERRY,
DAVID R. OBEY,
Managers on the Part of the House.

PETE V. DOMENICI,
THAD COCHRAN,
MITCH MCCONNELL,
ROBERT F. BENNETT,
CONRAD BURNS,
LARRY CRAIG,
CHRISTOPHER BOND,
TED STEVENS,
HARRY REID,
ROBERT BYRD,
FRITZ HOLLINGS,
PATTY MURRAY,
BYRON L. DORGAN,
DIANNE FEINSTEIN,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3232. An act to reauthorize certain school lunch and child nutrition programs through March 31, 2004.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a Joint Resolution of the House of the following title:

H.J. Res. 63. Joint Resolution to approve the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia'', and the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands'', and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99–239 for fiscal years ending on

or before September 30, 2023, and for other purposes.

The message also announced that the Senate has passed without amendment a Joint Resolution of the House of the following title:

H.J. Res. 76. Joint Resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1066. An act to correct a technical error from Unit T–07 of the John H. Chafee Coastal Barrier Resources System.

S. 1643. An act to exempt certain coastal barrier property from financial assistance and flood insurance limitations under the Coastal Barriers Resources Act and the National Flood Insurance Act of 1968.

S. 1663. An act to replace certain Coastal Barrier Resources System maps.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, at this time I am pleased to yield to the distinguished majority leader, the gentleman from Texas (Mr. DELAY), for the purposes of informing us of the schedule for next week and, perhaps, the coming weeks.

Mr. Speaker, I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for yielding to me.

Mr. Speaker, the House will convene on Wednesday of next week at 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to the Members' offices by the end of today. Any votes called on these measures will be rolled until 6:30 p.m.

On Thursday the House will convene at 10 a.m. for legislative business. We plan to consider the conference report on H.R. 6, the Energy Policy Act of 2003, and the conference report on H.R. 2754, the Energy and Water Development Appropriations Act for fiscal year 2004.

Now for the following week, the week of November 17, we expect our first votes to occur after 6:30 p.m. on Monday. We will confirm this schedule early next week as we get a better sense of the workload and timing for completion of the various conference reports. But Members should know that there is a good chance that we would be in session through Saturday, November 22.

Mr. Speaker, I thank the gentleman for yielding, and I will be glad to answer any questions.

Mr. HOYER. Mr. Speaker, reclaiming my time, I am not sure by the announcement regarding next week's schedule. Is it the gentleman's expectation that we will be in next Friday or not?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I do not anticipate being in next Friday.

Mr. HOYER. All right. So we will be off Friday. Now, is the gentleman pretty definite on the following Monday that we will be in at 6:30 as opposed to the normal Tuesday?

Mr. DELAY. Mr. Speaker, as definite as one can be. But as I mentioned, we will evaluate the workload for that week. If at all possible, we could probably start on Tuesday. But I think Members need to plan that we could very well have votes on Monday night.

Mr. HOYER. Mr. Speaker, I thank the majority leader. Last week we passed a continuing resolution until November 21. The gentleman did not indicate in his discussion of the schedule for the next 2 weeks the balance of appropriations bills that are pending, nor did he mention an omnibus appropriation bill. Can he clarify and give us his best thinking at this point in time as to where we are on the CR for November 21 and being able to leave on November 21? I know the gentleman mentioned the possibility of being here on Saturday, November 22. And does the gentleman expect any appropriations bills other than the energy and water, which he did reference would be on the floor either next week or the following week?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, as the gentleman knows, we have five conference reports completed. We have three more bills in conference and one more, agriculture, that we could be able to go to conference on next week. It is my understanding that the Senate may attempt to complete additional bills next week. But at some point I would anticipate that the Senate would ask us to consider several of the remaining bills in a larger package.

When, and if, they do, we will try to do our best to maximize the House's position based on the bills that the House has already passed. The gentleman knows that the House has passed all 13 of the appropriations bills, and I would hope that whatever process is necessary to wrap up these appropriations measures we would be able to complete them by November 21, thereby not requiring another continuing resolution that week. However, if all that falls apart, obviously we would be considering a continuing resolution in that week.

Mr. HOYER. Reclaiming my time, I thank the gentleman for that information. If that occurs, as the gentleman says may happen, if that occurs, can you give us your current thinking with reference to the date to which a further continuing resolution would be targeted?

Mr. DELAY. I cannot anticipate that right now. Those discussions have not gone on. Actually, people are focused on getting the appropriations process done by November 21.

Mr. HOYER. Reclaiming my time, Mr. Leader, the FSC bill, Foreign Sales Corporations Extraterritorial Income legislation, you did not mention that. Can you tell me when or if you expect that bill to come to the floor? I yield to the gentleman.

Mr. DELAY. I thank the gentleman for yielding. We do not intend to consider that, the tax proposal, next week, but would still like for the House to consider it before the end of this session and before the EU has the opportunity to retaliate against American businesses.

Mr. HOYER. Reclaiming my time, we too are concerned about the WTO's finding of noncompliance and the EU's assertion that if we do not act by the end of the year they are going to act. That is a $4 billion item possible cost to this country.

My understanding is the gentleman from California (Mr. THOMAS) has a bill. As the gentleman knows, there is an alternative available which, I think, frankly enjoys bipartisan support, at least the letters that are being sent around to colleagues would indicate that. In light of the fact that we want to pass legislation, Mr. Leader, can you assure us that the Crane-Rangel-Manzullo alternative would be allowed as a substitute to that piece of legislation to assure that we could, in fact, pass something?

Mr. DELAY. Mr. Speaker, I would anticipate that we would follow regular order and the traditions of the House. And a bill that comes from the Committee on Ways and Means is always tightly held in a rule. I cannot anticipate what the Committee on Rules may write at this particular time, but it has been our tradition in this House that at least one substitute or a motion to recommit, or both, have been allowed on bills that come from the Committee on Ways and Means.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that observation.

With respect to the Labor-HHS-Education bill, which is the largest appropriation bill, as the gentleman knows, that still is outstanding, do you expect that we will have a freestanding conference report on that bill, or do you expect it to be rolled into an omnibus?

Mr. DELAY. If the gentleman would yield, I hope, and I know, I hope that the Labor-HHS appropriations bill for 2004 would be considered freestanding and on its own. A lot of work has been put into that bill. The conference committee is working as hard as it can to get it out before November 21. And as this House has been working so hard to have all these bills freestanding conference reports so that Members can consider them individually, I would hope that it would be freestanding and the House could vote on it. However, if things fall apart, it could be a candidate for the larger package.

Mr. HOYER. Mr. Speaker, reclaiming my time, as the majority leader knows, there is substantial concern on this side of the aisle in this part of the House that some 206 or more districts, perhaps, will be left out of this bill in terms of consideration for individual

education and/or health projects. I want to express our great concern about that. There has been a lot of discussion about it in the press, a lot of discussion about it on the floor. The gentleman does not necessarily need to comment on it, but I want to emphasize to him the great concern that we have, as two people who have served on the Committee on Appropriations. The majority leader is not on the Committee on Appropriations now, but he has served on that committee. I am not sure he has been on there 2 decades, but a long time. If that occurs, in my memory that would be the first time.

Now, of course when Mr. Natcher was the Chair, there were no specific projects delineated for individual districts listed in that bill. But from the time that that started to be done in the mid-90s, this is the first time that I can recall on this bill or any other bill, that there has been a blanket preclusion of over 200 districts from participation in the investments made in those bills in the welfare of the American people. So I want to express that. The gentleman does not need to respond to that. I will yield to him if he wants to make a comment. He does not need to respond, but I want to reiterate that.

Mr. Leader, on the conference report on energy, I also want to ask you about the labor-health because of the magnitude of these bills.

□ 1230

The energy bill, obviously, is a major piece of legislation, an important piece of legislation. For the past several weeks you and I have been talking about conferences. You indicated this bill is coming to the floor. I again bring to your attention, Mr. Leader, that our Members appointed by the Speaker to the conference have no knowledge of a meaningful conference having been held on this bill. They do not have any meaningful knowledge of what might be in the bill.

That is true as well, I will tell the leader, of the labor-health bill. I am a conferee on the labor-health bill. I have received no notices of meetings. I have attended no meetings. I have learned of no meetings with respect to that bill. The lack of the ability of Democrats to participate in these conferences, again, I tell the leader from my perspective, is unprecedented. It is certainly not unprecedented when Members meet with them. One side of the aisle would talk about their strategies, their priorities, their objectives. But, historically, when conferences have met, both sides have been invited to attend. There has been discussion about issues.

The energy bill which is contemplated to come to this floor next week, I tell the gentleman, our side does not perceive that has happened. They have not participated. And I know that there has been a pledge that the conferees will at least, even though they are not participating, not invited, not able to articulate their view, will at least get 48 hours receipt of the conference report for the opportunity to review it for 2 days before it comes to the floor.

I ask the leader in the case of the energy bill, will that be the policy on this side of the aisle and, therefore, if the energy bill is coming on Wednesday or Thursday, will the conferees receive at least a copy of the conference report no later than Monday?

Mr. DELAY. After consulting with the gentleman from Louisiana (Mr. TAUZIN), I am confident that the House will be able to take up this conference report next week; and if we go forward with that schedule, I can assure the gentleman that the language of the conference report will be circulated sometime on Monday so that the conferees will have the opportunity to review it before the conference committee completes its business.

This schedule should also allow plenty of time for all Members of the House to review the conference report before it is scheduled. As the gentleman also knows, the conference is a long time coming. There was a full conference formal meeting on September 5. All Members were invited and I think all Members attended. But I would like to point out to the gentleman, Mr. Speaker, that in House committees alone there have been 80 public hearings, 11 markups and 224 amendments considered on this bill. And since 2001 the House has dedicated 5 legislative days to debating the energy bill on the floor with 39 amendments considered.

Since 2002, the energy conferees have held nine public meetings to debate the comprehensive national energy bill for a total of 24 hours and 47 minutes. And in 2003 alone, Republican and Democratic energy conference staff have met no less than 10 times for more than 48 hours of discussions. And, ultimately, the decision on whether or not there will be additional conference committees does not lie in the House because the Senate is chairing the conference. And should there be an additional meeting, I can assure the gentleman that all the Members on the House side of that conference will be invited to attend.

Mr. HOYER. Reclaiming my time, the key phrase there, Mr. Leader, is should a conference be required. You are having meetings. We know that. You are having discussions. We know that. I reiterate again, notwithstanding all your numbers there, the Democrats are not included.

I will tell the gentleman further, as he knows, that in the other body the bill that passed the Senate was the Senate-passed bill from last year. Senator DOMENICI, who is one of the conferees on the floor, said we are going to substantially rewrite this bill in conference. So the debate on the floor seemed somewhat irrelevant. It was a device to get them to conference.

So this conference, more than some others where real bills were passed in both Houses, is a very important venue for the formulation of policy. Democrats are not being given access to those considerations in a full manner. But I am pleased, Mr. Leader, that 48 hours prior to the conference meeting, that we will be getting, whenever that may occur, that we will be getting a copy of the marked up proposal so that we can consider that, digest it, and bring our views to the conference.

I assume, Mr. Leader, that that conference will be unlike the FAA conference to which this body recommitted a bill, which never met as the gentleman from Florida (Mr. MICA) pointed out on the floor, it never met, and as the gentleman from California (Mr. DREIER) has lamented and, as a result, you have to waive the rules.

Mr. Leader, with respect to Medicare, we are in the same position. Do you expect the Medicare prescription drug bill to be on the floor any time in the next 2 weeks?

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. This is a very complicated bill. It is very extensive. It has taken hours, hundreds of hours of work on staff and Members' parts. The gentleman from California (Mr. THOMAS) is trying to put together a proposal that he can submit to the conference committee. Various Members from both sides of the aisle and both sides of the Capitol have been offering him input on this proposal. And based on my conversations with the chairman, his proposal could come very soon, or at least in the next 2 weeks. But I cannot predict for certain when the conference committee will meet to consider this proposal or when the House will vote on the Medicare conference report.

I am aware of the anxieties many of the Members feel about the progress of the Medicare legislation, but the gentleman from California (Mr. THOMAS), chairman of the conference, is working with all of the Members who want to improve the bill in order to craft a final product he can present to all the conferees.

We know how important this legislation is to the credibility of this body and to the well-being of American seniors for years to come. So I am sure that you would understand the need not to hurry in this process. And so, that said, the gentleman from California (Mr. THOMAS) is very close to completing years of work that have been put into this bill and has assured the leadership that he will have a proposal to present to all conferees in the very near future.

Mr. HOYER. I thank the gentleman for his observation; but, Mr. Leader, let me say something. Really what you just said is the gentleman from California (Mr. THOMAS) is meeting with all those who seek to improve the legislation. Improvement, of course, is in the eye of the beholder. There are 435 Members elected to this House, Mr. Leader, as we all know. Their perspective on what improves or harms legislation differs, sometimes very substantially. But

our Founding Fathers, Mr. Leader, formed a House representing a diverse American public, from many regions of this country, many areas of every State. Every State has differences within that State. My State does. Your State does.

To say that the gentleman from California (Mr. THOMAS) is only going to talk to those that he perceives as interested in improving that legislation is to say that a bill that passed this House by one vote after the roll was kept open for some 45 minutes is to say that at least half of this House will be excluded.

Mr. Leader, that is not in my opinion and in the opinion of this side of the aisle, and I believe in the opinion of the American people, the way they expect this House to run. It is not the gentleman from California's (Mr. THOMAS) view of what improves or does not improve this bill that counts. It is each of us who are elected to represent our constituents and put on the table the alternatives we believe improve that bill. They ought to be considered. We do not believe that is being done, Mr. Leader.

Mr. DELAY. If the gentleman will yield, I just have to say to the gentleman, I know the gentleman is trying to change the process of the House. We are not operating any differently than this House has always operated.

Every Member that wants to have input on this bill can find ways to have input. It has been expressed time and time again by the leadership on your side of the aisle and others that they do not want this bill. They want a different kind of bill and a different approach.

You have had that opportunity in presenting that approach and in presenting an alternative and a substitute for the will of the House, and the gentleman made a grand attempt to do that. He failed. He did not have the votes to do it.

In that process we went to conference committee. Those Members that are willing to work with, instead of obstruct, the process of getting a Medicare bill to this floor have been consulted on both sides of the aisle by many different people, not just the chairman of the conference committee. So the process is open and available to those who are willing to work with us and be constructive and productive in getting a bill so that the House can vote on it. That is the way this place works. It is the way it has always worked.

Mr. HOYER. Reclaiming my time, Mr. Leader, you and I may have a different perspective obviously. You recall, as I have discussed in the past, the Patients' Bill of Rights. Everybody was for the Patients' Bill of Rights. In fact, in the 106th Congress, as the leader will well recognize, when he was the whip and responsible for counting votes, the Patients' Bill of Rights passed this House with over 250 votes of people who saw it in a way that ought to pass, ought to be the law of the land.

As you will recall, the Speaker appointed eight out of the nine Republican conferees who had opposed the bill. Now, maybe that is the way the House in your recollection has always worked where 250 people vote for something. It never came out of conference, not surprisingly, when you had eight out of nine of the Republican conferees in the majority that opposed the bill that were in the conference. So apparently if it is on your side of the aisle and you oppose something, locking it up in conference is okay. If you are on our side of the aisle and you want to see a Patients' Bill of Rights or you want to see a Medicare prescription bill and you want to see a prescription drug bill that does not eliminate Medicare, that provides for affordable and accessible health care at a price that can be afforded by all of our seniors, then somehow you are perceived as not wanting to improve the bill and, therefore, is not worth being included.

As you know, the gentleman from New York (Mr. RANGEL), one of the senior Members of this House, the gentleman from California (Mr. THOMAS) tried to have arrested not too long ago and thrown out of the Committee on Ways and Means by the Capitol Police.

You will recall that the gentleman from New York (Mr. RANGEL) has now gone to where the conferees, theoretically, were meeting and was asked to leave. The gentleman from New York (Mr. RANGEL), the ranking Democrat on the Committee on Ways and Means, one of the seniors.

Now, I will remind the chairman that Mr. Rostenkowski chaired this committee and invariably made sure that Republicans were, in fact, included, and invariably when bills came to the floor, he had Republicans supporting those bills and they worked with him. And you will recall that he worked with the President of the United States when we were in the majority to pass the 1986 tax bill. So that may be your recollection, Mr. Leader, of how the House runs.

Mr. DELAY. If the gentleman will yield, my recollection is completely different than yours.

I can remember serving in the minority, too, and having the same frustrations that you have had. It is part of the frustrations of being in the minority.

As the gentleman understands, we are not operating in this regard any differently than the gentleman operated when you were in the majority. You work with people that want to get a bill. You do not waste a lot of time with people that do not want a bill. And then you give everybody the opportunity through the Rules of the House to participate either in the full committee, formal conference committee meetings or here on the floor of the House, and certainly ultimately expressing themselves with their vote.

Mr. HOYER. Reclaiming my time, I agree with the leader. We disagree. Our recollections are not the same. Our experiences are not the same.

Now, I have been here a little longer than the leader, but we have both been here a long time, and when we were in charge you complained as well. Therefore, you can empathize, as you say, with the pain that we feel in the minority.

□ 1245

But it is not the pain that we feel is so important, we want a bill. We may want a slightly different kind of bill than we think that the majority will report out on prescription drugs, but we want a bill. And the people who supported us want a bill, and they may want a bill that is slightly different; and democracy works when all sit down together and discuss their perspectives and try to forge a bill which accomplishes their objective. I do not think we are doing that. I lament that, and I do not think it is in the best interests of the American people.

Mr. Speaker, it is not in the quality of legislation that both the gentleman from Texas and I want to pass, even if we see that quality somewhat differently. I thank the gentleman for the information he has given us.

ADJOURNMENT TO MONDAY, NOVEMBER 10, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, November 10, 2003.

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

There was no objection.

ADJOURNMENT FROM MONDAY, NOVEMBER 10, 2003 TO WEDNESDAY, NOVEMBER 12, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, November 10, 2003, it adjourn to meet at 2 p.m. on Wednesday, November 12, 2003.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

ANNOUNCEMENT OF OFFICIAL OBJECTORS FOR PRIVATE CALENDAR FOR 108TH CONGRESS

The SPEAKER pro tempore. On behalf of the majority and minority leaderships, the Chair announces that the

official objectors for the Private Calendar for the 108th Congress are as follows:

For the majority:
Mr. COBLE of North Carolina;
Mr. CHABOT of Ohio; and
Mrs. BLACKBURN of Tennessee.
For the minority:
Mr. BOUCHER of Virginia;
Mr. SCHIFF of California; and
Mr. GRIJALVA of Arizona.

PERSONAL EXPLANATION

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

Mr. PEARCE. Mr. Speaker, I rise for the purpose of entering into the RECORD how I would have voted on issues before the House on which I was unavailable to vote on Wednesday, October 29; Thursday, October 30; and Friday, October 31.

On Wednesday, October 29, on rollcall No. 577, I would have voted ''yes.'' On rollcall No. 578, I would have voted ''yes.'' On rollcall No. 579, I would have voted ''yes.''

On Thursday, October 30, on rollcall No. 580, I would have voted ''no.'' On rollcall No. 581, I would have voted ''yes.'' On rollcall No. 582, I would have voted ''yes.'' On rollcall No. 583, I would have voted ''yes.'' On rollcall No. 584, I would have voted ''no.'' On rollcall No. 585, I would have voted ''no.'' On rollcall No. 586, I would have voted ''yes.'' On rollcall No. 587, I would have voted ''yes.'' On rollcall No. 588, I would have voted ''no.'' On rollcall No. 589, I would have voted ''no.'' On rollcall No. 590, I would have voted ''no.'' On rollcall No. 591, I would have voted ''no.'' On rollcall No. 592, I would have voted ''yes.'' On rollcall No. 593, I would have voted ''yes.'' On rollcall No. 594, I would have voted ''no.'' On rollcall No. 595, I would have voted ''yes.'' On rollcall No. 596, I would have voted ''yes.'' On rollcall No. 597, I would have voted ''yes.'' On rollcall No. 598, I would have voted ''no.'' On rollcall No. 599, I would have voted ''no.'' On rollcall No. 600, I would have voted ''no.'' On rollcall No. 601, I would have voted ''yes.''

Mr. Speaker, the reason for my absence and for not voting on these important issues was because I was a member of a congressional delegation that went to Iraq to visit our troops and to personally observe conditions there.

We were able to visit our troops in Landstuhl, Germany, who have been injured bringing freedom to Iraq. We saw the excellent job our forces are doing, simultaneously setting up a free and fair democracy while bringing evildoers to justice and establishing peace in Iraq. We saw the people working together regardless of ethnicity or religion, to restore businesses and hope to a country formerly under control of despots. Because of our troops and the freedom they are establishing in Iraq, the people there have hope, which they have not had since Saddam Hussein became dictator.

Mr. Speaker, while the business before this House is important, we must also realize that the foundation for all of our actions in this Chamber is the freedoms granted to us in the Constitution and the Bill of Rights. Our presence in Iraq is allowing the Iraqi people to, for the first time, establish a Constitution where the Iraqis will have the freedom to vote for a representative government, where the rule of law will prevail, where citizens will not fear for their lives, their property or their freedom. Let us not forget why we are able to participate in this body, and let us not deny that freedom to Iraq.

PEACE THROUGHOUT THE WORLD

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I simply want to talk about the issue of peace for a very brief moment.

Just a few minutes ago, this House passed the defense authorization bill. As a strong opponent of the initial entry into Iraq of our troops in 2002 when the resolution was on the floor, my opposition stems from the fact that there was a question as to whether or not there were weapons of mass destruction and whether we were under imminent attack. I rise today to say that there is a very important role that our troops around the world can play. The United States has always had the high moral ground on the question of peace.

I would like to turn our attention in this Nation and this administration to the idea beginning to formulate plans for peacekeeping. That is not what is occurring in Iraq today. Primarily as we see the loss of life accelerate, we need to begin to work steadfastly to draw out collaborators and allies around the question of peace.

We were successful in Kosovo and Bosnia because we had the NATO allies. We were successful in Liberia because we had the work of President Obasajno of Nigeria and his peacekeeping efforts. It is imperative that this Nation begins to formulate a strategy for peace and utilize our troops to lift up peace in this world.

DISCOUNT DRUG CARDS

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

Mr. FOLEY. Mr. Speaker, the Medicare conferees are about to wrap up their important work on providing a prescription drug coverage plan for America's seniors; and I am excited about the impact it will have on my district, the 16th Congressional District of Florida, which has the fifth largest population of Medicare-eligible seniors in America. Legislation I have worked on over 4 years with Senator HAGEL includes the drug discount card which is part of this historic landmark legislation which will provide for over 40 million seniors the opportunity to receive up to a 25 percent discount on their prescription drug costs.

This is good news for seniors, welcomed good news for our seniors in the 16th Congressional District, and I am hopeful as we continue our bipartisan negotiations that when we conclude our work on Medicare, it will not only be reformed, it will become cost effective, and it will also contain the vital new programs necessary to modernize for the first time in over 35 years this vitally important safety net, a medical delivery system for our seniors.

Mr. Speaker, I am excited about the drug discount card, I applaud the White House for their leadership in taking the idea of Senator HAGEL and myself to make it permanent law, and we welcome the opportunity to reach out to seniors with this good plan.

VETERANS ISSUES

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

Mr. BALLANCE. Mr. Speaker, next week we will honor our Nation's military veterans for their dedication and service to the Nation, and I take great pride in this day of remembrance. A little more than 30 years ago, I had the privilege of serving in our National Guard of North Carolina, and so it is with distinction today that we remember the veterans: the veterans of the allied engagement in the Persian Gulf War, the brave men of the 7th Cavalry at the battle of Ia Drang, the airmen of MiG Alley in Korea, the Tuskegee Airmen of World War II, and so many others deserving of the highest honors. They all are brave men and women who are our United States veterans, and I am proud this morning to stand in honor of our veterans.

Next week we will honor our nation's military veterans for their dedication and service to the nation, and I take great pride in this day of remembrance.

A little more than 30 years ago, I service in the North Carolina Army National Guard, during the conflict in Vietnam. Times were uncertain then, soldiers were leaving the nation in droves, coming back seasoned veterans of a war. We did not honor our veterans in the way they deserved those many decades ago, and we have learned since that time.

And so it is with distinction today that we remember the veteran; the veteran of the allied engagement in the Persian Gulf War, the brave men of the 7th Calvary at the battle of Ia Drang, the airmen of MiG Alley in Korea, the Tuskegee Airmen of World War II, and so many others deserving of the highest honors. They all are our brave men and women who are the United States Veteran.

I am of the belief, Mr. Speaker, that the men and women who served our nation should be

honored every day, not merely once a year, and I believe that America should fully honor the debt we owe to our veterans.

Right now, more than 250,000 troops are stationed in Iraq, all of whom will come home as war veterans. America's military veterans are there for us, wherever and whenever duty calls. It is our turn to stand up for them.

Through the ''Salute to Veterans and Armed Forces Act,'' House Democrats are fighting to preserve and protect the health care and financial future of our nation's veterans.

As we speak, disabled veterans are prevented from collecting both their retirement pensions and disability compensation because of the unfair Disabled Veterans Tax.

Five hundred sixty thousand disabled military retirees see their retirement pension reduced one dollar for every dollar of disability pay.

They sacrificed their well-being for the Nation, and should receive their full disability pay. Every dollar.

In the 1st Congressional District which I am proud to represent, which encompasses rural eastern North Carolina, nearly 1,500 veterans lose benefits every year to the Disabled Veterans Tax, costing each veteran approximately $5,664 in lost benefits.

Mr. Speaker, the working families in my district are already hard hit by tough economic times and widespread plant closings. The veterans in eastern North Carolina barely get by as it is.

This unfair tax on their rightfully earned income, translates into a total loss in benefits for the 1st Congressional District of almost $8.5 million for an economically devastated area.

Mr. Speaker, my Democratic colleagues and I are fighting for an additional $1.8 billion in veterans' health benefit that have been recently cut from the budget.

It is nothing less than shameful that military veterans have to wait as long as six months for a doctor's appointment.

Imagine, Mr. Speaker, if your child fell ill, and yet, you had to wait six months to get them help. This unacceptable scenario is a reality for 60,000 American Military Veterans every year in this country.

We are fighting to expand veterans' job training, higher education and housing programs. If we have money to send them to war we must also provide for their full benefits when they come home.

This is the call for true shared sacrifices. We were able to spend $1.3 trillion in tax cuts; we should be able to spend for our veterans.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEARCE). 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.

END PARTIAL BIRTH ABORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, 2 days ago the President of the United States signed into law a historic piece of legislation, a bill that would end partial birth abortion, a law that will now end this heinous and truly gruesome, barbaric act of killing innocent little boys and girls.

But as was all too expected, a lawsuit was immediately filed and a court immediately prevented this life-saving law from going into effect. Most appalling is the fact that the court did so not on any sound basis of law, but on what is becoming all too often the case with courts in this Nation, a decision by the court to simply impose its feelings on the issue over the findings of a legislative body, this United States Congress.

As has been reported in the press, the U.S. Department of Justice asked the court, as courts should do, to give deference to the finding of fact by Congress. Instead, the court replied to that request that it could find no record of any doctor who performs abortions in the last trimester to testify before Congress. The court stated: ''Isn't that important if Congress was really interested in knowing about this procedure?'' Indeed, if this court was truly being honest, it would realize that no abortionist would ever want to testify before Congress because in so doing, the awful truth about this heinous act would be revealed before the opponents of this act, before this House. It is telling that no abortionist of such late-term abortions would want to testify about such horrific acts that they do.

It is so patently clear that the court here was searching for a way to impose its personal view instead of abiding by the law of the land, a law which is supported by the vast majority of the people of this Nation, as well as most State governments. The court simply refused to abide by the findings of this Congress that a health exception was not necessary. The court stated: ''While it is also true that Congress found that a health exception is not needed, at the very least it is problematic whether I should defer to such a conclusion when the Supreme Court has found otherwise.'' Problematic, court?

If the court was indeed wanting to uphold the law of the Nation and not its personal views, it would have recognized that the Supreme Court's holdings were not its own, but were the opinions of a lower court that the Supreme Court simply did not have sufficient legal basis to overrule.

Congress, however, very clearly and upon substantial hearings and evidence set out its findings of fact of no need for a health exception. This court, however, as past Supreme Courts have stated, should have abided by the findings of facts by this Congress. This court has failed to uphold the findings of this Congress. This court has failed to abide by the precedent of the Supreme Court in granting due deference to such findings of fact. And most tragic of all, this court's actions may well result in more deaths to innocent little children.

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 addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LIGHT RAIL IN HOUSTON, TEXAS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, many times I have come to the floor of the House to express what I believe should be the chief responsibility of the Federal Government, problem solvers, working with local communities to enhance the quality of life of all of our citizens throughout America.

So today I take the special privilege of saluting my local community in Houston, Texas. It has been a 30-year journey, 30 years of trials and tribulations, of misrepresentations of the facts, and yet we have overcome it.

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But I do not fault those who opposed rail in totality because I do believe in democracy, and a vigorous debate has occurred in Houston, Texas on the question of implementing a light rail system. Those that hear my voice might say that that is probably not one of the more serious issues that we have in our community and in our Nation, but all of the long work of my community leaders, the Metro board, the City of Houston, deserve the tribute because in Houston it is a serious matter.

I do want to thank the mayor of the City of Houston, Lee P. Brown, and I am delighted to have been one of the strongest stalwarts and supporters of the Metro system over the last 30 years. One would not like to count those long journeys that we have had to take and the stark and strong opposition that we have had. And so I pay tribute to the members of the Metro board, former Ambassador Arthur Louis Schechter, the chairman; Mr. Thomas E. Whitson, vice chairman; Mr. Jackie Freeman, secretary; Mr. James E. Cumming; Dr. Samuel J. Gilbert, Sr.; Dr. Carol Lewis; Mr. Art Morales; Ms. Janie Reyes; and Mr. Don Wang. I also pay tribute to Metro's political action committee, Citizens for Public Transportation, led by Mr. Ed Wolfe; Community Outreach and Governmental Affairs Division led by Mr. Frank Russ and Mr. Tom Jasien; and most importantly the people of the Houston communities, all of the Houston communities and Harris County in the Metro service area who will benefit from this tremendous victory, all of my constituents in the 18th Congressional District who came together to cast a total of almost 400,000 votes and the majority of those supported the implementation of a Metro system.

What does it mean? It means that we will have a 50 percent increase in Metro's existing bus service. We will have

new light rail, new commuter service and we will have no new taxes. We realize that in order to enhance the quality of life for the physically challenged and others who are disabled, for veterans, we will need a real light rail system in Houston.

Let me share with you that the distance between the earth and the sun is about 93 million miles. Houstonians drive about 156 million miles a day through a weave of roadway that will further ensure the congestion and the entanglement on our freeways and highways and byways. Furthermore, the Texas Commission on Environmental Quality tells us that one-third of Houston's air pollution comes from our cars and trucks. Since light rail is powered by electricity, it produces no on-site emissions. Houston residents need and deserve nonpolluting transportation choices like light rail, and now the plans will come to fruition.

Over the years we will support a 72-mile system that will go into Sunnyside and Akers Home and into the Gulf Gate region, into East End, into areas near the small cities. And I want to thank my friends in Fort Bend and out in the Woodlands. We will be looking forward to a commuter rail that will take us to the airport, to the Fort Bend area, to Sugarland and certainly to the northwest area. We are looking for the support of our entire community, the county officials, city officials, and it is imperative that the next mayor of the City of Houston be a vigorous supporter of light rail. The citizens will tolerate nothing less, that that person be vigorous and that they will not be overcome by special interests that will tell them that we cannot move on the 39-mile system and then the 72-mile system. It is interesting to watch those who are physically challenged relish to have a system that is accessible to the disabled and then to our senior citizens who need to have, if you will, low-priced but good service, clean service, mobility systems that they can access. And our senior citizens who we are fighting for on this floor to give them a guaranteed Medicare prescription drug benefit need the complement of good rail systems and a good Social Security system. That is what we have planned for them in Houston with the vote of the Metro system.

Mr. Speaker, I include for the RECORD my op-ed in the Houston Chronicle on Derailing Metro Transit Plan Isn't an Alternative and here we support in totality the Metro plan that has passed and the 72 miles.

Hooray. Congratulations to our city for doing the smart thing and being smart on transit. You deserve congratulations today.

Mr. Speaker, I rise today to pay special tribute to a local victory—I pay tribute to the Houston Metropolitan Transit Authority (METRO) of Harris County, Houston Texas for having successfully won the vote of approval for its light rail project in a referendum held on November 4.

Because of the undaunted effort of (1) the Houston METRO Board of Directors which consists of former Ambassador Arthur Louis Schechter—Chairman, Mr. Thomas E. Whitson—Vice Chairman, Mr. Jackie Freeman—Secretary, Mr. James E. Cumming, Dr. Samuel J. Gilbert, Sr., Dr. Carol Abel Lewis, Mr. Art Morales, Ms. Janie Palomo Reyes, and Mr. Don J. Wang; (2) METRO's Political Action Committee ''Citizens for Public Transportation'' led by its able Chairman Mr. Ed Wolfe; (3) METRO's Community Outreach and Governmental Affairs Division with Mr. Frank Russ and Mr. Tom Jasien; and (4) most importantly the people of the Houston communities who will benefit from this tremendous victory.

The victorious results of the November 4 referendum—of a total 366,226 votes cast from a pool of citizens of Harris County, Ft. Bend County, and Montgomery County, 189,443 (52%) voted for METRO Solutions and 176,783 voted against it—was the fruit of over two (2) years of hard work by the METRO Board, Staff, PAC, and the community all working together as a cohesive unit. Now, we may concentrate on the actual benefits that the METRO Solutions plan will achieve: 50% increase in METRO's existing bus service, including approximately 44 new local, signature express, and Park & Ride bus routes; Nine (9) new Transit Centers and nine (9) new Park & Ride lots, as well as expansion and upgrading existing facilities; Expansion of the METRORail line and commuter line components. The overall plan includes 72.8 miles of rail; Extension of the payments to local governments for street and other mobility improvements for five additional years (2010–2014); Initiating of the first 10 years of construction, which includes 22 miles of rail with no new taxes!

Road and freeway improvements, as well as the construction of an enhanced public transportation system, will now be put in place to alleviate problems such as congestion and pollution while generating significant tax dollars. Statistically, Houstonians travel more miles per day than there are miles between the Earth and the sun. The distance between the Earth and the sun is about 93 million miles. Houstonians drive about 156 million miles per day! Houston has one of the worst air quality problems in the nation. Furthermore, the Texas Commission on Environmental Quality tells us that one-third of Houston's air pollution comes from our cars and trucks. Since light rail is powered by electricity, it produces no on-site emissions. Houston residents need and deserve non-polluting transportation choices like light rail and now the plans will come to fruition.

This victory demonstrates that despite the force of an extremely well-financed opposition driven by special interests and partisan influence, the great effort and the will of the people overcame in the end. I would actually like to thank my friend on the other side of the aisle, Mr. DELAY for his efforts to aid in giving METRO the funds it needed to conduct the studies that concluded that the METRO Solutions plan is smart.

Congratulations to METRO and congratulations to the local government.

[From the Houston Chronicle, Oct. 23, 2003]

DERAILING METRO TRANSIT PLAN ISN'T ALTERNATIVE

(By Sheila Jackson Lee)

Just over one century ago, in 1880, Houston, the powerhouse of Texas business, had a population of only approximately 16,000 people, according to a federal census. Since then, the metropolis has seen unprecedented growth to become one of America's most populous cities. That's why we need a public transportation system that is funded by the public and will be used by the public.

The greater Houston area is subdivided into six counties: Chambers, Fort Bend, Harris, Liberty, Montgomery and Waller, Harris County proudly hosts the city of Houston, and that is where the largest part of the population is concentrated. In 2000, approximately 3.5 million people lived in Harris County alone. Over the next 20 years, the population of the Houston region will continue to grow. In fact, the influx of more than 2 million additional people in Harris County and another million in the surrounding counties is expected. With respect to transportation, Houston and Harris County already experience serious problems. The imminent increase in population will only exacerbate the problems and will have a negative impact on the overall quality of life in the region. All forms of infrastructure improvements must provide the solution.

Road and freeway improvements, as well as the construction of an enhanced public transportation system, will alleviate the problems while generating significant tax dollars. Statistically, Houstonians travel more miles per day than there are miles between the Earth and the Sun. The distance between the Earth and the Sun is about 93 million miles. Houstonians drive about 156 million miles per day!

The Metropolitan Transit Authority has worked over the past two years to create a long-range plan for mass transit in the Houston area called Metro Solutions. Texas has a Transportation Code, and it is authorized to act in this field of local government through Metro. Given the need for the service to be provided by Metro's plan and the state's jurisdiction to implement a plant that has been accepted by the public, why does the federal government and a member of the House Appropriations Committee need to interfere with its progress?

This member has worked to hinder this highly beneficial transportation project for quite some time. In fact, his amendment to the Transportation, Treasury, and Independent Agencies Appropriations Act for fiscal year 2004, also known as H.R. 2989 and incorporated as Section 163, aimed directly at this project with proposed restrictions that are both redundant and unnecessary. This member introduced Section 163 under the guise of ensuring that the citizens in the transit authority service area had an opportunity to voice their desires with respect to the light-rail proposal. He took these measures despite his knowledge that the Metro board has been diligently working with the community to establish development plans that do not violate Texas law and despite the fact that Chapter 451 of the Texas Transportation Code requires the referendum process that will take place on Nov. 4.

Furthermore, his actions likely precipitated the issuance of an opinion by the Federal Transit Administration's chief counsel as to the denial of funds for the Advanced Transit Plan largely due to the redundant prohibitions of Section 163. Although Metro has called for a referendum pursuant to Chapter 451 of the Texas Transportation Code, in addition to having held several public hearings on the matter, the FTA, by way of this opinion, had summarily deemed the process insufficient for purposes of the Section 163 prohibitions. Because neither H.R. 2989 nor Section 163 is law, the FTA opinion effectively disrupted and interfered with the local administration of a transportation project that has been fully accepted and supported by members of the community.

In addition to the fact that the basis for this opinion was premature, i.e., the fact that both Section 163 and H.R. 2989 are not law as yet, the Metro board held a meeting to change the language of its referendum ballot for Nov. 4 to further conform to these prohibitions that are not yet law. This ballot was then accepted by the Department of Transportation for compliance with federal regulations. Metro held 178 public and stakeholder meetings during its development of the Metro Solutions plan between December 2001 and July 2003.

The alternative plan backed by Metro Solutions opponents and formulated by the Houston-Galveston Area Council, the ''100 Percent Solution'' plan, is still in draft form and has not yet had specific public involvement for the additional 5,000 lane-miles on top of the already planned 5,600 lane-miles. In terms of economic benefits projected for Metro solutions, between $130 million and $200 million per year in regulatory costs will be saved to reduce pollution emissions.

The opponents of Metro solutions offer the 100 Percent plan as an alternative. However, it is not an alternative. First, unlike the Metro solutions plan, the 100 Percent plan is an unfinished study and not a plan at all. Secondly, Metro Solutions covers only a portion of the eight-county region, while the 100 Percent plan contemplates the incorporation of the Regional Transportation Plan, or RTP, which is a multimodal plan that covers the entire eight-county region. The RTP is not an alternative to Metro Solutions—it includes Metro Solutions. Also, unlike Metro Solutions, the 100 Percent plan is based on a wish list of regional road and transit projects that have no identified funding and would require significant amounts of right of way. The claim by Metro Solutions opponents that the 100 Percent solution plan can reduce congestion depends upon the sudden appearance of this wish list of projects that the federal government currently prohibits local officials from planning and programming, as they have no existing revenue streams to fund such projects.

In conclusion, there is no need to impede or to derail the Metro Solutions plan. Houston is the only city in the United States that was affected by funding restrictions of H.R. 2989. As a result, the city has been singled out and excluded from the 25 slices of a funding pie worth $1.2 billion federal dollars. Dallas is slated to receive $30 million under the act. The referendum vote on Nov. 4 will translate to more needed rail, more buses and more roads with no new taxes. Metro Solutions is a public transportation plan that will serve the public—therefore, the will of the community should supersede any federal special interests. I strongly urge a yes vote on the Metro referendum.

The SPEAKER pro tempore (Mr. PEARCE). Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE 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 California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California address the House. His remarks will appeared hereafter in the Extensions of Remarks.)

CHILD SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, before I begin, I want to take a moment to thank the chairman of the Subcommittee on Human Resources of the Committee on Ways and Means, the gentleman from California (Mr. HERGER), for calling a hearing yesterday to examine the failure of our system to protect our children. It was a very, very difficult hearing for those of us who attended to listen to the traumatic and heartbreaking story of four young men in a family, the Jackson family of New Jersey.

As someone who has worked on child protection for my career in the Congress and in the State legislature and as cochairman of the Congressional Missing and Exploited Children's Caucus, I was shocked to hear and to see the photos of these four young men who were suffering at the hands of their adoptive parents. What struck me even more, or at least made me more outrageous, was the fact that the Division of Youth and Family Services from New Jersey had visited the home of this family over 38 times in the past several years.

What did they fail to observe in these visits? For one, they failed to observe a 19-year-old boy who weighed just 45 pounds and was a mere 4 feet tall; a 14-year-old boy who was 3 feet in height and, I believe, less than 40 pounds. Where were they protecting these children?

The fact is, Mr. Speaker, most Americans treat their pets better than New Jersey cared for their children. We heard arguments, which we always do when there is a child tragedy, that, A, we lack resources and funding, we have too many caseloads. Those excuses and finger-pointing and blame-gaming must stop, because they are outrageous accusations suggesting money was at the root of the children's problems. The family received over $30,000 annually in a subsidy to care for these children from the Federal and State government. $30,000. There is no excuse that money, or shortage of money, was the reason these children were starved. Thirty-eight visits by a caseworker to this house indicates obviously that they had a routine appearance in the household.

What did they fail to observe? One thing they failed to observe is that there were locks on the doors to the kitchen, not allowing the children to come into this home, into their own kitchen to eat. When you look at the photos, and you have probably seen these photos if you have picked up any paper in this country because they have been blasted across the headlines of every newspaper in America, including both TV and print journalists.

We have to in this country get a handle on this problem because this is sickening to its core that children that would be in the hands of people would be allowed to be treated so miserably. And regrettably at yesterday's hearing a person, a man of the cloth from the church where the Jackson family attends, actually got up and defended the parents and started to blame the children, suggesting they had eating disorders, that they were violent children. We are talking about 19, 17 and younger than that. I would have accepted some of that argument from this reverend had the family sought medical attention or had the family chosen to return the children to foster care because they were too difficult to care for. But no, they did not do any of that. What they did was cash checks from the welfare system and then fail to feed the children.

Testimony from children's services indicate all of these boys have now had remarkable weight gain in the last several weeks. So the argument put forward by the reverend that these children were eating three square meals a day and they suffered from eating disorders is absolutely false and spurious when you look at the results of the care and feeding under Division of Youth Services of that State.

At the end of the day, and fortunately for the gentleman from California's leadership in calling this hearing, we may get to the bottom of some of these problems, but we must act quickly. We are not talking about overdue library books, we are talking about human life. We are talking about children who are allowed to starve, we are talking about a system that is run amuck, and we are talking about only getting a response when some politician's job is on the line.

It is time to get serious. It is time to get to the job of protecting our children. I only hope that there is never again an example like the Jackson family suffering at the hands of a State agency.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the majority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, on October 14, the Supreme

Court agreed to hear a dispute over the phrase ''one Nation under God'' in the Pledge of Allegiance. Make no mistake, this lawsuit is another attempt by atheists to exterminate America's religious heritage. Michael Newdow is an atheist who wants the government to adopt his religious views. He argues that his daughter was, in legal terms, injured by having to be exposed to the recitation of the Pledge of Allegiance in school. The underlying idea behind Mr. Newdow's efforts was expressed perfectly by the ancient Greek philosopher Protagoras. He said, ''Man is the measure of all things.'' What this statement means is that human beings, not a God or an unchanging moral law, is the ultimate source of value.

The Declaration of Independence tells us differently. The Declaration tells us exactly what the ultimate source of our laws and liberties are and where they came from. It reads that all men are created equal, endowed by their Creator with certain unalienable rights. Among these are life, liberty and the pursuit of happiness.

There is a central question in this controversy, whether or not public officials in the government itself can acknowledge a higher power than themselves. Can the government acknowledge God or must we agree that man is the measure of all things?

The background on this case is interesting. The child involved in the present suit is not required to recite the Pledge. Mr. Newdow argues that his daughter should not even have to listen to the Pledge. In the factual and procedural background section of Newdow v. U.S. Congress, Mr. Newdow argues his daughter is injured when she is compelled to watch and listen as her State-employed teacher in her State-run school leads her classmates in a ritual proclaiming that there is a God and that ours is one Nation under that God. If Mr. Newdow's daughter is injured by listening to the pledge with the words ''under God'' in it, what about the other students? In the dissenting opinion of Newdow v. U.S., Circuit Judge Fernandez makes the point well.

He says:

I recognize that some people may not feel good about hearing the phrases recited in their presence, but then others might not feel good if they are omitted.

This application of logic to Newdow's argument proves that we need something more to shed light on the constitutionality of the phrase ''under God.'' We must also look to the history of the phrase itself. By doing so, we can shed light on the legitimacy of recognizing God in our government and in our laws.

To shed light on this controversy, it would be helpful to look at the history of the phrase ''under God'' and the words of the people who helped write our Constitution.

The Pledge of Allegiance was written in 1892 by Francis Bellamy, a Massachusetts educator. Bellamy was planning celebrations to mark Columbus Day and the 400th anniversary of the discovery of America. The Pledge emphasized the permanence of union and the liberty of the people. The Pledge was written only 27 years after the Civil War. The 1892 version of the Pledge read, ''I pledge allegiance to my Flag and to the Republic for which it stands, one nation indivisible with liberty and justice for all.''

Because of large numbers of immigrants, some thought the reference to ''my Flag'' might encourage immigrants to retain loyalty to their former country's flag. And so in 1924, the National Flag Conference approved a change in the Pledge. It now in 1924 read, ''I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation indivisible with liberty and justice for all.''

In 1942, Congress codified the pledge into law when it was added to the U.S. Flag Code. This version did not include the words ''under God.'' Again it read, ''I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation indivisible with liberty and justice for all.''

In 1954, Congress inserted the words ''under God'' into the Pledge of Allegiance. In 1943, Jehovah's Witnesses filed suit and challenged the mandatory recitation of the Pledge.

□ 1315

The Court ruled that governments should not force students to recite the pledge against their will or contrary to their beliefs. Judge Fernandez again from the dissenting opinion in Newdow v. Congress. In West Virginia Board of Education versus Barnett, for example, the Supreme Court did not say that the pledge could not be recited in the presence of Jehovah Witness children. It merely said that they did not have to recite it. That fully protected their constitutional rights by precluding the government from trenching upon the sphere of intellect and spirit. In the law they concluded the Pledge of Allegiance simply stated that standing was a sign of respect for the Nation and its laws. Public Law 396 states: ''However, civilians will always show full respect to the flag when the Pledge is given by merely standing at attention.''

In conclusion, students are not forced to say the Pledge of Allegiance. Reciting the Pledge in the presence of students who object to it does not violate the Constitution. Congress's addition of ''under God'' was only reference to God during that time. In 1955 by unanimous vote, Congress required the U.S. Mint to place the words ''In God We Trust'' on all of our currency. And over the Speaker's desk on that marble wall are the words ''In God We Trust.'' In 1956 Congress adopts ''In God We Trust'' as the national motto. Were these enactments by Congress isolated? Not at all. The Nation has long publicly declared its dependence on divine providence.

There are references to our dependence on God in earlier American history. Lincoln's consecration of the Gettysburg speech, in which he said: ''It is for us the living rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion, that we here highly resolve that these dead shall not have died in vain, that this Nation under God shall have a new birth of freedom, and that government of the people, by the people, and for the people shall not perish from the earth.''

What did Lincoln mean by saying ''this Nation under God''? That the United States is under the protection of God? That we are also under God's judgment, that we must conduct ourselves according to his standards of justice? Lincoln said in his second inaugural address: ''. . . and that He gives to both North and South this terrible war, as the woe due to those for whom the offense'' of slavery ''came.''

Lincoln, by declaring our Nation ''under God,'' seems to be echoing a man even closer to the writing of the Constitution and Declaration of Independence, Thomas Jefferson: ''And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are a gift of God? That they are not to be violated but with His wrath? Indeed I tremble for my country when I reflect that God is just, and His justice cannot sleep forever . . . '' Thomas Jefferson's wisdom reinforces Mr. Lincoln's assertion stated earlier that the Civil War was divine judgment for slavery. In that sense America is a Nation under God.

Why was America being judged by God during the Civil War? Because slavery was a violation of the principle of equality proclaimed in the Declaration of Independence. Even though slavery was allowed in the Constitution, it was still a violation of another of Jefferson's principles. In his first inaugural address, Jefferson said: ''All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable.'' Was slavery reasonable? No, Jefferson said. ''All eyes are opening to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God.''

Lincoln and Jefferson reinforced each other's arguments, that the United States is a Nation under God's judgment and protection, that our rights

come from God and that no violation of our God-given rights can be tolerated.

Can we go back further to see if God is mentioned in any other documents around the founding era? Yes. The Declaration of Independence. We teach the Declaration of Independence in our schools to advance freedom. John Adams said: ''Children should be educated and instructed to the principles of freedom.'' The Declaration also teaches us about Americans' beliefs about God. The Declaration teaches us four things about God: one, He is the author of the laws of nature and nature's God; two, he has endowed us with inalienable rights; three, He is the supreme judge of the world; and, four, he provides the protection of divine providence.

What happens when the Declaration of Independence is taught in public schools? Are they violating the separation of church and State? How preposterous. Do schools that teach the Declaration and its description of God violate the Constitution? The absurdity of the argument of atheists like Mr. Newdow is readily apparent. There are several implications in Mr. Newdow's argument, Mr. Speaker. If the Court rules the Pledge of Allegiance with the words ''under God'' unconstitutional next summer, what will be next? ''God bless America''? Mr. Speaker, what would happen if Congress required the recitation of the preamble to the Declaration every morning instead of the Pledge? The conclusion of the argument atheists make must be the Declaration of Independence violates the Constitution.

We have examined the writings of Thomas Jefferson and Abraham Lincoln. We have examined the Declaration of Independence and the Constitution. We have looked at the history of the phrase ''under God.'' It is obvious that our government has long declared a dependence on God. Acknowledging God as a source of our inalienable rights is what makes our rights secure. Our history, our Declaration, our Constitution teach us several lessons: that God is the source of our rights, that our Nation is under God's judgment and we must act accordingly.

Mr. Speaker, I am an elected official in the Federal legislature. I have mentioned God many times in this speech in the House of Representatives. I hope the Supreme Court will not rule I have violated the Constitution.

Mr. Speaker, the words of the Constitution are very clear, but what is not clear is what our Founding Fathers meant by those words, and that is why the discussion today of whether the words ''under God'' are appropriate in our Pledge of Allegiance to the flag.

What I would like to do is go back to our Founding Fathers to see what they might advise us could they be resurrected and meet with us today. If we put in the context of the time the Declaration of Independence and the Constitution, we may be better able to understand what they meant by their words. No one disagrees on what the words are, but there is a big disagreement on what the words mean.

Patrick Henry is called the firebrand of the American Revolution, and every student in school knows what he said: ''I know not what course others may take, but as for me, give me liberty or give me death.'' But I will wager, Mr. Speaker, that if any of the listeners go to the textbooks in their school, they will find no reference to the context in which this statement was made. It was made in a church, St. Johns Church in Richmond on March 23, 1775, and here is more of that statement. He says: ''An appeal to arms and the God of Hosts is all that is left us, but we shall not fight our battle alone, there is a just God that presides over the destinies of nations. That battle, sir, is not to the strong alone. Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it, Almighty God. I know not what course others may take, but as for me, give me liberty or give me death.''

Do my colleagues think Patrick Henry would tell us that it is not okay to have the phrase ''under God'' in the Pledge of Allegiance to the flag? Was Patrick Henry a Christian? The following year, in 1776, he wrote this: ''It cannot be emphasized too strongly or too often that this great Nation was founded not by religionists but by Christians, not on religions but on the gospel of Jesus Christ. For that reason alone, people of other faiths have been afforded freedom of worship here.'' Do my colleagues think he would tell us that it is not okay to have ''under God'' in the Pledge of Allegiance?

Benjamin Franklin, who is frequently referred to by modern-day educators as a deist, that is, a person who believed that there was a God but don't bother praying to Him because He created us and set in place certain physical laws and our destiny is going to be determined by how we relate ourselves to those laws, let me read what Benjamin Franklin said, and then the Members conclude as to whether they think he was an atheist or not. These words were uttered in 1887 when he arose in the Continental Congress in Philadelphia. They were deadlocked, and it was not certain we would have a Constitution. He was, I think, 82 years old, the Governor of Pennsylvania, I think the oldest and probably the most respected member of that convention, and this is what he said: ''In the days of our contest with Great Britain when we were sensible of danger, we had daily prayer in this room for divine protection. Our prayers, sir, were heard and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of superintending providence in our favor. To that kind providence, we owe this happy opportunity to establish our Nation. And have we now forgotten that powerful friend? Do we imagine that we no longer need His assistance?'' And then these words that I think are so powerful: ''I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth, that God governs in the affairs of men. If a sparrow cannot fall to the ground without His notice, is it probable that a new Nation can rise without His aid?'' And then he went on to say that he begged leave to move that henceforth they would begin each of their meetings with prayer. We still do that, Mr. Speaker. We began our session today with prayer.

Do my colleagues think Benjamin Franklin was a deist, and more importantly, do my colleagues think that he would say that it is not okay, that it is not appropriate to have ''under God'' in the Pledge of Allegiance to the flag?

Thomas Jefferson, the major architect of the Declaration of Independence and the Constitution, also referred to frequently as a deist, and this is what he said: ''I am a real Christian. That is to say, a disciple of the doctrines of Jesus. I have little doubt that our whole country will soon be rallied to the unity of our Creator, and I hope to the pure doctrine of Jesus also.'' Do my colleagues think that Thomas Jefferson, with those convictions, would say that it is not okay to have ''under God'' in the Pledge of Allegiance to the flag?

George Washington, our first President: ''It is impossible to govern the world without God and the Bible. Of all of the dispositions and habits that lead to political prosperity, our religion and morality are the indispensable supporters. Let us with caution indulge this supposition, that is, the notion or idea, that morality can be maintained without religion. Reason and experience both forbid us to expect that our national morality can prevail in exclusion of religious principle.''

In his prayer book, he wrote: ''O eternal and everlasting God, direct my thoughts, words and work, wash away my sins in the immaculate blood of the lamb, and purge my heart by Thy Holy Spirit. Daily frame me more and more in the likeness of Thy son, Jesus Christ, that living in Thy fear and dying in Thy favor, I may in Thy appointed time obtain the resurrection of the justified unto eternal life. Bless, 0 Lord, the whole race of mankind and let the world be filled with the knowledge of Thee and Thy son, Jesus Christ.'' What counsel do my colleagues think George Washington would give us? Would he tell us that it is not okay, that it is not appropriate to have ''under God'' in the Pledge of Allegiance to the flag?

John Adams, our second President, also President of the American Bible Society: ''We have no government armed with the power capable of contending with human passions unbridled by morality and true religion. Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.'' Could John Adams possibly have believed that we could not think

that ''under God'' is appropriate in the Pledge of Allegiance to our flag?

John Jay, our first Supreme Court Justice said: ''Providence has given to our people the choice of their rulers, and it is the duty as well as the privilege and interest of our Christian Nation to select and prefer Christians for their rulers.'' Could John Jay, the first Supreme Court Justice, have imagined that we would think it inappropriate to have ''under God'' in our Pledge of Allegiance to the flag?

John Quincy Adams, President of the American Bible Society, and he said that his Presidency there he valued more than his Presidency of this country:

□ 1330

''The highest glory of the American Revolution was this. It connected in one indissoluble bond the principles of civil government with the principles of Christianity. From the day of the Declaration,'' that is, the Declaration of Independence, ''they,'' the fathers, ''were bound by the laws of God, which they all acknowledged as their rules of conduct.''

What would John Quincy Adams advise us about the appropriateness of the words ''under God'' in the Pledge of Allegiance to the flag?

And later on in history, Calvin Coolidge, ''America seeks no empire built on blood and forces. She cherishes no purpose, save to merit the favor of almighty God.''

He later wrote, ''The foundations of our society and our government rests so much on the teachings of the Bible that it would be difficult to support them if faith in these doctrines would cease to be practically universal in our country.''

Would President Coolidge have believed it inappropriate to have ''under God'' in our Pledge of Allegiance to the flag?

Let us turn now to our early Supreme Court. For 160 years, every Supreme Court decision in this arena was diametrically opposed to Supreme Court decisions from 1947 on.

In 1947, the Supreme Court did a radical about-face, repudiating the precedents of 160 years. They completely reversed their opinions.

The Supreme Court in 1811, People v. Ruggles, Ruggles had publicly slandered the Bible. This is what the Supreme Court said. ''You have attacked the Bible, and in attacking the Bible you attacked Jesus Christ. In attacking Jesus Christ, you have attacked the roots of our nation. Whatever strikes at the roots of Christianity manifests in the dissolving of our civil government.''

By the way, I would like to note that it might be appropriate in today's environment to use the words Judeo-Christian. Those words were apparently not used by our Founding Fathers, but I am sure recognizing the origin of all of these beliefs from the Bible, which is clearly Judeo-Christian, that Judeo-Christian might be a better way. But I am reading the actual words of our Founding Fathers. Please read Judeo-Christian when they say Christian.

''Why not use the Bible, especially the New Testament? It should be read and taught as the divine revelation in the schools.''

This was the comment of the Supreme Court relative to a case relative to a case, Veta v. Gerrand, where a woman teacher, a lady teacher, was not using the Bible to teach morality. I have no idea how this got to be a court case and got to the Supreme Court. But this is what they said in 1845. ''Why not use the Bible, especially the New Testament. It should be read and taught as the divine revelation in our schools. Where can the purest principles of morality be learned so clearly and so perfectly as from the New Testament?''

Could this Supreme Court possibly have imagined that our court would be considering whether or not ''under God'' is appropriate in the Pledge of Allegiance to the flag?

In 1892, the Supreme Court said, and this was the Church of the Holy Spirit and they contended that Christianity was not the faith of the people. This is what the Supreme Court said. ''Our laws and our institutions must necessarily be based upon and embody the teachings of the Redeemer of Mankind. It is impossible that they should be otherwise, and in this sense and to this extent our civilization and institutions are emphatically Christian. No purpose of action against our religion can be imputed to any legislation, state or national, because this is a religious people. This is historically true. From the discovery of this continent to this present hour, there is a single voice making this affirmation.''

Then the justices went on to cite 87 different legal precedents to affirm that America was formed as a Christian nation by believing Christians.

Mr. Speaker, as I have already noted, the Supreme Court in 1947, packed by Franklin Delano Roosevelt from seven to nine, completely repudiated 160 years of precedents when they declared there was a wall of separation between church and state. Those words do not appear in our Constitution, do not appear in the Declaration of Independence, and what we are trying to do today, Mr. Speaker, is to determine what our Founding Fathers meant by that magnificent establishment clause in the First Amendment.

Let us move now to the Congress and see what the Congress of our forefathers might have advised us. March 27, 1854, the Senate Committee on the Judiciary issued a final report on a year study. Humanism and Darwinism was sweeping our country, and the Supreme Court commissioned a year study, and this is what was said in their final report.

''The First Amendment clause speaks against an establishment of religion. The Founding Fathers intended by this amendment to prohibit an establishment of religion such as the Church of England presented or anything like it, but they had no fear or jealousy of religion itself, nor did they wish to see us as an irreligious Nation.''

Then, I really love these words. Obviously they were not watching much television when they used this vocabulary. ''They did not intend to spread over all the public authorities and the whole public action of the Nation the dead and revolting spectacle of atheistic apathy. Had the people during the Revolution had a suspicion of any attempt to war against Christianity, that revolution would have been strangled in its cradle. At the time of the adoption of the Constitution and the Amendments, the universal sentiment was that Christianity should be encouraged, not just one sect. The object was not to substitute Judaism or Islam or infidelity, but to prevent rivalry among the Christian denominations to the exclusion of others. Christianity must be considered as the foundation on which the whole structure rests. Laws will not have permanence or power without the sanction of religious sentiment, without the firm belief that there is power above us that will reward our virtues and punish our vices.''

Would that Congress have indicated that the words ''under God'' are inappropriate?

''In this age, there can be no substitute of Christianity. By its great principles, the Christian faith is the great conserving element on which we must rely for the purity and permanence of our free institutions.''

This is, again, from the Congress.

''That was the religion of our Founding Fathers, of the Republic, and they expect it to remain the religion of their descendants.''

Let us look now at what was taught in our schools. By the way, before we leave the Congress, in 1854 there was a resolution, we pass many resolutions in our Congress, they passed a resolution. This is what it said. ''The Congress of the United States recommends and approves the Holy Bible for use in our schools.''

Would that Congress have indicated it is inappropriate to have ''under God'' in our Pledge of Allegiance to the flag?

Let us look at our schools, because that reflects the milieu in which our Declaration of Independence and our Constitution was written. For over 200 years, the New England Primer was used, and this is the way it taught the alphabet.

A, a wise son makes a glad father, but a foolish son is heaviness to his mother.

B, better is little with the fear of the Lord than abundance apart from him.

C, come unto Christ all you who are weary and heavily laden.

D, do not the abominable thing, which I hate, sayeth the Lord.

E, except a man be born again, he cannot see the Kingdom of God.

And so it went through all the 26 letters of the alphabet.

Do you think that the society at that time, with that kind of a primer in their schools, would have imagined that we could be debating today whether it was okay to say ''under God'' in our Pledge of Allegiance to the flag?

The McGuffey Reader, used for over 100 years, it was so successful in getting children to read that a few years ago it was brought back to some of our school districts where children were not learning to read with the hope that there was something magic about the McGuffey Reader.

''The Christian religion is the religion of our country. From it are derived our notions on the character of God, on the great moral governor of the universe. On its doctrines are founded the peculiarities of our free institutions. From no source,'' and this is all from the author of the McGuffey Reader, ''from no source has the author drawn more conspicuously than from the sacred scriptures. For all these extracts from the Bible, I make no apologies.''

Do you think that all of those thousands of school children and their families who used the McGuffey Reader could have imagined that we would be debating this subject today?

Of our first 108 schools in this country, 106 were distinctly religious. Harvard University, the first university, named after a beloved New England pastor, John Harvard, this is what they said. ''Let every student be plainly instructed and expressly and earnestly pressed to consider well the main end of his life and studies is to know God and Jesus Christ, which is eternal life. John 17:3, and, therefore, to lay Jesus Christ as the only foundation of all sound knowledge and learning.''

This was in the student handbook for Harvard University. For over 100 years, more than 50 percent of all Harvard's graduates were pastors.

What have we reaped in our Nation in our departure from recognizing that God is a part of our heritage and it is perfectly appropriate to say ''under God'' in our Pledge of Allegiance to the flag?

America 100 years ago had the highest literacy rate of any nation on Earth. Today we spend more on education than any nation in the world, and yet since 1987 we have graduated more than 1 million high school students who could not even read their diploma.

We spend more money than any nation in the industrialized world to educate our children, and yet SAT scores fell for 24 straight years before finally leveling off at the bottom in the nineties, and they are not yet coming back up.

In a 1960 survey, 53 percent of America's teenagers had never kissed, and 57 percent said they never necked, that is, to hug and kiss. Ninety-two percent of teenagers in America said they were virgins in 1960. Just 30 years later, 75 percent of American high school students are sexually active by age 18.

In the next 5 years, we spent $4 billion to educate them on how to be immoral through trumpeting the solution of safe sex, and it worked. One in five teenagers in America today lose their virginity before their 13th birthday, and 19 percent of America's teenagers say they have had more than four sexual partners before graduation.

The result, every day, 2,700 students get pregnant, 1,100 get abortions, 1,200 give birth. Every day another 900 contract a sexually-transmitted disease, many incurable. AIDS infection among high school students climbed 700 percent between 1990 and 1995. We have 3.3 million problem drinkers on our high school campuses, over half a million alcoholics, and on any given weekend in America, 30 percent of the school population spends some time under the influence of alcohol.

Do we really want to take ''under God'' out of our Pledge of Allegiance to the flag? Should we not be doing something, Mr. Speaker, to reverse these trends in our country, rather to encourage them?

I would like to read now a prayer that was written by an Oklahoma high school student, a little poem written about prayer. ''Our New School Prayer.''

''Now I sit me down in school
Where praying is against the rule.
For this great Nation under God,
Finds mention of him very odd.

If scripture now the class recites
It violates the Bill of Rights.
And any time my head I bow
Becomes a Federal matter now.

Our hair can be purple, orange, or green,
That's no offense; it's a freedom scene.
The law is specific, the law is precise,
Only prayers spoken out loud are a serious vice.

For praying in a public hall
May offend someone with no faith at all.
In silence alone we must meditate,
God's name is prohibited by the state.

We are allowed to cuss and dress like freaks,
And pierce our noses, tongues and cheeks.
They have outlawed guns, but FIRST the Bible,
To quote the Good Book makes me liable.

We can elect a pregnant Senior Queen,
And the unwed daddy our Senior king.
It is inappropriate to teach right from wrong,
We are taught that such ''judgments'' do not belong.

We can get our condoms and birth controls,
Study witchcraft, vampires and totem poles.
But the Ten Commandments are not allowed,
No word of God must reach this crowd.

It is scary here I must confess,
When chaos reigns the school's a mess.
So Lord, this silent plea I make,
Should I be shot, my soul please take.''

Our Nation, which used to lead the world in every arena, now leads the world in these areas. We are number one in violent crime, we are number one in divorce, we are number one in teenage pregnancies, we are number one in volunteer abortions, we are number one in illegal drug abuse, and we are number one in the industrialized world for illiteracy.

Do you think, Mr. Speaker, that taking the phrase ''under God'' out of the Pledge of Allegiance to the flag is going to lead us in the right direction, or the wrong direction?

Alexis de Tocqueville, and this is really a significant observation, traveled this country, a young Frenchman, for 5 years, and he wrote, ''I sought for the key to the greatness and genius of America in her great harbors, her fertile fields and boundless forests, in her rich mines and vast world commerce, in the universal public school system and institutions of learning. I sought for it in her democratic Congress and in her matchless Constitution.''

Mr. Speaker, had he visited us today when we represent only one person in 22 in the world, and yet we represent 25 percent of all of the goods and services in the world, one person in 22, somehow we have 25 percent of all the good things in the world, might he have wondered further about how we got there and what was significant?

''But not until I went into the churches of America,'' he said, ''and heard her pulpits flame with righteousness, did I understand the secret of her genius and power.'' Alexis de Tocqueville, after watching us for 5 years, concluded that the secret of our greatness and power did not lie in any of these great harbors or grain fields or military, not in our matchless Constitution, our Declaration of Independence, but he said, ''but not until I went into the churches of America and heard her pulpits flame with righteousness did I understand the secret of her genius and power.''

□ 1345

America is great because America is good; and if America ever ceases to be good, America will cease to be great.

Do you think, Mr. Speaker, that taking the words ''under God'' out of our Pledge of Allegiance to the Flag will make us a better people?

I would like to quote Abraham Lincoln again: ''We have been the recipients of the choicest bounties of heaven. We have been preserved these many years in peace and prosperity. We have grown in numbers, wealth, and power as no other Nation has ever grown.''

Mr. Lincoln, after 227 years in this great, longest-enduring Republic in the history of the world, these words are even more significant, because relatively today we are a greater Nation among the nations of the world than we were at your time. Thank you, Mr. Lincoln, for your words.

''But we have forgotten God,'' he says. ''We have forgotten the gracious hand which preserved us in peace and multiplied and enriched us, and we have vainly imagined in the deceitfulness of our hearts that all of these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming of preserving grace, too proud to pray to the God that made us. It behooves us then to humble ourselves before the offended power to confess our national

sins and to pray for clemency and forgiveness.''

Do you think, Mr. Speaker, that Abraham Lincoln would understand why we are even debating in our Supreme Court the appropriateness of the words ''under God'' in our Pledge of Allegiance to the Flag?

I know that I quoted the words earlier, but I think that we need to hear them again. Abraham Lincoln said: ''It is rather for us to be here dedicated to the great task remaining before us than from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion, that we here, highly resolved that these dead shall not have died in vain; that this Nation, under God, shall have a new birth of freedom.''

Mr. Speaker, I think that we face this discussion today because we would have forgotten from whence we came. Indeed, Mr. Speaker, I do not think that the newest generation has forgotten; I do not think they ever knew, because our textbooks have been bled dry of all of the references to our Christian heritage.

Mr. Speaker, I firmly believe that if the decision of this Supreme Court is grounded in the milieu in which our Declaration of Independence was written and our Constitution was written, they can reach no other conclusion but that the words ''under God'' in our Pledge of Allegiance to the Flag are completely appropriate, were completely anticipated by those who framed our Constitution, by the Roman Catholic who could not vote in Old Virginia or could not vote in Maryland, Charles Carroll, for whom Carroll County in Maryland is named and Carroll Creek that runs through Frederick City, Charles Keller a major architect of that establishment clause.

They did not mean, Mr. Speaker, that religion was unimportant in our country. What they wanted to accomplish is very clear in the words that they stated: ''Make no law concerning the establishment of religion.'' They did not want the Congress to empower one religion over another so that it could oppress the other religions. Because, Mr. Speaker, our Founding Fathers had come here from countries in the British Isles and in Europe, almost all of which were ruled by a king or an emperor who claimed, and was granted, divine rights. So they came here in our Declaration of Independence saying that all men are created equal.

We read those words, Mr. Speaker, but we do not realize how important they were in that day and time, that all men are created equal. ''No emperor or no king created above the others and endowed by their creator.'' And four times in the Declaration of Independence God is referred to, endowed by their creator with certain unalienable rights. Our Founding Fathers came here to escape two tyrannies, Mr. Speaker. One was the tyranny of the Church and the other was the tyranny of the Crown. On the continent, the Church was generally the Roman Church. In the British Isles, it was the Episcopal Church, and those countries empowered those Churches so they could if they wished oppress others, and they did.

When our Founding Fathers came here because of their resentment of that oppression in Old Virginia and in colonial Maryland, Roman Catholics could not vote. But when it came time to write the amendments to our Constitution, they recognized how important it was that we provide religious freedom to everybody, so they chose a Roman Catholic to be a major architect of that. It is no coincidence, I think, Mr. Speaker, that in the very first of these amendments, they addressed their concern that all people should be free to worship as they please, that they should empower no religion over another religion. They could not have imagined that we would interpret these words as requiring freedom from religion. They clearly meant them to assure freedom of religion.

I fervently hope, Mr. Speaker, that the Supreme Court reviews in their private meditations the origins of our country, the milieu in which the Declaration of Independence and the Constitution were written, so that they can reach what I think is the only acceptable conclusion, and that is that our Founding Fathers clearly anticipated that a phrase like this would be very appropriate to our heritage and would be very helpful to our people.

Mr. Speaker, it is my prayer that we will not need to come to this Chamber again to talk about this kind of a subject, that the Supreme Court will make a decision that will set to rest the concern about the role of God in our country. No one religion should be empowered so it can oppress the others. But beyond that, all people are free to worship as they please, and religion is not an inappropriate subject in the public domain.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HINCHEY (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. HOOLEY of Oregon (at the request of Ms. PELOSI) for today after noon on account of personal reasons.

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for today on account of business in the district.

Mr. ORTIZ (at the request of Ms. PELOSI) for November 6 after 4:00 p.m. and today on account of official business.

Mr. WU (at the request of Ms. PELOSI) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, November 12.

Mr. PENCE, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. FOLEY, 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. 1066. An act to correct a technical error from Unit T–07 of the John H. Chafee Coastal Barrier Resources System; to the Committee on Resources.

S. 1643. An act to exempt certain coastal barrier property from financial assistance and flood insurance limitations under the Coastal Barriers Resources Act and the National Flood Insurance Act of 1968; to the Committee on Resources and in addition to the Committee on Financial Services for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1663. An act to replace certain Coastal Barrier Resources System maps; to the Committee on Resources.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 76. Joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until Monday, November 10, 2003, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

5167. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Hingham Fourth of July Fireworks — Hingham, Massachusetts [CGD1-03-014] (RIN: 1625-A A00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5168. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Lynn Fourth of July Fireworks — Lynn, Massachusetts. [CGD1-03-018] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5169. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Middletown July 4th Celebration Fireworks Display, Middletown, CT [CGD1-03-067] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5170. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Westport Police Athletics League Fireworks Display, Westport, CT [CGD1-03-072] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5171. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Norwalk Firework Display, Norwalk, CT [CGD1-03-073] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5172. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety/Security Zone; Georgetown Channel, Potomac River, Washington, D.C. [CGD-05-03-094] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5173. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Riverfest 2003, Hartford, CT [CGD1-03-074] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5174. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Hampton Roads, Craney Island Flats, Norfolk Harbor Reach, VA [CGD05-03-096] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5175. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Town of Stratford. Fireworks Display, Stratford, CT [CGD1-03-075] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5176. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Atlantic Ocean, Atlantic City, New Jersey [CGD05-03-097] (RIN: 1625-AA08) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5177. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hampton Roads, Elizabeth River, Chesapeake, Virginia Beach, Albemarle Chesapeake Canal, Intracoastal Waterway, Virginia [CGD05-03-100] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5178. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Town of Norwich Fireworks, Norwich, CT [CGD1-03-076] (RIN: 1625-AA00) received Novmeber 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5179. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Pamlico River, Washington, NC [CGD05-03-104] (RIN: 1625-AA08) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5180. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Coast Guard Activities New York [CGD1-03-078] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5181. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-03-106] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5182. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Sunset Lake, Wildwood Crest, NJ [CGD05-03-109] (RIN: 1625-AA08) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5183. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Town of Branford Annual Fireworks Display, Branford, CT [CGD1-03-079] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5184. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Atlantic Ocean, Isle of Wight Bay, Ocean City, Maryland [CGD05-03-114] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5185. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Chesapeake Bay, Hampton, Virginia [CGD05-03-115] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5186. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Old Black Point Beach Fireworks, Niantic, CT [CGD1-03-084] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5187. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hampton Roads, Elizabeth River, Chesapeake, Virginia Beach, Albemarle Chesapeake Canal, Intracoastal Waterway, Virginia [CGD05-03-120] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5188. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Weekly Dockside Restaurant Fireworks Display, Port Jefferson, NY [CGD1-03-085] (RIN: 1625-AA11) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5189. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety/Security zone; Cruise Ship GALAXY, Patapsco River and tributaries, Maryland [CGD05-03-123] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5190. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-03-127] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5191. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Martins Creek, Tullytown, PA [CGD05-03-128] (RIN: 1625-AA08) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5192. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Chesapeake Bay, Hampton, Virginia [CGD05-03-134] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5193. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Salem Heritage Days fireworks, Salem, Massachusetts [CGD1-03-089] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5194. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-03-135] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5195. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zones; First Circuit Court Judicial Conference, World Trade Center and Moakley

Federal Courthouse, South Boston, MA [CGD01-03-090] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5196. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-03-136] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5197. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-03-137] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5198. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; North East RIver, North East, Maryland [CGD105-03-076] (RIN: 0625-AA08) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5199. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-03-138] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5200. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Atlantic Ocean, Assawoman Bay, Ocean City, MD [CGD05-03-077] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5201. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-03-139] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5202. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-03-140] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5203. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Ocean, Ocean City, Maryland [CGD05-03-079] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5204. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-03-141] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5205. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; All the waters within the Captain of the Port Wilmington zone as defined by 33 CFR 3.25-20 [CGD05-03-142] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5206. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port of Hampton Roads [CGD05-03-143] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5207. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chesapeake Bay and its tributaries [CGD05-03-144] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5208. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Delaware River and Bay, Schuylkill River, C&D Canal to the Maryland and Delaware border, coastal waters of Delaware, and coastal waters of New Jersey from Cape May to Long Branch [CGD05-03-145] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5209. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Atlantic Ocean, Isle of Wight Bay, Ocean City, Maryland [CGD05-03-080] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5210. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Chesapeake Bay, James River, Newport News, Virginia [CGD05-03-081] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5211. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Paxtuxent River, Solomans, Maryland [CGD05-03-082] (RIN: 1625-AA08) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5212. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Middle River, Baltimore County, Maryland [CGD05-03-083] (RIN: 1625-AA08) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5213. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Atlantic Ocean, Chesapeake & Delaware Canal, Delaware Bay, Delaware River and its tributaries [CGD05-03-085] (RIN; 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5214. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Atlantic Ocean, Chesapeake Bay, Linkhorn Bay, Virginia Beach, Virginia [CGD05-03-086] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5215. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Atlantic Ocean, Chesapeake Bay, Piankatank River, Virginia [CGD05-03-088] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5216. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Atlantic Ocean, Chesapeake Bay, York River, Virginia [CGD05-03-089] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5217. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homelnad Security, transmitting the Department's final rule — Safety Zone: Atlantic Ocean, Chesapeake Bay, Chickahominy River, Virginia [CGD05-03-087] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. POMBO: Committee on Resources. H.R. 3209. A bill to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project (Rept. 108–356). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOBSON: Committee of Conference. Conference report on H.R. 2754. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–357). Ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

H.R. 1856. A bill to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes, with an amendment; referred to the Committee on Transportation and Infrastructure for a period ending not later than November 21, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(q), rule X.

TIME LIMITATION OF REFERRED BILL

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

H.R. 180. Referral to the Committee on Rules extended for a period ending not later than November 21, 2003.

H.R. 1081. Referral to the Committees on Transportation and Infrastructure, Resources, and House Administration for a period ending not later than November 21, 2003.

H.R. 1856. Referral to the Committee on Resources extended for a period ending not later than November 21, 2003.

H.R. 2120. Referral to the Committee on the Judiciary extended for a period ending not later than November 21, 2003.

H.R. 2802. Referral to the Committee on Government Reform extended for a period ending not later than November 21, 2003.

H.R. 3358. Referral to the Committee on the Budget extended for a period ending not later than November 21, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SCHROCK (for himself, Mr. EVANS, Mr. FROST, Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. BISHOP of Georgia, Mr. GILLMOR, Mr. ENGLISH, and Mr. KILDEE):

H.R. 3476. A bill to require the Secretary of Defense to develop and implement a plan to provide chiropractic health care services and benefits as part of the TRICARE program; to the Committee on Armed Services.

By Mr. CALVERT:

H.R. 3477. A bill to require the Secretary of the Treasury to mint coins in commemoration of the recipients of the Congressional Medal of Honor; to the Committee on Financial Services.

By Mr. PUTNAM (for himself and Mr. CLAY):

H.R. 3478. A bill to amend title 44, United States Code, to improve the efficiency of operations by the National Archives and Records Administration; to the Committee on Government Reform.

By Ms. BORDALLO (for herself, Mr. ABERCROMBIE, and Mr. CASE):

H.R. 3479. A bill to provide for the control and eradication of the brown tree snake on the island of Guam and the prevention of the introduction of the brown tree snake to other areas of the United States, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUNNINGHAM (for himself and Ms. HARMAN):

H.R. 3480. A bill to require the construction at Arlington National Cemetery of a memorial to noncitizens killed in the line of duty while serving in the Armed Forces of the United States of America; to the Committee on Veterans' Affairs.

By Mr. LEWIS of Georgia:

H.R. 3481. A bill to amend title XVIII of the Social Security Act to eliminate cost-sharing under the Medicare Program for bone mass measurements; 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. POMEROY (for himself and Mr. OSBORNE):

H.R. 3482. A bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm and ranch land to voluntarily make their land available for access by the public under programs administered by States; to the Committee on Agriculture.

By Mr. UDALL of New Mexico (for himself and Mrs. KELLY):

H.R. 3483. A bill to amend the Small Business Act to establish a temporary loan program and a temporary vocational development program for small business concerns owned and controlled by veterans; to the Committee on Small Business.

By Mr. WHITFIELD (for himself, Mr. DREIER, Mrs. JOHNSON of Connecticut, Mr. CASTLE, Mr. STEARNS, Mr. CRENSHAW, Mr. HYDE, Mr. WELLER, Mr. HOSTETTLER, Mr. LEWIS of Kentucky, Mr. BASS, Mr. SMITH of New Jersey, Mrs. MYRICK, Mr. PORTMAN, Ms. PRYCE of Ohio, Ms. HART, Mrs. NORTHUP, Mr. GILCHREST, Mr. UPTON, Mrs. MILLER of Michigan, Mr. PICKERING, Ms. MCCARTHY of Missouri, Mr. LOBIONDO, Mr. EHLERS, Mr. RADANOVICH, Mr. FRELINGHUYSEN, Mr. PETRI, Mrs. BONO, Mr. WALDEN of Oregon, and Mr. WOLF):

H.R. 3484. A bill to amend the Animal Welfare Act to improve the standards for the care and treatment of certain animals, and for other purposes; to the Committee on Agriculture.

By Mr. RANGEL (for himself, Ms. SCHAKOWSKY, Ms. LEE, Ms. WOOLSEY, Mr. OWENS, Ms. CARSON of Indiana, Mr. CLAY, Mr. GRIJALVA, Mr. STARK, Mr. PALLONE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, Mr. GEORGE MILLER of California, Mr. DAVIS of Illinois, Ms. SOLIS, Mr. DOGGETT, Mr. BROWN of Ohio, Mr. NADLER, Ms. WATERS, Mr. MEEKS of New York, Mr. MCDERMOTT, Ms. WATSON, Mr. FRANK of Massachusetts, Mr. KUCINICH, Mr. GUTIERREZ, and Ms. KAPTUR):

H. Con. Res. 323. Concurrent resolution urging the President to immediately request the resignation of Secretary of Defense Donald Rumsfeld; to the Committee on Armed Services.

ADDITIONAL SPONSORS

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

H.R. 58: Mrs. CAPPS.

H.R. 195: Mr. EHLERS.

H.R. 198: Mr. HEFLEY.

H.R. 235: Mr. WAMP.

H.R. 303: Mr. CRANE.

H.R. 371: Mr. BERRY, Mr. NADLER, and Mr. TOWNS.

H.R. 426: Mr. HEFLEY.

H.R. 523: Mr. NEUGEBAUER.

H.R. 525: Mr. BARTLETT of Maryland, Ms. MCCOLLUM, Ms. WATERS, Ms. SLAUGHTER, Mrs. BIGGERT, Mr. OSE, Mr. TIAHRT, Mr. SMITH of Washington, Mr. GREEN of Wisconsin, Mr. HYDE, Mr. WICKER, Mr. WOLF, Mr. KINGSTON, Mr. HAYWORTH, Mr. HOBSON, Ms. HARMAN, Mr. LEWIS of California, Mr. SHAYS, Mr. COBLE, Mr. GOODLATTE, Mr. WAMP, Ms. GINNY BROWN-WAITE of Florida, Mr. TAUZIN, and Mr. BLUMENAUER.

H.R. 548: Mr. LEWIS of Oregon.

H.R. 645: Mrs. DAVIS of California, Mr. MARSHALL, Mr. PRICE of North Carolina, and Mr. MOORE.

H.R. 713: Mr. HALL, Mr. JANKLOW, and Mrs. JONES of Ohio.

H.R. 727: Mrs. CAPPS.

H.R. 791: Mr. CRANE.

H.R. 834: Mr. INSLEE.

H.R. 857: Ms. BERKLEY.

H.R. 956: Mr. MORAN of Virginia.

H.R. 962: Mr. SERRANO.

H.R. 996: Mr. ORTIZ.

H.R. 1068: Mr. MICHAUD.

H.R. 1206: Mr. FRANKS of Arizona.

H.R. 1229: Mr. CANTOR.

H.R. 1258: Mr. FARR.

H.R. 1279: Mr. MILLER of North Carolina.

H.R. 1372: Mr. COLE and Mr. CAPUANO.

H.R. 1448: Ms. LEE.

H.R. 1469: Mr. GRIJALVA.

H.R. 1600: Mr. CUMMINGS and Mr. GRIJALVA.

H.R. 1684: Ms. HARMAN and Mr. EMANUEL.

H.R. 1708: Mr. HILL.

H.R. 1895: Mr. EMANUEL, Mr. FROST, Mr. GONZALEZ, Mr. GRIJALVA, and Ms. JACKSON-LEE of Texas.

H.R. 1910: Mr. ORTIZ and Mr. GIBBONS.

H.R. 2045: Mr. CAMP.

H.R. 2127: Ms. BORDALLO.

H.R. 2193: Ms. MILLENDER-MCDONALD.

H.R. 2217: Mr. FILNER, Mr. GUTIERREZ, Ms. LEE, Mr. COSTELLO, Mr. GREEN of Wisconsin, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. CROWLEY, Ms. LOFGREN, Mr. MARKEY, Mr. ROTHMAN, Mr. HINOJOSA, Mr. SANDERS, Ms. CARSON of Indiana, and Mr. THOMPSON of Mississippi.

H.R. 2246: Mr. ACKERMAN, Mr. STENHOLM, Mrs. MALONEY, Mr. SCOTT of Georgia, Mr. PRICE of North Carolina, Ms. SLAUGHTER, Mr. WEINER, Mr. MEEKS of New York, Mr. WALSH, Mr. NADLER, Mr. MILLER of North Carolina, Ms. CARSON of Indiana, Mr. NORWOOD, Mr. VISCLOSKY, and Mr. SANDLIN.

H.R. 2256: Ms. NORTON and Mr. OLVER.

H.R. 2490: Mr. VAN HOLLEN.

H.R. 2511: Mr. SANDERS.

H.R. 2569: Mr. LEWIS of Georgia and Mr. OBERSTAR.

H.R. 2662: Mr. SIMMONS.

H.R. 2719: Mr. BILIRAKIS.

H.R. 2720: Mr. RAMSTAD, Mr. SABO, and Mr. WELDON of Pennsylvania.

H.R. 2823: Mr. GREEN of Wisconsin, Mr. WHITFIELD, and Mr. SNYDER.

H.R. 2829: Ms. CARSON of Indiana.

H.R. 2900: Mr. BURGESS.

H.R. 2944: Mr. SCHROCK and Mr. HEFLEY.

H.R. 2946: Mr. FERGUSON.

H.R. 2959: Mr. ABERCROMBIE, Ms. MILLENDER-MCDONALD, and Mr. MICHAUD.

H.R. 3015: Mr. EVANS.

H.R. 3035: Mr. GRIJALVA

H.R. 3109: Mr. BASS, Mr. BEAUPREZ, Mrs. BLACKBURN, Mr. BOEHNER, Mr. BRADY of Texas, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. CARTER, Mr. CHOCOLA, Mr. CRANE, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DEMINT, Mr. DOOLITTLE, Mr. ENGLISH, Mr. FEENEY, Mr. FERGUSON, Mr. FOLEY, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GERLACH, Mr. GILCHREST, Mr. GREENWOOD, Mr. HAYWORTH, Mr. HERGER, Mr. ISAKSON, Mr. ISSA, Mr. JOHNSON of Illinois, Mr. KELLER, Mrs. KELLY, Mr. LATHAM, Mr. MCKEON, Mr. MANZULLO, Mr. MICA, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mr. NETHERCUTT, Mr. OSBORNE, Mr. PEARCE, Mr. PENCE, Mr. PORTER, Mr. REHBERG, Mr. RENZI, Mr. ROGERS of Michigan, Mr. ROGERS of Alabama, Mr. SESSIONS, Mr. SHAYS, Mr. SHERWOOD, Mr. TANCREDO, Mr. TIAHRT, Mr. TURNER of Ohio, Mr. UPTON, Mr. WALSH, Mr. WELDON of Florida, Mr. WHITFIELD, and Mr. YOUNG of Alaska.

H.R. 3119: Mr. MOORE, Mr. MORAN of Kansas, Mr. BURTON of Indiana, and Mr. PENCE.

H.R. 3125: Mr. SOUDER.

H.R. 3130: Mr. ISTOOK.

H.R. 3142: Mrs. KELLY, Mr. NUSSLE, Mr. SERRANO, Ms. MCCOLLUM, Mr. SHERWOOD, Ms. LORETTA SANCHEZ of California, Mr. BOYD, and Mr. LEACH.

H.R. 3165: Mr. OWENS and Mr. BURNS.

H.R. 3178: Mr. SANDLIN, Ms. KILPATRICK, Mr. DEFAZIO, Mrs. KELLY, Mr. ENGLISH, Mr. WAXMAN, Mr. MICHAUD, Mrs. JO ANN DAVIS of Virginia, and Mr. PEARCE.

H.R. 3180: Mr. COSTELLO.

H.R. 3184: Mr. FOLEY.

H.R. 3193: Mr. CHABOT, Mr. STEARNS, Mr. THORNBERRY, and Mr. GARRETT of New Jersey.

H.R. 3215: Mr. CALVERT, Mr. DUNCAN, Mr. TAYLOR of North Carolina, and Mr. VITTER.

H.R. 3227: Mrs. TAUSCHER and Mr. SERRANO.
H.R. 3228: Mr. WILSON of South Carolina.
H.R. 3242: Mr. WILSON of South Carolina and Mr. KILDEE.
H.R. 3243: Mr. HOUGHTON.
H.R. 3251: Mrs. JONES of Ohio.
H.R. 3275: Ms. NORTON, Ms. MCCOLLUM, and Ms. WOOLSEY.
H.R. 3292: Ms. LEE, Mr. UDALL of New Mexico, and Mr. GREEN of Texas.
H.R. 3344: Mr. GOODE, Mr. JACKSON of Illinois, and Mr. DOGGETT.
H.R. 3350: Mr. CASTLE.
H.R. 3370: Mr. KILDEE, Mr. MCNULTY, and Ms. BERKLEY.
H.R. 3380: Mr. BURR, Mr. MCINTYRE, Mr. PRICE of North Carolina, and Mr. MILLER of North Carolina.
H.R. 3385: Mr. BARRETT of South Carolina.
H.R. 3416: Ms. MILLENDER-MCDONALD, Mr. FARR, Mr. MENENDEZ, Ms. SOLIS, Mr. MCDERMOTT, Ms. LEE, Mr. GREEN of Texas, Mr. CONYERS, and Mr. CROWLEY.
H.R. 3424: Mr. GRIJALVA and Mr. HINCHEY.
H.R. 3425: Mr. GONZALEZ, Mrs. MALONEY, Mr. GUTIERREZ, Ms. MILLENDER-MCDONALD, Mr. KILDEE, and Mr. GRIJALVA.
H.R. 3438: Ms. KILPATRICK, Mr. GRIJALVA, Mr. SHAW, and Mr. ACKERMAN.
H.R. 3440: Mr. MCGOVERN, Mr. EDWARDS, Mr. CARDOZA, Mr. RAHALL, Mrs. MALONEY, and Mrs. TAUSCHER.
H.J. Res. 37: Mr. KIRK.
H. Con. Res. 60: Mr. VITTER.
H. Con. Res. 98: Mr. MICA.
H. Con. Res. 196: Mr. MICHAUD.
H. Con. Res. 247: Mr. FLETCHER.
H. Con. Res. 254: Mr. KUCINICH.
H. Con. Res. 285: Mr. MICHAUD.
H. Con. Res. 298: Mr. WAMP, Mr. MATHESON, and Mr. FOLEY.
H. Res. 157: Mr. SHAYS and Mr. EHLERS.
H. Res. 354: Mr. GRIJALVA.
H. Res. 382: Mr. BLUMENAUER.
H. Res. 393: Mrs. LOWEY and Mr. EHLERS.
H. Res. 408: Mr. KINGSTON.
H. Res. 412: Mr. CALVERT.
H. Res. 427: Mr. HYDE, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. ROHRABACHER, Mr. GREEN of Texas, Mr. WEXLER, Mr. DELAHUNT, Mrs. JO ANN DAVIS of Virginia, Ms. WATSON, Mr. MCNULTY, Mr. BERMAN, Mr. CROWLEY, Mrs. NAPOLITANO, Mr. SCHIFF, and Mr. HOEFFEL.
H. Res. 431: Mr. GIBBONS.
H. Res. 432: Mrs. MALONEY, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. SERRANO, Mr. FARR, Ms. BERKLEY, Ms. WATSON, and Ms. LEE.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

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

Petition 4, by Ms. DARLENE HOOLEY on House Resolution 398: Harold E. Ford, Jr., Luis V. Gutierrez, Brad Miller, Bart Stupak, Collin C. Peterson, Richard E. Neal, Ralph M. Hall, and Charles W. Stenholm.

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PROCEEDINGS AND DEBATES OF THE *108th* CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, FRIDAY, NOVEMBER 7, 2003 *No. 161*

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

God of might and miracles, You are our protection and defense. You are our shelter and savior. You give daily victories to those who trust You. Because of You, our Nation continues to be blessed, for Your greatness is beyond understanding.

Thank You for Your kindness, for being slow to anger and full of constant love. Meet the needs of our Senators as they seek to serve humanity. Be near to them as they weigh important evidence and guide their thoughts.

Show us Your compassion and hear our prayers. Protect all who love Your name and fill us with Your joy. We pray this in Your merciful name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will immediately resume consideration of the Internet tax moratorium bill. Last night, many colleagues remained in the Chamber to debate the underlying legislation and an amendment that we hope will be offered shortly—as a matter of fact, most of the same Senators are already here this morning and are prepared to resume this important debate. We will proceed with that shortly.

We do want to take a moment to comment on the schedule. Today, it is my expectation to have votes on the Internet tax moratorium and to finish that bill. The tax moratorium expired last week, and I believe it is important for us to work through any amendments and vote on passage of that bill today. With the cooperation of all Senators, we will be able to complete our work on this bill at an early hour this afternoon.

It would also be my intent to begin consideration of the Commerce-Justice-State appropriations bill as soon as possible. We must continue to make steady progress on these appropriation bills in order to complete our work by November 21. Senators can expect votes throughout the morning and afternoon as we work through the end of the Internet tax bill.

UNANIMOUS CONSENT REQUEST—H.R. 2799

Mr. FRIST. Mr. President, I ask unanimous consent that at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of H.R. 2799, the Commerce-Justice-State appropriations bill.

The PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I ask the majority leader—we have, of course, Senator HOLLINGS, the ranking member of the subcommittee, who has asked, at what time do you propose going to that, today or at some other time?

Mr. FRIST. The plan would be to go to it after we finish the Internet tax bill. So we would like to go to that bill today. If it is very late, of course, we will start early Monday morning.

Mr. REID. I respectfully say to my distinguished friend that we are not going to finish the Internet tax bill today. I guess we can finish it by taking it off the floor. On our side there are a significant number of amendments, and we know there are some on your side. Simply, I ask the leader what time does he propose, in effect, that we have had enough talk on the Internet tax bill, because it is not going to be completed today.

NOTICE

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

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Mr. FRIST. Again, people were here very late last night. I encourage the managers to do everything humanly possible to finish the Internet tax bill. If, after aggressive work, we cannot do that, then we can make a decision. By the end of today, I would like to lay down the Commerce-Justice-State appropriations bill. If that is the case, I would plan on going to that on Monday. We can talk about the appropriate time. For us to finish our work, we have to keep moving, and it is important to lay down that bill today.

Mr. REID. Mr. President, I say to the majority leader we want to cooperate. We have tried to do that on these appropriations bills, and we will cooperate on Commerce-State-Justice. But until there is some determination made when we are going to go off the Internet tax, I am going to object.

The PRESIDENT pro tempore. Objection is heard.

Mr. MCCAIN. Will the majority leader yield?

Mr. FRIST. I am happy to yield.

Mr. MCCAIN. Mr. President, I point out that we went on to the Internet tax moratorium bill last night with the anticipation of amendments being proposed and votes starting this morning—stacked votes. That is what we usually do on a Thursday evening. Whether that is a good idea or a bad one, it is a very common practice. We had anticipated at least three amendments and then stacked votes this morning and moving forward with the bill.

Then, I was told later in the evening there would be one amendment that would be proposed and we would stack it for this morning; and not too late last night, the sponsors of the amendment said they were going to file the amendment and debate it this morning.

With all due respect, that is not the way we usually do business here. We tell people what we are going to do and go with their word and move forward. I think we need to get this done because the Internet tax moratorium has expired. If we don't want the Internet tax moratorium to prevail, that is a decision to be made by the body. We should make the decision. I hope the majority leader will stick with his comments. There are not that many items of dispute on the Internet tax moratorium. It has been debated on several occasions in past years. So I hope relevant amendments—and I don't think there are more than two or three, to be honest—are offered and we can move forward with those with a reasonable debate time and dispose of this today, understanding that all Members have the problem of scheduling and want to leave.

So I urge the cooperation of all Members so we can dispose of important amendments and move forward. I see my colleague from North Dakota who is ready to speak. I wish he had been here last night to speak. We could have done an amendment and debated it. Instead, we put it off for this morning, which I hope will make comments more abbreviated so we can move to the substance of the amendment and passage of the bill.

I thank the leader and I appreciate his commitment to try to get this done today.

Mr. FRIST. Mr. President, let me close this out and then we can turn to the bill. I ask all of our colleagues to spend the appropriate time and do our best to cooperate to finish this important bill, which I tried very hard to finish last week with the understanding that we would bring it up this week and we would finish it this week. We cannot point fingers on either side of the aisle because there are challenges on both sides of the aisle. I ask this in order for us to finish the Nation's business.

Last night on the floor—I know we have the Syria accountability bill and Military Construction, which we are going to get. The problem is that we have to finish the business we have on the floor. We have to continue the appropriations process as we go forward, and we cannot do it unless people come together and understand there is an urgency that requires cooperation.

I go back to my original comments. I understand there is objection to going to Commerce-Justice-State. I will continue to discuss that as the day goes forward. I would like to lay that down today at some point.

UNANIMOUS CONSENT REQUEST—H.J. RES. 76

Mr. FRIST. Mr. President, I ask unanimous consent that H.J. Res. 76, which is at the desk, be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, in response to the distinguished chairman of the Commerce Committee, people worked here late last night. No one should criticize anyone for not being here later. I left around 10 o'clock. There may have been a quorum call, but very few. There were good, strong, substantive speeches given on this issue. No one can be criticized, especially my friend from North Dakota, for not being here last night. He was here all during the day yesterday and offered a number of amendments to the Agriculture appropriations bill. My friend from North Dakota might be criticized for some things, but one of them is certainly not that he doesn't work hard. He works as hard as anyone in the Senate.

I also say to the distinguished majority leader, I did last night spend a few minutes indicating and asking why we are not doing the Syria accountability bill and Military Construction. It is obvious—and we should stop feigning—we have a problem here. The problem is there has been a decision made to spend 30 hours next week on a circus talking about judges—168 to 4.

I am not going to object to this, other than to say let's be realistic here. There are games being played, and we don't want to be part of those games. We want to cooperate. Military Construction should pass now, rather than getting into next week when there is some effort to stop it. That can be passed by a unanimous consent agreement right now.

The PRESIDENT pro tempore. Is there objection?

Mr. DORGAN. Will the Senator from Nevada yield?

Mr. REID. I don't have the floor.

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

Mr. DORGAN. Reserving the right to object.

The PRESIDENT pro tempore. The Senator from North Dakota reserves the right to object.

Mr. DORGAN. I object.

The PRESIDENT pro tempore. Objection is heard.

RESERVATION OF LEADER TIME

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

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2004

Mr. REID. Mr. President, I ask unanimous consent that H.J. Res. 76, which is at the desk, be read a third time and passed and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The joint resolution (H.J. Res. 76) was read the third time and passed.

INTERNET TAX NONDISCRIMINATION ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 150, which the clerk will report.

The legislative clerk read as follows:

A 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.

Pending:

McCain Amendment No. 2136, in the nature of a substitute.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I hope we can get things done here. There is so much to be done. I said last night, and I spoke from the heart, people in Nevada at our military bases, Fallon and Ellis, need this Military Construction bill passed. I don't know why we are not going to do it today. If it is brought up next Monday or Tuesday,

nothing is going to happen on it, so let's get that done.

The Syria Accountability bill—I understand what is going on here. There is an effort made so there will be a vote Monday night on Syria Accountability because there is a time limit on it. If that is the case, fine. Remember, this is an important piece of legislation that requires our immediate attention. I don't think we should be doing things that take away for 1 minute our going into Syria's accountability, supporting the Hezbollah, and all the other activities they do that simply are not appropriate.

We are in a situation where we have bills that need to be passed and conference reports that need to be approved. It is not going to happen for reasons I don't understand.

Mr. DORGAN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield.

Mr. DORGAN. Mr. President, my colleague from Arizona, I know, did not intend to think that if I were here last night, I would have advanced the cause of his legislation. I have no amendment to offer to the legislation. I had an opportunity yesterday to speak on several amendments. I think he probably inartfully described his angst about last evening. I didn't cause this legislation to be delayed. I am sure he knows that.

Aside from that, I wonder if the Senator from Nevada will tell me about the urgency of legislation on the floor. The majority leader expresses an interest in moving this Senate along on legislation we need to get done. I am pretty unimpressed with the plea to do that when we understand that next week we are going to find nearly 2 days taken in a carnival situation with judgeships, when we have approved 98 percent of the judges who have been sent to us by the White House.

Now, in the middle of next week, as we try to finish this session, we are told we are going to have 30 hours, or take the better part of 2 days, to sit here around the clock to talk about the several judges we have not confirmed. I ask the Senator from Nevada if that seems to him like we have an urgent situation when somebody is going to take 30 hours out of the middle of next week and move off to have a 30-hour discussion on judgeships.

I am pretty unimpressed with the plea for cooperation and expedited procedures on these issues as long as somebody is going to take nearly 2 days out of the middle of next week to do something that has nothing to do with moving appropriations bills.

As I ask the question, I wish to make an additional comment. I am an appropriator as well. I am not very impressed with what has happened. We were supposed to have done the appropriations bills and finished by October 1. We have been off and on appropriations bills. Look, if this is a priority, let's get on appropriations bills and stay on appropriations bills. That is what we ought to do. Isn't that the case, I ask my friend from Nevada?

Mr. REID. I will be happy to respond to my friend's question. As I indicated earlier, to my knowledge, no one works harder in the Senate than the Senator from North Dakota. He is an appropriator and authorizer, understanding from his long years in Congress, both in the House and the Senate, that the last few weeks and days of a legislative session can become very intense. That is why I am at a total, absolute loss to understand how we could do this. We have been told; we heard it on the news—I went home last night and my wife said it was on the news at 6 o'clock Wednesday night until 12 o'clock Thursday night, we are going to be on the Senate floor listening to a discussion of what bad legislators we are because we haven't approved 100 percent of the judges the President has requested—168 to 4—and we have been told they are going to bring up another failed nominee, Priscilla Owen, next week.

I understand they are also going to bring up a woman by the name of Kuhl from California and a woman by the name of Brown from California. I don't know if this is an effort to try to somehow embarrass the two Democratic—

Mr. MCCAIN. Parliamentary inquiry, Mr. President.

Mr. REID.—Senators from California or what the reason might be.

The PRESIDENT pro tempore. Does the Senator yield for a parliamentary inquiry?

Mr. REID. For a parliamentary inquiry? I will be happy to do that, without losing my right to the floor. Yes.

The PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I have a parliamentary inquiry: Wouldn't rule XVIIII 1(b) begin to apply concerning proceedings while legislation is before the Senate?

The PRESIDENT pro tempore. That is correct. Under the procedures of the Senate, there would be a warning issued to Senators speaking on matters other than the business before the Senate in the first 3 hours.

Mr. REID. Mr. President, I appreciate that very much. I appreciate my friend from Arizona bringing that to my attention. What I am going to talk about for a while is the Internet tax problem. Internet tax is a difficult situation, of course. It is something with which we need to deal. We understand there is some confusion as to what we are really dealing with. Some believe it has something to do with sales tax. This legislation does not. It deals with access.

It is a very important issue, but it seems to me this matter could be resolved in a matter of minutes. I am told the Presiding Officer's amendment, in effect, would extend the present law for a couple years. It is my understanding the distinguished Senator from Alaska has suggested this be extended for 2 years and, if I am not mistaken, there are others who believe it should be extended for 2 years.

I believe that should happen. I hope we will extend this for a couple years and then during that period of time make a determination as to whether the legislation that is now before the Senate should be implemented. I understand that.

Also, one of the real problems we have is this schedule, which makes it very difficult to deal with this legislation. My friend from Arizona suggested we deal with relevant amendments. This is not going to happen in this present atmosphere. There will certainly be efforts made to offer not only relevant amendments, but, I would assume, maybe some nongermane amendments. I don't know that to be the case, but I assume so because we have so few opportunities to amend different pieces of legislation as they come through.

On appropriations bills, we have been cooperating the best we can. As I indicated last night, we have done everything we can to make sure we did not have amendments that were offered to appropriations bills that would slow down the process. We have worked very hard in doing that.

I am not going to talk for a long time this morning.

I have no intention of interfering this morning with people's schedules. I know there are a lot of schedules that we have to move along. I want to do that. People have airplane schedules to meet on Friday. We were told yesterday that there would not be anything after 12 today. At least people on our side made arrangements that that would, in fact, be the case. If there is some change, we need to know about that.

I am happy that we got the CR passed. I look forward at a later time today to cooperate and agree to bringing forth Commerce-State-Justice. We want to do that at the appropriate time. Until there is some decision made on how long we are going to be involved on the Internet tax situation, we are not going to be able to give that consent.

Finally, responding to my friend from North Dakota in a very brief way, what is taking place here is something that I have never seen in the many years—more than two decades—I have served in the Congress, that we would have in the late days of a legislative session this carnival, as the Senator from North Dakota referred to it—this circus, as I referred to it—and that is what the American people will think of it.

The PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I believe the Senators from Tennessee and Delaware have an amendment filed. We are ready to consider that amendment or other amendments, if Senators have amendments that they would bring them to the floor so we can move forward with legislation.

I mention to my friend from North Dakota, who is an articulate and passionate defender of his point of view on the Internet tax issue, the reason why I mentioned his absence last night was I meant he would have contributed a good deal to the debate and discussion given his many years of involvement in this issue, which I have always enjoyed, not only on that issue but on numerous others.

So I would ask if our colleagues would file their amendments, bring them forward, as well as amendments that may be applicable.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, let me weigh in here by acknowledging the mistake we made in the Commerce Committee. In light of that statement, let me first commend our colleague from Oregon, Senator WYDEN. His intent is good. We followed it. We supported it in the Commerce Committee. We made certain that the Internet was allowed to expand and progress without any tax burden. In that light, we passed the temporary moratorium. The intent of the Commerce Committee, when we reported this measure that is now before us, was to make permanent that moratorium with respect to individual taxes.

What occurred in reporting was that we realized there was a certain language difficulty there. The fact is that the CBO today cannot schedule or account for that language on the budgetary impact. We knew that shortly after the reporting. It was all reported out on a verbal vote. We said this is going to the Finance Committee. They have tax experts and they will clean up our act for us and get the intent of the full committee and the Congress to continue and make permanent this moratorium.

The fact is, under the present language, the moratorium extends not just to the individual consumer, but it goes the entire way down the pipeline as a tax exemption, thereby invading the power of the States to tax or not tax; thereby becoming, as the Senator from Tennessee, Mr. ALEXANDER, says, an unfunded mandate. So now we have before us not the intent of the Congress at all.

I recently was in China, and I can tell you we do not have to worry about trying to control the Internet. It is not with taxes that the Chinese are trying to control the Internet and its usage, expansion, and its progress. On the contrary, they are trying by law to control it, and they cannot. That cat is out of the bag and it is going to grow.

The fundamental problem is just what the Senator from Tennessee has spotted. We have now invaded States and the locals and their taxing power, and that is not right. Right is right and wrong is wrong, and we made a mistake. Over the horizon, some of these corporate America giants are piggybacked. They said, oh, now look at what we have. If we can get in on this kind of extension, we will do away with some $4 billion to $8 billion in taxes. Of course, they are not passing it on to the consumer. It has nothing whatsoever to do with the expansion or the progress and success of the Internet. That is what we have confronting us.

In that light, the Senator from Delaware, Mr. CARPER, and the Senator from Tennessee, Mr. ALEXANDER, have gotten together an amendment that the distinguished Chair has joined in, and this Senator from South Carolina has joined in, so that we can pass this bill and extend it. That is what we all want to do. We like the present law and that is what we in the Commerce Committee thought we were doing, we were protecting consumers by extending the present law to make it permanent. We could then send that over to the House side, and if we can send that to the House, we can dispose of this knotty problem and move on to more important legislation.

I thank the distinguished Senator from North Dakota for handling this bill. Once again, I wish to acknowledge the leadership of Senator WYDEN from Oregon. He has led us on this Internet effort for a long period of time. He has made absolutely certain that the Internet continues to progress and succeed. We cannot come in now and tell the States how to tax and what to tax and not to tax.

We are not trying to give a tax cut to corporate America. We want to make sure there is not a tax increase to consumers on the Internet. That is what the present law did until it expired a few days ago, and that is what ought to be extended and made permanent.

I thank the Senator from North Dakota for handling this measure and again commend my colleague on the committee, Senator WYDEN, for his leadership.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I am going to be brief. I have appreciated the distinguished Senator from South Carolina working with me on this over the years.

The distinguished Senator from South Carolina is absolutely right. The committee bill did the job right. The committee bill kept in place the technological neutrality that we have established over the years—the Senator from South Carolina, Senator STEVENS, who has now left the floor, Chairman MCCAIN, and others. The reason we did that years ago is that we did not have technological neutrality. The Internet was subject to taxes that were not subject to other areas, such as the snail mail delivery of papers.

What has happened, however, is under the substitute that is being offered by the distinguished Senator from Tennessee, Mr. ALEXANDER, we get away from the competitive neutrality that the distinguished Senator from South Carolina has been advocating.

I want to be very specific about how that is being done, because I think a lot of Members believe that if they vote for the proposal by the Senator from Tennessee that it is somehow a safe vote, that all they are doing is continuing the status quo and it is really kind of an innocuous approach. It is not a safe vote. It is a vote to increase taxes.

I want to be very specific in explaining how that is the case. What has happened as a result of changes in technology over the last few years is you now have, in a number of jurisdictions, DSL—Internet access through DSL being taxed but Internet access through cable modems not being taxed. That is what has happened as a result of the changes in technology and the various changes in government policy. So you already have been moving away from the competitive neutrality we have sought with respect to this issue.

Let me repeat that. Today, Internet access through DSL is being taxed in a number of jurisdictions and Internet access through cable modem can't be taxed anywhere.

Unfortunately, what would happen under the proposal of the Senator from Tennessee is that you would make it easier to continue that competitive disadvantage and, particularly under the proposal of the Senator from Tennessee, it would be easier to tax wireless Blackberry services.

I am of the view that with 391 separate taxes on telecommunications administered in 10,000 different jurisdictions, people across America who have these Blackberrys, which have wireless Internet access, would be subject to scores of new taxes.

So I say to colleagues who are looking at this issue and thinking that somehow the idea of a 2-year proposal is kind of an innocuous safe haven and really not a tax increase—I ask them to think about what it is going to mean for Blackberry users across the country.

These are wireless devices. In a number of jurisdictions where Internet access is obtained through DSL, those services are already being taxed. That would be expanded under the 2-year alternative.

What I would like us to do is what I believe we sought to do 5 years ago when Senator HOLLINGS, Senator MCCAIN, and others got together, and that is to ensure strict neutrality with respect to technology. The Internet wouldn't get a preference; the Internet wouldn't be hurt. The problem now that wireless users are facing with respect to DSL will be compounded if this 2-year alternative goes forward. I hope my colleagues will reject it for the reasons I outlined this morning.

The PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, shortly the sponsors will be proposing an

amendment. In the meantime, I ask to speak as in morning business for 4 minutes.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

(The remarks of Mr. MCCAIN are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator Nevada.

Mr. REID. Let me say about this bill, no matter the merit of it, I know people feel very strongly about it. The Senator from Tennessee, who was here in the Chamber a few minutes ago, the Senator from Ohio, Mr. VOINOVICH, the Senator from Virginia, Mr. ALLEN, the distinguished Senator from Oregon, Mr. WYDEN—they have strong feelings about this. Their views do not coincide. I know how strong their feelings are.

But this legislation, with all due respect to the distinguished chairman of the Commerce Committee, isn't going to go anywhere today or Monday or Tuesday. I think there should be some effort made to resolve the issue. I am a member of the Commerce Committee. I don't understand all the issues, but I understand the issues on this floor and nothing is going to happen.

I would say to the majority that if they are looking for votes today, they would be better off looking for votes to pass the most important piece of legislation that I see that we could vote on quickly, and that would be the vote on the conference report dealing with Military Construction. We could vote on that. We could have a vote with debate equally divided with 5 minutes each. We could pass it. We could go to the Syria Accountability Act. We agreed last night to reduce our time. There are 90 minutes. We have agreed to take one hour half each and divide it up, as we indicated last night, several different ways. It seems to me we could do that, and we could be out of here by 12 o'clock after 2 very important votes.

Let me tell you what the problem is. There is an effort made so we have something to do on Monday and Tuesday. I say to everyone that as a result of the carnival which is going to be started at 6 o'clock on Wednesday, nothing is going to happen Monday and Tuesday of any significance. There may be a vote on the Syria Accountability Act because it would be an easy vote to get up. They may bring up Military Construction, and they may say, Isn't it too bad that the minority, the Democrats, aren't allowing us to pass Military Construction. But remember: I have offered numerous times over several days to take this up by unanimous consent. So all the pleas of sorrow and concern next week about our not taking care of our military officers around the country certainly will speak volumes because it simply is without any foundation because we can do that right here.

We are on the Internet tax bill. One of the things we need to talk about on this Internet tax bill is the importance of judges. Judges enforce these laws. We have been involved in passing out of this Senate 168 judges. We have turned down four. If the Internet tax measure is worth talking about, why don't we just move a little bit to the 30 hours which is going to begin next Wednesday and start talking about judges today? That is fine. I don't see any reason why we should not do that.

We can talk about the record that was set and that we have the lowest vacancy rate in the judiciary in some 15 years. Is it necessary because we have the lowest rate in some 15 years to spend 30 hours—2 days of the Senate's time—talking about judges in the circus atmosphere that will be there? It is all planned. It is going to be quite a show. It has all been laid out in the press. They are going to have all 51 Republicans here, and that way it will be very easy to discern whether or not there is a quorum present.

I am gathering my thoughts.

We will have a lot of time to spend on Internet tax.

Mr. MCCAIN. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will come to order.

Mr. REID. Thank you very much. I appreciate very much bringing the Senate to order.

Mr. MCCAIN. I am sorry to say the Senate is still not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. REID. Mr. President, the point is if there needs to be a discussion on judges, we don't have to wait until Wednesday at 6 o'clock. We can start talking right now on this legislation because judges have to enforce the law. It is a law we are talking about. They have to do it on a trial level and they have to do it on an appellate level.

We have given this President 98 percent of the judges he wants—98 percent of the judges he wants. People talk about the Constitution. We can talk about the Constitution also. The majority makes these statements that a filibuster is a brand new thing; it has never happened with judges; isn't it a terrible thing this is happening in the Senate. Of course, it is without foundation. There is no truth to it. Filibusters have taken place on previous occasions, and it will take place again long after we are gone.

To think we have to wait until Wednesday to talk about judges—we don't have to wait until Wednesday. We can talk now. This is a complicated piece of legislation. Don't you think we are going to need judges to interpret the law? Of course we are. The record we have is pretty good. Do you think the advise-and-consent clause of the Constitution meant every judge the President suggested to us we just approve them? Would the President be happy if we had 100 percent of his judges? How about 99 percent or 99.5 percent? Ninety-eight percent isn't good enough. It is not good enough, so now we are going to spend 30 hours talking about why it shouldn't be 98 percent, it should be 100 percent. I don't know what the proper ratio is the President wants.

I am just giving everyone a little idea that we don't have to wait until Wednesday at 6 o'clock to talk about judges. We will talk about them now. I am proud of what we have done here in the Senate dealing with judges.

I am glad Miguel Estrada was not confirmed. He wouldn't answer the questions. He wouldn't allow us to look at his memoranda when he was at the Solicitor's Office.

I am glad we did not approve Priscilla Owen who the President's own attorney, Mr. Gonzales, said was not a good judge when he served with her in the Texas Supreme Court.

I am glad that twice we did not approve William Pryor from Alabama who is an embarrassment to the State of Nevada and this country and shouldn't be a judge.

We have approved 168 judges. That is how many we have approved.

Mr. DORGAN. Mr. President, will the Senator from Nevada yield for a question?

Mr. REID. I would be happy to yield for a question.

Mr. DORGAN. I wonder if perhaps next week when the other side wishes to take 30 hours in the middle of the week to talk about the handful of judges—I believe the four who have not been confirmed by the Senate—I wonder if perhaps we should not take the time next week to talk individually about the 168 we have confirmed. Perhaps we ought to go through each one and talk about all 168.

If time is not the issue—if the majority leader says time is urgent to talk about all of these other bills but in the middle of next week they will use 30 hours to come to the floor and talk about the 4 who have not been confirmed—perhaps we ought to take 60 hours to talk about the 168 we have confirmed.

Let us move on the things that matter now and scuttle the 30 hours next week and this 30-hour discussion of the handful of judges who have not been approved. That doesn't make any sense to me.

Mr. MCCAIN. Will my friend from Nevada yield for another parliamentary inquiry?

Mr. REID. In just a minute.

The Internet bill which we are talking about here on the Senate floor is an important piece of legislation. I was present last night and listened to the statements of the Senator from Oregon. The Senator from Oregon understands legislation. He understands the importance of this Internet tax bill. He understands the definition of access. He understands what unfunded mandates mean, which was talked about by the Senator from Tennessee at such great length. I think it is important we understand this Internet tax bill. It deals with some very important issues. It is a bill that seeks to protect the

Internet access from taxation. As the lines between the Internet and the media continue to blur, there is some concern the law could lead to States losing some of their existing tax base over time. For example, some long distance telephone traffic is now carried on the Internet. Movies, videos, and music programming can be downloaded onto the Internet as well as being viewed over cable and broadcast media.

I say to everyone within the sound of my voice someone needs to interpret this law. If we pass something here, we will need someone to interpret this law.

I know this is Friday morning and there is a lot to do. But I simply wanted everyone to know this sham, this scam, this circus, this carnival that is going to begin on Wednesday at 6 o'clock is just as I have described it. What we are going to do, as the Senator from North Dakota indicated, if you want to talk about 4 judges, or maybe add 2 more or 6, is we will talk about 168. We are happy to do that.

I know I could talk a lot longer. I understand the Pastore rule. I have a lot of stuff which I could talk about—the Internet tax, and weave in the judges, but as kind of a relief to everybody, I am going to sit down for the time being.

Mr. MCCAIN. Mr. President, I thank the Senator from Nevada, who understands parliamentary procedures as well as anyone.

There are some discussions going on about some agreement that might be reached on this issue with some of my colleagues. I hope we can make progress on that.

I yield the floor.

Mr. DORGAN. Mr. President, I have not spoken on this issue this morning. This is a very important issue. I have been a supporter of the moratorium. I have supported the initial moratorium and the extension of the moratorium and will support again a moratorium. As far as I am concerned, it could be permanent if the proposition is, let us not tax the connection to the Internet. That was the presumption from the start. Let us not retard the growth of this industry. Let us not allow States to create some special tax that could be discriminatory or punitive with respect to the Internet itself.

Having said that, it is very important we create a definition that is appropriate. We have a current law. That current law could just be extended. Some of my colleagues say, if you just extend that and do not do anything about the circumstance with DSL, then you have an unfairness. That is something I understand and I am certainly willing to deal with that. But if we do not deal with the issue of how you interpret or how you describe what it is you are exempting, you can have serious financial problems. We are talking about billions of dollars' worth of problems for State and local governments.

When we passed this moratorium out of the Commerce Committee, my colleague, Senator HOLLINGS, was absolutely correct. We passed it out, I believe, 31 to 0. But we did it by saying we understand the definition of what is going to be exempted is not yet right. There is great controversy about it. So we will move this bill to the Senate but will work on solving the problem of the definition and what it means and its consequences before we get to the Senate. We tried very hard to do that but regrettably that has not been done. I want people to understand the framework in which this comes to the floor. Yes, the Commerce Committee passed it 31 to 0, but with the caveat that the definition of what is exempt is not yet solved or at least not yet agreed. So between then and now we have tried hard to see if we could fix that. At this point, it is not yet fixed.

Mr. BURNS. If the Senator will yield on that point, 9 times out of 10, whenever we get in trouble in this body it is in dealing with definitions up front. That is our problem now.

I know they are trying to work out some way over there to define certain parts of this, but there has to be something between the amendment pending and where we want to go. We are all in agreement that in this industry, when the moratorium was first put on—to allow this industry, this industry that was a baby industry, to build out—what we did was right. The second time we extended it was the right thing to do. We have seen an explosion in an industry.

There are, however, some sections that are discriminatory. There were some loopholes found by the States. So we have an inequitable situation due to definition.

I hope the parties can work this out to the satisfaction of the intent of the Commerce Committee when we passed it the first time, when we extended it the second time, and now when we want to extend it another time.

Maybe status quo is not exactly right. But nonetheless, it is something we have to work on. The Senator from North Dakota and the Senator from South Carolina have a point that we have not worked on the definition and how it will be determined or defined in the taxing entities of the States, or even, for that matter, counties and cities.

I appreciate the Senator from North Dakota allowing me this time.

Mr. DORGAN. Mr. President, I agree with that view expressed by Senator BURNS.

Let me continue by saying definitions are everything. The reason the States are very concerned is if the definition is not correct—that is, if it is not specific in exactly what Congress proposes—we could see billions and billions of dollars lost to the State and local governments in revenue they otherwise would have expected.

We have a situation where we have a moratorium that expired. The moratorium ought to be extended. I was prepared to extend it permanently if we could find a definition that would be acceptable. That has not yet proven to be the case. Some are now discussing, and I was in some discussions a few moments ago, about a shorter term extension, perhaps 4 years, and use the definition that exists in current law in the moratorium that expired November 1 and try to fix the position with respect to DSL, which is a problem. I don't know how this will come out, but we have a responsibility to try to get this right. We would not want to do something permanently that has a problem attached to it, that will be a growing problem for State and local governments.

Let me describe something that was in the newspaper recently because it tells the dilemma we face if we get this wrong. We have been moving in information technology from the old circuit switch telephone network to an Internet-based network. Whether we communicate by voice, e-mail, wireless, instant message, the data is being transmitted over the Internet in digital packets.

If anyone wonders what I mean, look at a story in the Minneapolis Star and Tribune. It is Quest Corporation announcing this past week that it will roll out an Internet-based telephone service in Minnesota. It describes that. That is the Internet-based service called VoIP, Voice Over Internet Protocol. They say the approach to moving this out over the Internet—that is, telephone service over the Internet—will save on regulatory expenses and other costs and break the regulatory logjam that exists. The article goes on to say:

> The Quest Internet phone service would also be exempt from salestax if Congress, as expected, extended and expands a tax ban on Internet access to include Internet telephone service.

You can see the consequences. If you do not understand exactly what you are doing and you have a definition that is not articulate and not focused exactly on what you intend to accomplish, we can have very significant consequences for State and local governments.

Let me end where I started by saying I happen to have supported both of the previous moratoriums, and I will support a moratorium now because I don't believe we want tax policy that retards the development of the Internet. I don't believe we want tax policy that in any way injures or interrupts the substantial expansion in technology and information technology that we have seen in a very short period of time.

However, even as we do this, let's make sure that we do not injure or provide significant problems for State and local governments because while we want to exempt the connection to the Internet, we did not want to, with an unfunded mandate as my colleague from Tennessee calls it, or some other approach, we begin preempting a retinue of State and local taxes that have

been legitimately allied to various kinds of services. It is not unusual to pay a tax on certain kinds of telephone services. It is not unusual. That is one of the methods by which State and local governments have developed a revenue base.

We described a very specific area that is off limits. Let's make sure that description is appropriate, fair, and specific relating to how the Congress intends this to work.

I know my colleague from California wishes to speak. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from North Dakota.

Mr. President, I very much hope we do not pass the underlying bill today. I believe it is premature. In my 10 years in the Senate, I have never heard from more California cities, specifically 104 of them, indicating their concerns about what the underlying bill would do to the budgets of their cities.

Here in my hand are some of the letters. This issue has energized cities in my State like no other. City mayors are incensed that we would pass a law without knowing with certainty how it would impact local revenues.

I have received letters from the League of California Cities, which represents all of California's 478 cities, from county administrators, police officer associations, firefighter associations, all of whom are concerned about this bill—and I cannot answer their questions about it.

But, they understand the larger issue. They are telling us the bill contains language that threatens their ability to collect existing taxes on certain telecommunications services. And, again, I cannot answer these questions, and these questions cannot be answered on the floor of the Senate today. They are too complex.

This is precisely why the Carper-Alexander amendment is the most appropriate approach: extend the moratorium for another 2 years and do a study. Bring the cities together with the professionals, and see exactly what taxes are impacted by the underlying bill.

I want to take a moment to commend Senators ALLEN and WYDEN for their work and also to thank Senators MCCAIN and HOLLINGS for guiding the issue through the Commerce Committee.

I also know the minority and majority staff on the Commerce and Finance Committees have been working to provide the Senate with the information it needs to weigh the competing views, and I thank them. But the competing views are still there, and there are no answers for the cities.

Since we originally passed the Internet Tax Freedom Act, we knew this day would come, the day when we would need either to extend the tax moratorium or allow the temporary moratorium to expire.

California has a passionate interest in maintaining unfettered access to the Internet. We have a globally recognized concentration of high-tech and telecommunications firms. We provide much of the infrastructure required to gain access to the Internet and many of the services that make the Internet so useful. However, we have to make sure that maintaining tax-free access to the Internet does not inadvertently destroy the budgets of cities and counties throughout my State and the Nation. Many of them have come to rely on a variety of telecommunications services fees and taxes as an important part of their revenue base.

Now, I support the permanent extension of the Internet Tax Freedom Act, but if I had to vote today on it, I would have to vote no. I am a cosponsor of Senator WYDEN's original legislation that would make permanent the current moratorium. But if I had to vote today on the Allen-Wyden bill, I would vote no because a number of uncertainties have arisen and nobody can answer those uncertainties.

Additionally, as a letter circulating through the Senate today indicates, we have been told that we violate the Unfunded Mandates Act. I was here when that Act was passed in 1995. I voted for that Act. Now we hear from the Congressional Budget Office that the underlying bill would, in fact, create an unfunded mandate on States and local jurisdictions. I think we need to find out how and what can be done to prevent that from happening.

If this bill's definition of telecommunications services is interpreted in an overly broad way, as many of us think it may be, it will negatively impact local budgets. It will lead to the possibility of reduced preparedness in our firehouses and our police stations and less money for our schools, and it will do so at a time when States and cities face large budget deficits.

Right now, in San Diego, CA, a huge debate is going on as to whether the San Diego County firefighting forces are adequate; whether they have the vehicles, whether they have the training, whether they have the ability to really respond to fire conflagration. If we move ahead precipitously today, this bill will make that situation worse.

I must tell you, as a former mayor, these are my concerns. For San Francisco, the city in which I served, the bill's current definition of telecommunications services could lead to a loss of $30 million annually. San Francisco, as their experts compute, will lose $30 million of existing taxes if we pass this bill in its present form. That translates into 300 police and firefighters.

In the city of Pasadena, the mayor, Bill Bogaard, says this would cost his city $11.4 million. That is the legislation before this body today. Let me quote from his letter:

> By using vague language to include broadband Internet access under the moratorium, we fear that the bill will allow telephone and cable companies to use that protection to avoid paying local franchise or utility fees.

He goes on to state:

> It is our understanding that it was not the intent of the bill's sponsors to endanger local franchising authority, but the legislation has yet to be changed to correct these unintended consequences.

Mr. President, this is not the first time in this debate we have heard someone mention unintended consequences. The distinguished Senator from New Jersey, Mr. LAUTENBERG, mentioned last night that since this debate has started we have been hearing it from all of our mayors and State officials all across this great land.

I wish to quote from one more of the letters I have received from our mayors. This is from Judith Valles, the mayor of the City of San Bernardino, which was the focus of one of California's main wildfires. She wrote to me to point out, and I quote:

> Currently, 150 cities in California levy a utility users tax, or what is called a UUT, which in many cases includes telephone and cable television services. Utility users taxes provide a critical contribution to local discretionary revenue, on average 15 percent of general purpose revenues, making the utility users tax vital in helping fund critical city services, particularly public safety.

This comes from a mayor who is still dealing with the threat that her city faced due to the recent California wildfires. And why? Because we are afraid to step back and give the telecommunications industry and cities more time to work out a solution to this issue with which they can both live?

I appreciate Senator WYDEN's frustration that if we let the debate rage on too long, it will never end. I appreciate that sometimes you have to make a decision, and that if it is not perfect, you fix it along the way. But this is not one of those times.

If you run the risk of repealing taxes that are already in place, you unavoidably affect local budgets, and I am not willing to do that at this time. I believe people want their tax dollars used on the local level. They want better police. They want better fire protection. They want the emergency services for adequate protection, particularly at this point when America stands a risk from terror. And it makes no sense to rush to pass a bill when you have cities all across this country saying: Don't do it. It is going to inevitably impact what we now levy.

This will not affect the telecommunications companies because the Carper-Alexander amendment extends the current law with minor changes. Just extend the moratorium for 2 years, do the study, permit the parties to come together and work this out.

I do not think it is one Member's goal to undermine the existing tax base of local cities and counties across this great Nation in passing a permanent moratorium. We have never wanted to do that. We are told today that the underlying bill does, in fact, do that. So why—why—rush to pass it? My goodness.

I love my high-tech companies, but the cities and counties are where the people are, and they need police and fire and emergency services. In a day of cutbacks, it makes no sense, because we don't know what we are doing today—and to simply willy-nilly pass a bill that may well do that makes no sense. We then will have to shuffle around and find a way to correct it at some point in the future. In the meantime, budgets are upset all across the Nation. That is not good government, it is not good public policy, and it is not good legislation.

I am here to add my support and the support of 104 cities in California to the Carper-Alexander amendment. I would be most happy to offer my services in any way I can to work with the committee chair, the ranking member, and Senators WYDEN and ALLEN, to try to find a solution. It makes no sense to pass something without an adequate study and the reconciliation of the industries.

I remember when we were working out a solution to the taxation of cellular phone calls. At that time, we told the parties that we needed them to develop a mutually agreeable solution to the problem of how to tax mobile phone calls and then present it to Congress. The cellular industry and local governments did exactly that. We now have a cellular phone tax standard in place that most people can live with. It is my understanding that the cities and States would be comfortable with this same approach to Internet access taxes. That is the kind of approach I believe will make this debate much more productive.

The debate on this issue should not be centered on who is right and who is wrong. Unfortunately, that is where we are today. On one side we have the telecommunications industry saying the cities are overreacting to the impact this bill will have on their budgets. On the other side, we have the cities saying the telecommunications industry is seeking special, nearly unprecedented, tax treatment.

Why is it we would not want to give these two stakeholders time to put their heads together and bring Congress an agreement they can both live with?

Let me be clear: I want a permanent extension but not at the cost of laying off firefighters, police officers, and teachers.

Should the Carper-Alexander amendment not be adopted, I will offer my own amendment that simply strips out this confused language in the context of a permanent moratorium. While not a perfect solution to the complex problem we face, it is far better than forcing our cities and States to send out pink slips to public safety personnel. I am hoping it will not come to that. Cities and their technical experts have my attention. This is true throughout the rest of the United States.

I hope the Carper-Alexander amendment will be passed and that the moratorium will continue for 2 years so a study can be conducted and a reconciliation of conflicts within this legislation settled so that we can move ahead knowing we have not inadvertently decimated up to 15 percent of the tax base of local communities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the letters which I have from cities around the State of California be printed in the RECORD.

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

CITY OF BURBANK,
OFFICE OF THE CITY COUNCIL,
Burbank, CA, September 12, 2003.

Re HR49 (Cox); SB52 (Wyden) and SB 150 (Allen)—Oppose.

Hon. DIANNE FEINSTEIN,
Hart Senate Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing on behalf of the City of Burbank to urge your opposition to provisions included in the ''Internet Tax Non-Discrimination Act of 2003'' that would modify the definition of ''Internet Access'' to include telecommunications services ''to the extent such services are used to provide Internet Access''. This expansion of the definition would result in a loss of badly needed revenues for California's cities and significantly affect our city's ability to provide essential services. This is particularly important during these tough economic times.

Currently 150 cities in California levy a utility users tax (UUT), which in many cases, including our city, includes telephone and cable television services. The UUT provides a critical contribution to local revenues (nearly 15% of general fund revenues); in fact, it is our third largest revenue source (behind sales tax and property tax), making the UUT vital in helping fund critical city services, particularly public safety. The City of Burbank, along with other cities, are already experiencing flat growth in the UUT due mostly to the intense competition between phone service providers, particularly cellular. Therefore, any additional reduction to our UUT (or any other revenue source for that matter) will have dire fiscal consequences.

The City of Burbank's UUT projection for Fiscal Year 2003–04 is $16.5MM which is needed to pay for essential safety and human services programs. Although it is difficult to segregate the impact of excluding the internet access portion of our UUT revenues, here are some examples as to what total UUT figure of $16.5MM can fund for one full year: Salaries plus benefits for 36 fire fighters; salaries plus benefits for 40 police officers; run our library program (salaries/benefits plus operating costs); run both the Daycamp/Summer Parks/Teen Program and the Organized Sports program (salaries/benefits plus operating costs); and run the Senior Nutrition Program, the Human Services Program, the Transportation Program, the Senior Recreation Program (salaries/benefits plus operating costs).

As you contemplate this limitation on local governments' ability to raise local revenue, it is essential to put this restriction in the context with other limitations California local governments currently face as we try to meet critical local service needs. Remember that over the past several decades, cities' control of discretionary revenue sources has been severely eroded by state actions.

With the passage of Proposition 13, the state was given control over the allocation of local property taxes. In the early 1990s, the state exercised this control diverting billions in dollars of local property taxes to meet the state obligation to fund schools. In the 2003–04 fiscal year alone, this shift is estimated to be a loss of $5.4 billion from cities, counties and special districts.

In addition, cities and counties are faced with a shortfall of Vehicle License Fee revenues in the current fiscal year due to the ''deferral'' of payment of $825 million in backfill owed until 2006. This will have a critical impact on the ability to provide local services during the current fiscal year. The utility users tax represents one of the few local revenue discretionary revenue sources with rates, exemptions and terms determined at the local level to conform to community interests and needs.

Although Burbank fully supports and recognizes the importance of fostering the development of the Internet and other new technologies, Congress must also recognize as it considers this legislation that cities in California face serious fiscal constraints at both the state and local level already.

We need your help to ensure that this legislation is amended to remove this detrimental expansion of the definition of ''Internet access.'' We look forward to working closely with you on this urgent matter.

Sincerely,

STACEY MURPHY,
Mayor.

CITY OF CONCORD,
OFFICE OF THE MAYOR,
Concord, CA, October 1, 2003.

Re S. 150—Internet Tax Non-Discrimination Act—Oppose/Amend.

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: The House has passed and the Senate is poised to pass legislation (H.R. 49/S. 150) that, according to the MultiState Tax Commission, will result in a loss of revenue to state and local governments of up to $8.75 billion annually by 2006, and could be even greater as right-of-way rents from non-tax franchise and access line fees are also lost.

In a report released September 24, the MultiState Tax Commission estimated that for every $1 billion these bills cost state and local governments, our local communities will lose: Almost 20,000 police officers; almost 20,000 firefighters; more than 27,000 hospital workers; almost 25,000 teachers; and more than 17,000 college instructors.

The legislation began as a simple extension of the Internet Sales Tax moratorium, which was scheduled to expire November 1, 2003. H.R. 49/S. 150 has been amended to make the tax moratorium permanent and to expand the types of services that cannot be taxed.

Services for accessing the Internet that are taxable or subject to franchise fees today—such as dial-up telephone service, DSL and cable Internet services—would be exempt from taxes and potentially free from franchise obligations.

Under current law, Internet access, ''does not include telecommunication services''. This bill would expand the definition of Internet access and thereby impose not only a permanent moratorium on Internet access fees but also on traditional telecommunications taxes.

I urge you to amend the bill to clarify that the moratorium does not apply to traditional telecommunication services.

Very truly yours,

MARK A. PETERSON,
Mayor.

CITY OF COVINA,
Covina, CA, October 21, 2003.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: The City of Covina is writing to express our concerns with S. 150, the ''Internet Tax Non-Discrimination Act.'' We fear that the language of S. 150 will deprive municipalities nationwide of billions of dollars in tax and fee revenues in the years ahead and, in the meantime, will result in litigation and confusion. It has been our experience that some industry participants will use the language of S. 150 to avoid paying local telecommunications and utility taxes, as well as franchise fees and rights-of-way fees owed on infrastructure deployed in the public rights-of-way.

As currently worded, S. 150 poses a direct threat to two traditional, yet separate and distinct, municipal powers. These powers must be preserved. Municipal budgets are already strapped by the recession, reduced federal and state budgets, and the demands of homeland security. Local governments can not afford to be hamstrung still further to the point where vital municipal services are curtailed or eliminated altogether.

The first traditional municipal power that S. 150 threatens is the ability of local governments to impose telecommunications taxes or to apply local utility taxes to the provision of telecommunications services. Municipalities in many states are authorized to impose such taxes, and many municipalities currently rely on such taxes as a critical part of their budget. Now, by expanding the scope of the Internet tax moratorium to include telecommunications services to the extent they are used to access the Internet, S. 150 could immunize the bulk of all future telecommunications services from local telecommunications and utility taxes. That would not only starve local budgets; it also would be highly regressive and unfair: Poorer residents who lack a computer or can afford only plain/traditional telephone service would continue to be subject to local taxes, while businesses and wealthier residents with computers, who can substitute e-mail and future technologies like voice-over-Internet-protocol for dial tone service, would be immune from local taxes.

The second traditional municipal power that S. 150 threatens is the ability of local governments to impose franchise fees as ''rent'' for use of public rights-of-way on companies, such as telecommunications and cable service providers that use public property for private profit. Over one hundred years of court-supported municipal rights are at stake here. In 1893, the Supreme Court clarified that right-of-way fees are not taxes but payments in the form of rent. City of St. Louis v. Western Union Tel. Co., 148 US 92, 99, 13 S.CT. 485, 488 (1893). Ironically, the Supreme Court was then considering whether the federal government could require local governments to allow telegraph companies access to the public right-of-way without compensation. More recently, the 5th Circuit in City of Dallas v. FCC, 118 F. 3d 393 (5th Cir. 1997) cited the holding of St. Louis when it found that a franchise fee is not a tax, but an expense of doing business that is essentially a form of rent. Covina receives a five (5) percent franchise fee on incumbent local telecommunication cable service providers as compensation for use of local rights-of-way.

Federal legislation requiring local governments to allow private use of public property such as the right-of-way, free from local fees and charges, could be viewed as constitutionally suspect. Such legislation might constitute a federal taking of local government property without compensation, or federal commandeering of local government property to implement a federal regulatory program. Please consider these concerns in developing a program that achieves federal goals without harming local governments.

The City is prepared to work with you to:

Clarify that in adopting S. 150 and its House counterpart (H.R. 49), the Congress does not intend to interfere with or in any way limit the imposition or collection of any municipal telecommunications taxes or utility taxes applicable to telecommunications, nor with any municipal rights-of-way fees nor gross percentage fees collected in lieu of right-of-way fees.

Clarify that S. 150 does not preempt the imposition or collection of excise taxes of general applicability (including telecommunications and utility taxes) on services that employ telecommunications, cellular or cable television facilities, even if those services offer access to the Internet.

Without these clarifications, the adverse financial impact of S. 150 on local governments will be immense: the loss of billions of dollars in telecommunications fees and taxes in the years ahead for cities across the nation—fees and taxes that have been consistently upheld in court. If the legislation is passed with the currently proposed language, Covina can calculate the loss to its already-strained municipal budget, with direct effects on the General Fund. Municipalities in California and elsewhere have long imposed gross receipt-based fees on telecommunications, cable television and other providers' use of local rights-of-way for private profit, and many municipalities across the nation have imposed gross receipts-based taxes on the provision of telecommunications service or utility services, including telecommunications and cable television services. Federal preemption of these rights, whether intended or not, will result in immediate financial loss to Covina, and the size of that loss will only grow in the future as more communications shift to broadband, Internet-based technologies. We are confident this is not the legacy you intend or desire. We are offering to work with you in any way we can to avoid such an unfortunate result.

Sincerely,

WALTER ALLEN III,
Mayor.

CITY OF PASADENA,
OFFICE OF THE MAYOR,
Pasadena, CA, September 26, 2003.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: The City of Pasadena has some concerns with legislation that has been approved by the House and is pending in the Senate (HR 49, S 150) that would extend on a permanent basis the current moratorium on state and local taxation of Internet access fees.

While the City has not actively opposed the extension of the 1998 Internet Tax Freedom Act moratorium (even though it does represent a federal intrusion into an issue traditionally handled on the local level), we do believe there is room for interpretation regarding the manner in which the legislation treats broadband Internet access. By using vague language to include broadband Internet access under the moratorium, we fear that the bill will allow telephone and cable television companies to use that protection to avoid paying local franchise or utility fees. These fees are fair and equitable payments for a company's use of the public right-of-way, and to lose that revenue would be damaging to our local budgets that are already strained.

It is our understanding that it was not the intent of the bill sponsors to endanger local franchising authority but the legislation has yet to be changed to correct these unintended consequences. I hope that you will urge your colleagues to amend the legislation to extend the Internet tax moratorium to ensure local franchising, utility fees, and right-of-way authority are protected. Thank you for your assistance with this important matter.

Sincerely,

BILL BOGAARD,
Mayor.

CITY OF LAKEPORT,
Lakeport, CA, October 14, 2003.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: The City of Lakeport seeks your assistance in opposing language added to the Internet Tax Non-Discrimination Act (S. 150) that would expand the coverage of the moratorium by adding ''telecommunications services'' to the definition of Internet access. It would prohibit a local tax on any ''telecommunication service'' that is used for Internet access. Nearly all telephone services, including local dial up, wireless, satellite, and broadband (DSL and cable modem), provide Internet access.

This language would have a major adverse impact on our City and the financing of its essential services, such as police, fire, streets, and parks.

Soon, major telephone and Internet service providers will offer ''packages'' that bundle together Internet access and unlimited telephone services. Unfortunately, under the proposed language, such bundled services will likely be considered ''tax-free'', which we find regressive and unfair. Even if the average consumer would continue to be subject to the local tax (UUT) on traditional telecommunication services, those persons who could afford computers and high-speed Internet access (i.e., DSL and cable modem) would slip through this loophole and permanently escape taxation on similar services. No matter how much we wish to support the continued growth of the Internet, discriminatory taxation, or favoring the ''haves'' over the ''have-nots,'' is not the answer.

Finally, we want to assure you that we are in no way asking for your opposition to this language as a way of helping us achieve new tax revenues. We are only asking for help with protecting our city's badly needed existing tax revenues on telecommuncation services.

Thank you for your attention to this urgent matter. If you have any questions or need additional information, please feel free to call the League of California Cities Executive Director, Chris McKenzie, or your staff can contact the League's Washington representative, Eve M. O'Toole.

Sincerely,

R.E. LAMKIN,
Mayor.

CITY OF MONTEREY,
Monterey, CA, September 15, 2003.

Subject: Opposition to Internet Tax Non-Discrimination Act of 2003.

Hon. DIANNE FEINSTEIN,
U.S. Senator, Hart Building, Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the City of Monterey, I am writing to urge your opposition to provisions included in the ''Internet Tax Non-Discrimination Act of 2003'' that would modify the definition of ''Internet Access'' to include telecommunications services ''to the extent such services are used to provide Internet Access''. This expansion of the definition would result in a

loss of badly needed revenues for California's cities and significantly affect out City's ability to provide essential services.

Utility users taxes provide a critical contribution to local discretionary revenues making the UUT vital in helping fund critical city services, particularly public safety. For the City of Monterey this amounts to $2.4 million annually or about 6% of the General Fund budget. This revenue source directly supports police, fire, parks, streets and library services. The significance of the UUT has only increased as our City's other discretionary revenues have come under siege.

As you contemplate this limitation on local governments' ability to raise discretionary revenue, it is essential to put this restriction in the context with other limitations California local governments currently face as we try to meet critical local service needs. Remember that over the past several decades, cities' control of discretionary revenue sources has been severely eroded by state actions.

With the passage of Proposition 13, the state was given control over the allocation of local property taxes. In the early 1990's, the state exercised this control diverting billions in dollars of local property taxes to meet the state obligation to fund schools. In the 2003–04 fiscal year alone, this shift is estimated to be a loss of $5.4 billion from cities, counties and special districts.

In addition, cities and counties are faced with a shortfall of Vehicle License Fee revenues in the current fiscal year due to the ''deferral'' of payment of $825 million in backfill owed until 2006. This will have a critical impact on the ability to provide local services during the current fiscal year. The utility users tax represents one of the few local revenue discretionary revenue sources with rates, exemptions and terms determined at the local level to conform to community interests and needs.

Although the City of Monterey fully supports and recognizes the importance of fostering the developing of the Internet and other new technologies, Congress must also recognize as it considers this legislation that cities in California face serious fiscal constraints at both the state and local levels already.

We need your help to ensure that this legislation is amended to remove this detrimental expansion of the definition of ''Internet access.'' We look forward to working closely with you on this urgent matter.

Sincerely,

DAN ALBERT,
Mayor.

CITY OF MORENO VALLEY,
OFFICE OF THE MAYOR,
Moreno Valley, CA, September 16, 2003.

Subject: Internet Tax Non-Discrimination Act of 2003—Oppose.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the City of Moreno Valley, I respectfully request that you oppose provisions included in the Internet Tax Non-Discrimination Act of 2003 (H.R. 49 and S. 52) that would change the definition of ''Internet access'' to include telecommunications services ''to the extent that such services are used to provide Internet access.'' This expansion of the definition would result in the loss of badly needed revenues for California's cities, and negatively affect our city's ability to provide essential services.

Moreno Valley is one of 150 cities in California that levy a utility users tax (UUT), which in our case includes telephone and cable television services. Utility users' taxes contribute significantly to the health of these cities' discretionary budgets. On average, the UUT comprises fifteen percent (15%) of general-purpose revenues in cities where it is collected. In Moreno Valley, the $9.4 million UUT comprises twenty one percent (21%) of the city's general fund revenue for fiscal year 2003/2004. Our largest general fund expense, by far, is public safety; sixty one percent (61%) of the city's general fund will be spent this year for police and fire services. Exemption of telecommunications services from taxation based solely on their relation to consumer Internet use will greatly hinder our efforts to finance these fundamental services.

Please consider this particular limitation on local governments' ability to raise discretionary revenues in context with state legislative actions, which have historically eroded local control of general-purpose funds. With the passage of Proposition 13, the state assumed control over the allocation of local property taxes. The state abused this authority in the early 1990's by ''temporarily'' shifting property tax dollars earmarked for local government, to meet the state's obligation to fund schools. A decade later, this shift results in a loss of $5.4 billion from cities for fiscal year 2003/2004 alone.

In the state budget for the current year, first-quarter revenue payments from the Vehicle License Fee, another constitutionally-protected revenue source for cities, have been ''deferred'' until 2006. The result: an immediate loss of $825 million for cities statewide, and $1.8 million for Moreno Valley. Additionally, $135 million in property tax revenue was shifted from local redevelopment agencies this year, augmenting Moreno Valley's revenue losses by $300,000.

Moreno Valley and other California cities have managed to retain adequate service levels despite the poor fiscal management practices of the state, primarily through the development of new revenue sources. While the City fully supports and recognizes the importance of fostering the development of the Internet and other new technologies, we hope the Senate recognizes that local governments cannot maintain vital services if the state and Federal governments continue to impair their ability to generate revenue.

We need your help to ensure that this legislation is amended to remove this detrimental expansion of the definition of ''Internet access.'' If there is any additional information we can offer you regarding this urgent matter, please contact us.

Sincerely,

WILLIAM H. BATEY II,
Mayor.

CITY OF NOVATO,
Novato, CA, October 13, 2003.

Senator DIANNE FEINSTEIN,
Hart Building, U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the City of Novato, I am writing to urge your opposition to provisions included in the ''Internet Tax Non-Discrimination Act of 2003'' that would modify the definition of ''Internet Access'' to include telecommunications services ''to the extent such services are used to provide Internet Access''. This expansion of the definition would result in a loss of badly needed revenues for California's cities and significantly affect our city's ability to provide essential services.

Currently 150 cities in California levy a utility users tax (UUT), which in many cases includes telephone and cable television services. Utility users taxes provide a critical contribution to local discretionary revenues, on the average 15 percent of general-purpose revenues, making the UUT vital in helping fund critical city services, particularly public safety. Include how much revenue your City estimates is collected from your UUT? And what services in your City do these tax revenues support? Please be as specific as possible and translate into terms of potential cuts to specific programs or personnel. The significance of the UUT has only increased as our City's other discretionary revenues have come under siege.

As you contemplate this limitation on local governments' ability to raise discretionary revenue, it is essential to put this restriction in the context with other limitations California local governments currently face as we try to meet critical local service needs. Remember that over the past several decades, cities' control of discretionary revenue sources has been severely eroded by state actions.

With the passage of Proposition 13, the state was given control over the allocation of local property taxes. In the early 1990s, the state exercised this control diverting billions in dollars of local property taxes to meet the state obligation to fund schools. In the 2003–04 fiscal year alone, this shift is estimated to be a loss of $5.4 billion from cities, counties and special districts.

In addition, cities and counties are faced with a shortfall of Vehicle License Fee revenues in the current fiscal year due to the ''deferral'' of payment of $825 million in backfill owed until 2006. This will have a critical impact on the ability to provide local services during the current fiscal year. The utility users tax represents one of the few local revenues discretionary revenue sources with rates, exemptions and terms determined at the local level to conform to community interests and needs.

Although the City of Novato fully supports and recognizes the importance of fostering the development of the Internet and other new technologies, Congress must also recognize as it considers this legislation that cities in California face serious fiscal constraints at both the state and local level already.

We need your help to ensure that this legislation is amended to remove this detrimental expansion of the definition of ''Internet access.'' We look forward to working closely with you on this urgent matter.

Sincerely,

RODERICK J. WOOD,
City Manager.

CITY OF PLACENTIA,
Placentia, CA, October 1, 2003.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building,
Washington, DC

DEAR SENATOR FEINSTEIN: On behalf of the Citizens of Placentia, I am writing to express my Concerns about S. 150, the Internet Tax Non-Discrimination Act. I am very concerned about language in the bill that expands the definition of ''Internet access'' and thereby imposes a permanent moratorium not only on state and local taxes on Internet access fees but also on traditional telecommunications taxes. I strongly urge that you amend the language to clarify that the moratorium only applies to Internet access and to to other taxable telecommunications services or products, or to franchise or rights-of-way fees.

Under current law, Internet access ''does not include telecommunication services.'' The bill would change this to ''does not include telecommunication services except to the extent that such service is used for Internet access.'' While this proposal may have been well intended in that it proposes to ensure that the moratorium does not favor one form of technology over another, the language is so broad it can be interpreted to

mean we will be prohibited from collecting taxes on traditional telecommunications services.

As you know, states and cities across America are suffering from the most severe fiscal crisis since World War II. The loss of our telecommunications revenue would be a significant blow to Placentia. The city could lose an estimated $500,000 if this bill is enacted as currently drafted. We can not afford such a loss.

As reported by the Senate Commerce Committee, S. 150 is unacceptable. Again, I urge you to amend the bill to clarify that the moratorium does not apply to traditional telecommunications services. If you have any questions, feel free to contact me at 714/993–8117.

Sincerely,

ROBERT D'AMATO,
City Administrator.

CITY OF SAN BERNARDINO,
OFFICE OF THE MAYOR,
San Bernardino, CA, September 12, 2003.

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the City of San Bernardino I am writing to urge your opposition to provisions included in the ''Internet Tax Non-Discrimination Act of 2003'' that would modify the definition of ''Internet Access'' to include telecommunications services ''to the extent such services are used to provide Internet Access''. This expansion of the definition would result in a loss of badly needed revenues for California's cities and significantly affect our city's ability to provide essential services.

Currently 150 cities in California levy a utility users tax (UUT), which in many cases includes telephone and cable television services. Utility users taxes provide a critical contribution to local discretionary revenues, on the average 15% of general-purpose revenues, making the UUT vital in helping fund critical city services, particularly public safety. The significance of the UUT has only increased as our City's other discretionary revenues have come under siege.

As you contemplate this limitation on local governments' ability to raise discretionary revenue, it is essential to put this restriction in the context with other limitations California local governments currently face as we try to meet critical local service needs. Remember that over the past several decades, cities' control of discretionary revenue sources has been severely eroded by state actions.

With the passage of Proposition 13, the state was given control over the allocation of local property taxes. In the early 1990s, the state exercised this control diverting billions in dollars of local property taxes to meet the state obligation to fund schools. In the 2003–04 fiscal year alone, this shift is estimated to be a loss of $5.4 billion from cities, counties and special districts.

In addition, cities and counties are faced with a shortfall of Vehicle License Fee revenues in the current fiscal year due to the ''deferral'' of payment of $825 million in backfill owed until 2006. This will have a critical impact on the ability to provide local services during the current fiscal year. The utility users tax represents one of the few local discretionary revenue sources with rates, exemptions and terms determined at the local level to conform to community interests and needs.

Although the City of San Bernardino fully supports and recognizes the importance of fostering the development of the Internet and other new technologies, Congress must also recognize as it considers this legislation that cities in California face serious fiscal constraints at both the state and local level already.

We need your help to ensure that this legislation is amended to remove this detrimental expansion of the definition of ''Internet access.'' We look forward to working closely with you on this urgent matter.

Sincerely,

JUDITH VALLES,
Mayor.

CITY OF SAN LUIS OBISPO,
OFFICE OF THE CITY COUNCIL,
San Luis Obispo, CA, October 10, 2003.

Re: S. 150 Internet Tax Non-Discrimination Act Notice of Opposition

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: The City of San Luis Obispo seeks your assistance in opposing language added to the Internet Tax Non-Discrimination Act (S. 150) that would expand the coverage of the moratorium by adding ''telecommunications services'' to the definition of Internet access. It would prohibit a local tax on any ''telecommunication service'' that is used for Internet access. Nearly all telephone services, including local dial up, wireless, satellite, and broadband (DSL and cable modem), provide Internet access.

This language would have a major adverse impact on our City in funding essential services such as police, fire, streets and parks. In our city, utility user taxes (UUT) are one of our ''Top Five'' General Fund revenues, representing 12% of general-purpose revenues. ''Telecommunication services'' account for a significant portion of UUT revenues, bringing in $1.3 million in 2002–03. This is the equivalent of 15 police officers. In these fiscally tough times, where we have already made significant reductions in day-to-day public safety services to balance the budget, any further revenue cuts will result in crippling service reduction in our community.

And the impact will only get worse in the future. Soon, major telephone and Internet service providers will offer ''packages'' that bundle together Internet access and unlimited telephone services. Unfortunately, under the proposed language, such bundled services will likely be considered ''tax-free,'' which we find regressive and unfair. Even if the average consumer would continue to be subject to the local tax (UUT) on traditional telecommunication services, those persons who could afford computers and high-speed Internet access (such as DSL and cable modem) would slip through this loophole and permanently escape taxation on similar services. No matter how much we wish to support the continued growth of the Internet, discriminatory taxation is not the answer.

Finally, we want to assure you that we are not asking for your opposition to this language as a way of helping us achieve new tax revenues: we are only asking for help in protecting our City's badly needed existing tax revenues.

Sincerely,

DAVID F. ROMERO,
Mayor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, this is a very important issue we have in front of us. I wish to pause for a moment and address an issue I saw in the Washington Post this morning that affects what we are doing here this morning and what we do every single day; that is, our ability to work together to ask questions on behalf of American taxpayers, on behalf of all of the people we represent, to be able to get answers from each other and from the administration, and to have the best information we can so we can make the right decisions.

I was quite shocked this morning to see in the Washington Post a headline that says: ''White House Puts Limits On Queries from Democrats.'' Reading this more closely, it says:

> The Bush White House, irritated by pesky questions from congressional Democrats about how the administration is using taxpayers' money, has developed an efficient solution.

It will not entertain any more questions from opposition lawmakers.

I thought for sure I was not awake. So I rubbed my eyes again and looked at it again and read the same thing. It went on to say:

> The decision, one that Democrats and scholars say is highly unusual, was announced in an e-mail on Wednesday to House and Senate appropriations committees.

Further down there is a comment from Norm Ornstein, a congressional specialist at the American Enterprise Institute. He said:

> I've not heard of anything like this happening before. This is obviously an excuse to avoid providing information about some of the things the Democrats are asking for.

I appreciate that in these days of debate and the important issues we have in front of us, we have been asking some pesky questions of this administration. Pesky questions such as: How specifically will we spend $87 billion going to Iraq, and what specifically will be done to rebuild? What is the plan for our soldiers? What is the plan in terms of making sure we complete the mission and bring them home safely?

We have asked pesky questions such as: Why is it that subsidiaries of Halliburton get billions of dollars in no-bid contracts when our own businesses and our own States are unable to find out about bidding processes and unable to participate in what should be an open, transparent process, given the fact these are American tax dollars, public tax dollars? And we have asked pesky questions about Bechtel.

Mr. REID. Will the Senator yield for a question?

Ms. STABENOW. I am honored to yield to my friend and leader from Nevada.

Mr. REID. Is it true that you served in the House of Representatives before serving in the Senate?

Ms. STABENOW. Yes.

Mr. REID. During your tenure there, I am sure you had many occasions to send inquiries to the administration. Whether it was Veterans Affairs, the Social Security Administration, White House council, you have done that over the years; is that not true?

Ms. STABENOW. Absolutely.

Mr. REID. Over the years, it is true that you have received responses?

Ms. STABENOW. Yes.

Mr. REID. And there was never a question raised as to whether it was a

Democratic Congressman or Senator or Republican House Member or Senator asking the question; isn't that right?

Ms. STABENOW. Absolutely.

Mr. REID. Didn't you always feel that no matter what political party the Member of Congress was who asked the question, it had no bearing on the answer? Isn't that true?

Ms. STABENOW. Yes.

Mr. REID. I read that article to which you refer. It seems there is now new criteria established at the White House, that only if you are a Republican will they answer questions of a Member of Congress. Is that what that article said?

Ms. STABENOW. That is exactly what it says.

Mr. REID. How many people live in the State of Michigan?

Ms. STABENOW. We have over 9 million people in the State of Michigan.

Mr. REID. And Michigan is represented by two Democratic Senators.

Ms. STABENOW. That is correct.

Mr. REID. The distinguished senior Senator, CARL LEVIN, who everyone acknowledges is one of the finest Senators ever to serve in this body.

Ms. STABENOW. Absolutely.

Mr. REID. He is an expert on issues relating to defense. I am sure on a weekly basis, if not more often, he makes inquiries at the Pentagon and other offices of the executive branch of Government as to questions he has in his role as the lead Democrat on the defense committee; is that right?

Ms. STABENOW. In fact, I add that over the years, under Democratic and Republican Presidents, the senior Senator from Michigan asked very important questions about contracting. He was the first, I believe, to come forward with the acknowledgement and questions about the $600 wrenches and other questions of excesses at the time in the past from the Pentagon. To Democratic or Republican Presidents, he has asked some pretty ''pesky'' questions.

Mr. REID. What that article says is a State of 9 million people, which has democratically elected Democratic Senators, these two Senators would not be able to ask questions of that administration; is that what it does?

Ms. STABENOW. That is how it appears. We have a lot of very serious questions our constituents want us to ask of the administration.

Mr. REID. I direct this to the Senator in a way that I can only say is as sincere as I can be. I very much appreciate the Senator bringing this to the attention of the American people through the Senate. It is our ability to bring matters to the floor that make this country better—there are other ways of showing how great this country is, but certainly one is being able to bring matters to the Senate floor without getting permission of the administration.

I applaud the Senator from Michigan for jumping on this issue very quickly, as the Senator has done on many other issues.

Ms. STABENOW. In the State of Michigan, we have many questions being asked—a lot that we asked of the administration on homeland security, how we are funding our borders and keeping them secure. Why is it we are not providing more for our first responders? We have given some dollars but certainly a very small amount of what they need. Why are we not funding more for communications equipment that allows one city's police department to talk to another city's police department, or the police department to talk to the fire department, or the EMS workers to be able to do their job in a community? Why is it we are not providing more dollars directly for those kinds of responsibilities? They are right on the front lines. When you have a problem, when there is a serious crisis, whether it is homeland security or some other crisis in the community, you pick up and call 911, and we want to know people are prepared.

Those are questions about appropriations. Those are questions we asked of the administration. How are you moving forward and designing and implementing a Department of Homeland Security? What are we doing at the borders?

In my State, we have other questions we are asking that we are assuming the administration will endeavor to answer. It relates to the issues of Canadian trash trucks now coming across our borders into Michigan—about 200 a day—that are not being thoroughly inspected at the border because there is not a way to do it without putting an inspector in the back of every truck.

We have serious concerns about what is happening in terms of homeland security. Those are questions. How can we work together? How can we make sure we are addressing those issues that will allow our citizens to be safe, as it relates to these trash trucks coming across the border. They need to be stopped.

Over 165,000 people in my State signed an online petition to support my request to the EPA that they get involved in stopping these trucks and using the authority they have. Now, we go through the appropriations process on this matter. I have been very appreciative of the fact that we have worked together on a bipartisan basis in the Senate to address these issues and put more equipment at the border. I have been pleased to have the support of leaders on the other side of the aisle to support efforts to do that, to work together on behalf of the people we represent and make sure they are safe.

But when I see things such as this kind of a story, that e-mails are going out saying the White House doesn't like our ''pesky'' questions about how dollars are spent and suggestions that maybe they could be spent differently and better and more wisely in our States—they don't like those questions, so they sent out an e-mail saying they are not going to answer them anymore. They are only going to answer the questions coming from the Republican committee chairs. They are not going to answer questions coming from us. This is deeply disturbing and it should be disturbing to every single one of the people we represent. It should be, frankly, disturbing to people on both sides of the aisle.

I was in the House of Representatives for 4 years under a different administration. I asked a lot of tough questions of a lot of Departments and I expected answers. I expected that when my Republican colleagues asked questions of that Democratic administration, they would be given answers as well.

We are a separate branch of Government. We are the appropriators, all of us. The Constitution didn't say, by the way, only the majority party can have access to information and only the majority party is responsible for appropriations and guaranteeing the wise use of American tax dollars. They said the Congress of the United States is responsible, and that is all of us.

I think it is very important that we send a message very quickly from the Senate that we object to this, object to it together. We work hard on appropriations. We ask a lot of questions. We have a lot of give and take. Amendments are proposed; they rise, they fall. That is the process. We all respect each other and we all respect that process. At the end of the day, we assume that if we are asking, as they say, ''pesky'' questions, we will get answers regardless of who we are. We may not agree with the answers.

That is why we live in a democracy. That is the democratic process. We respect the fact there are differences in views, priorities, and values, but we do not accept—I do not accept—that we will be blocked from receiving information. It would be astounding if every time, as a Member of this body, I had to ask for a freedom of information request from the administration in order to get questions answered on items of importance to the people I represent—whether it be agriculture, manufacturing, homeland security, health care, education, the environment, or transportation. I could go on and on. We have critical issues we are responsible for addressing and responsible for doing it in the most efficient and effective way we can.

There is only a limited amount of resources and we have to make sure we make wise decisions with those resources. That is our job.

AMENDMENT NO. 2141 TO AMENDMENT NO. 2136

Ms. STABENOW. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 2141.

Ms. STABENOW. I ask unanimous consent that further reading of the amendment be dispensed with.

The amendment is as follows:

At the appropriate place insert the following:

Since, Article I of the U.S. Constitution grants Congress the power of the purse; and

Since, Congressional oversight of Executive Branch expenditures of public funds is essential in order to prevent waste, fraud, and abuse of taxpayers dollars; and

Since, Congress can only exercise its oversight responsibilities if the White House and Executive Branch agencies are responsive to requests for information about public expenditures;

Therefore it is the Sense of the Senate that,

The White House and all Executive Branch agencies should respond promptly and completely to all requests by Members of Congress of both parties for information about public expenditures.

Ms. STABENOW. Mr. President, I simply say this is a very short amendment. In part, it indicates:

Since, Congressional oversight of the Executive Branch expenditures of public funds is essential in order to prevent waste, fraud, and abuse of taxpayer dollars; and

Since, Congress can only exercise its oversight responsibilities if the White House and Executive Branch agencies are responsive to requests for information about public expenditures;

Therefore, it is the Sense of the Senate that,

The White House and all Executive Branch agencies should respond promptly and completely to all requests by Members of Congress of both parties for information about public expenditures.

I hope we will have unanimous support for this amendment and that we can quickly send a message to the White House and ask that they reverse the policy laid out this morning in this article.

Mr. DURBIN. Mr. President, I wish to join the comments of the Senator from Michigan. It is, I am sure, painful and distracting for the administration to receive inquiries from Congress. It sure would be a lot easier if Congress wasn't around to mess up their work. I mean, we ask all these hard questions about what they are doing with the taxpayers' dollars. What are you doing to make America a safer place? I am sure if they did not have to answer those questions and be held accountable, they would have a lot more time to do other things.

I think the reason for the questions gets down to a basic document called the Constitution. If I remember correctly from early lessons, we do have three coequal branches of Government and a system of checks and balances. This administration has decided that particular part of the Constitution is going to be ignored.

Frankly, I don't think that serves our Nation very well. Whether it is a Democratic administration or a Republican administration, the fact is they have to be held accountable. The way they are held accountable is not only through an election, but through the operations of Congress which appropriates moneys, passes laws, and asks hard questions.

Now we see the official policy of this administration is to say we are only going to answer Republican-approved questions. That, to me, is a sad commentary on this administration which has, frankly, written a record of concealment in the years they have been here.

You recall the lawsuit that was involved when we drew up the Energy bill. We asked the Vice President of the United States, who was one of the designers of the administration's Energy bill, which special interest groups were sitting in the room when they wrote the bill. He said to Congress: It is none of your business. We don't have to tell you. We brought a suit against the administration asking for that information and we were unsuccessful.

Today we know there were special interest groups present. We just don't know who they were. If you look at the bill, you can see who they likely were. They are the ones that were rewarded—oil companies and major energy companies. They are the ones who did very well with this Energy bill.

When the Senator from Michigan raises this question as to what this new administration policy means, I think she really hits the nail on the head. Congress has an important constitutional role of oversight on this administration and any administration, and for this administration to decide that certain Senators and Congressmen cannot ask questions that will be answered, I think is going to set us back.

I had the same experience with the Department of Justice. Attorney General John Ashcroft, who served in this Senate for years and asked many questions of previous administrations, really loathes to answer any questions that come particularly from Democratic Senators. That has caused a lot of, I guess, concern because some of us believe there are important questions that need to be asked and answered.

The PATRIOT Act, for example, was a new delegation of authority 2 years ago to the Government. It gave the Government more power than they had before, power that comes close to, if it doesn't, infringing on our rights and liberties. We asked some questions: How is this Department of Justice using the PATRIOT Act? Unfortunately, the Attorney General has not been responsive. One might say: Well, he comes to Congress, doesn't he? He submits himself to questions? If we look at the record, we will see this Attorney General's record of coming to Congress and being held accountable is a record that shows he doesn't care to do that either.

They don't answer written inquiries, and the Attorney General does not appear personally. Frankly, that leads to mistrust, and it doesn't speak well of a democracy where that is the hallmark of their policy.

It strikes me Congress has some important responsibilities here, and one of them is reflected in the issue raised by the Senator from Michigan. Another one is reflected in this so-called 30-hour debate, this one-sided debate which is to take place next week. It appears the Republican majority in the Senate, 51, believe they have been treated unfairly because the President has only had 168 of his judicial nominees approved while 4 have been held up. That is right, the score is 168 to 4, and they are arguing that is unfair, so unfair we need to tie up the Senate, we need to stop consideration of appropriations bills, we need to stop any consideration of bills that might help the men and women in uniform who are fighting for us in Iraq and Afghanistan. We don't have time for that, but we have to spend 30 straight hours in a one-sided debate on the Republican side arguing that holding up 4 judges out of 172—4 out of 172—is somehow unconstitutional or unfair or unjust.

It goes to the heart of this same document, our Constitution, which says the Senate is not a rubberstamp. The Senate has the power to not just consent to judges, but to advise and consent, and that advise-and-consent role includes asking hard questions of judicial nominees.

The four who have been held up so far from the Bush White House, I think, represent the most extreme of his nominees. But there are many others who have been approved who have philosophies entirely consistent with the President and his administration.

Make no mistake, out of the 168 nominees who have gone through this Senate, a record number for any President, 168 have been approved. Of those, we will find many conservative Republicans with views much different than my own. We accept that. But for these 4, we think they have crossed a line, a line which really calls on us in our capacity as Senators with responsibility of the advise-and-consent clause to say at some point we have to say no for 4 judges out of 172.

I might add on this bill that is before us, at a later moment I will be offering an amendment. It is an amendment which really doesn't appear to have much to do with the Internet tax question, but it is an amendment I am going to continue to offer on every available bill until the Senate goes on record and passes it again and enacts it into law. It is an amendment which passed this Senate about 2 weeks ago by a vote of 96 to 3. It is an amendment which says Federal employees who are members of our National Guard and Reserve units who are activated will have their Federal salaries protected while they are serving our country.

This is exactly what happens to State employees in dozens of States and city and county employees across America where their units of government have said: If you go off to serve our Nation in the Guard and Reserve, we will stand behind you. We will make up the difference in your salary. We will protect your families' income while you are serving our Nation and risking your lives.

Sadly, the same standard is not applied to Federal employees. Here we

are with 10 percent of the Guard and Reserve in Federal employment—120,000 of those who are in the Guard and Reserve are in Federal employment; 23,000 have been activated, and we do not make up the difference in their salaries while overseas.

For some, there is no difference, but for some there is a big disparity. I offered this amendment on the floor, and it was adopted 96 to 3.

Mr. MCCAIN. Will the Senator yield so I can make an announcement?

Mr. DURBIN. Yes, without losing my right to the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. MCCAIN. Madam President, for the benefit of my colleagues, we have been in some intense negotiations on the Internet tax issue. We have made significant progress. We still have one significant hurdle remaining where we can perhaps get all sides together. There is about a 50–50 chance. But we should know in about 20 minutes as to whether we will reach this very important agreement which would basically eliminate any major issues associated with the Internet tax issue.

I thank my colleague from Illinois for yielding. I yield the floor.

Mr. WYDEN. Will the Senator yield?

Mr. DURBIN. I will be happy to yield.

Mr. WYDEN. Madam President, with the chairman of the Commerce Committee, and my friend from North Dakota, Senator DORGAN, who has worked with me on this now for 7 years, we have made some significant headway in the last half hour, 45 minutes. To get this done, there are some difficult choices that have to be made. One that would be very painful for me, given my involvement in the original law, would be to accept some sort of time limit rather than make it permanent.

I say to the Senate, I am willing to look at that in the name of trying to find common ground. What we can't have as we go through this is to have DSLs, this tremendously exciting service which in so many instances is going to be the key for folks getting Internet access in a wireless fashion, hammered again and again in the future. We are going to see if we can find common ground.

The point of this law more than 5 years ago was to ensure technological neutrality so the Internet and the various ways it is delivered would not, in some way, advance some at the expense of others. We still have to find a way for that technological neutrality.

We may be able, given the fact that the staffs are working now to have a breakthrough on this in the next half an hour, but as the author of the original law in the Senate, I want to make it clear that I am open to trying to find some common ground and make some significant concessions to do it. That is what we are considering now.

I thank the Senator from Illinois for yielding.

Mr. DURBIN. I, of course, thank the Senator from Oregon. I appreciate the hard work of the Senator from North Dakota, the Senator from Arizona, and the Senator from Oregon on this important legislation.

I mentioned earlier the reservist pay amendment which I will be offering at some point on this legislation, but there is another amendment which I will be offering which I would like to alert the sponsors of so it comes as no surprise. It is our understanding that if there is a tax moratorium on Internet operations, which I would support with carefully defined circumstances, it will result in a substantial savings to telecommunications companies across the United States. I am going to be offering an amendment during the course of consideration of this bill which says that the savings to these companies shall be passed on to the consumers in America.

It strikes me that at a point in time when we are in a recession, when families are struggling, some facing unemployment, others trying to make ends meet, that if we are going to relieve this industry of substantial taxation, millions if not billions of dollars over time, the savings ought to go to families, the customers. I think that would be a good move on our part.

So if we want to talk about invigorating the economy, then why not reduce the telephone bill or the tax bill that a family faces on a monthly basis?

Mr. REID. Madam President, will the Senator yield for a question?

Mr. DURBIN. I yield to the Senator for Nevada, without yielding the floor.

Mr. REID. Madam President, I say to my friend from Illinois, in relation to the amendment that is pending, I asked the White House by letter to give me the breakdown of the cost of all of these trips they take around the country campaigning for people. Who pays for that? Is it paid for by the taxpayers of this country? Is it paid for by the Republican National Committee? The President is a rich man. Does he pay for it personally?

It has been months and I have had no response. I think I am entitled to an answer to that most important question. People are concerned about that. The President goes to his ranch, he goes off on day trips campaigning only.

Would the Senator agree with me that that is the direction of this amendment, and that I am entitled, as a Member of the Senate, to an answer to the question as to who is paying for these junkets around the country?

Mr. DURBIN. Reclaiming my time, I say to the Senator from Nevada that is a perfect illustration as to why the Stabenow amendment should be enacted, because what Senator STABENOW is trying to achieve is the right of the Senator from Nevada and any Senator, Democrat or Republican, to ask legitimate questions about the expenditure of public funds. If we decide that is going too far and perhaps inconveniencing the administration by forcing them to be held accountable, then we might as well pack up and go home.

As they say, if we are here in order to total up years for retirement, it is a pretty easy job; but if we want to come here and go to work to try to achieve good for this country and make certain that people who are misusing public resources are, in fact, held accountable for it, then it is hard work.

Mr. REID. Will the Senator yield for another question?

Mr. DURBIN. I would be happy to yield to the Senator from Nevada.

Mr. REID. How many people live in the State of Illinois?

Mr. DURBIN. About 12½ million.

Mr. REID. I say to the Senator from Illinois, I spoke through the Chair to the distinguished junior Senator from Michigan about the State of Michigan. There are 9 million people in Michigan, two Democratic Senators. Under the rule that we have just learned about that the White House is not going to answer questions of Democrats, 9 million people who live in the State of Michigan in effect cannot have their Senators asking questions of the White House.

The Senator from Illinois, who represents 12½ million people, there is a Democratic Senator and a Republican Senator who has announced his retirement, who is not going to run for reelection—the Senator who has announced his retirement and in effect is a lame duck, fine man that he is, can have his questions answered, but the Senator who was just reelected representing 12½ million people cannot have his questions answered. Does that seem fair?

Mr. DURBIN. I say to the Senator from Nevada, it not only does not seem fair, it raises another question in my mind. Why would we on the Democratic side of the aisle approve any executive appointment of someone who is going in the executive branch and from that point forward will never speak to us again? Now, if we are being asked by this administration to approve people to hold offices within this administration who have not answered all the questions in committee and having been approved on the Senate floor will from that point forward never communicate with us again, then, frankly, I think we are derelict in our responsibility.

So I say to the administration, think this through. If they are saying that the people we appoint in the Senate are not going to answer the questions propounded by Democratic Senators, then, frankly, I think it is untoward of them to suggest that we should just approve all of these appointments.

I think it is fair game for the President to fill vacancies, and I have supported the overwhelming majority of the President's requests. But if the policy is once approved by the Senate, these executive appointments, these people working in these agencies, will refuse to take telephone calls or answer letters of inquiry from Members of the Senate, refuse to be held accountable for their actions as public officials, then I think we are derelict in

our responsibility to the people we represent.

Mr. LEAHY. Will the Senator from Illinois yield for a question without losing his right to the floor?

Mr. DURBIN. I would be happy to yield to the Senator from Vermont.

Mr. LEAHY. Madam President, I ask my friend from Illinois, who serves with me on the Appropriations Committee—who served on a number of committees in the other body before he was in the Senate—who has as much knowledge of procedure as anyone having served in the other body and served in this body, it has been my experience in over a quarter of a century on the Appropriations Committee, through
six administrations—President Ford, President Carter, President Reagan, former President Bush, President Clinton—that both Republicans and Democrats were able to ask questions and expect answers from the executive branch.

Further, it was my experience that throughout all of these administrations, Republican and Democratic alike, there was not a restriction made because we were required to ask these questions. Is that the experience of the distinguished Senator from Illinois? Has the Senator had the same experience in both bodies—I am speaking now of appropriations but, of course, a lot of other committees are involved—if we asked questions about where the money went, we received the answers irrespective of whether one was a Republican or Democratic?

Mr. DURBIN. In reply, I say the Senator from Vermont is absolutely correct. Allow me to use another illustration. Just last weekend, there was the downing of the Chinook helicopter in Iraq with 15 of our soldiers killed initially and another soldier who has died just last night, I understand, so 16 soldiers died and 20 more were seriously injured. The pilot of that helicopter was from my home State. It was a National Guard helicopter.

After that occurred, unsolicited I received communications from reliable military sources that suggested that the Guard helicopters in activated units were not adequately equipped and prepared to deal with shoulder-fired missiles. This is as serious a question as can be given to any Member of the Senate. Naturally, the families—the servicemen first and their families—wanted to know the answer. So what I did was to write a letter directly to the Secretary of Defense, Donald Rumsfeld, saying please look into this immediately; see if the National Guard units that have been activated are sufficiently protected with equipment.

During the course of asking this question, more communications came my way. Now we have received a lot of communications suggesting that families all around Illinois, and even around the country, are telling us about deficiencies in the equipment available to our servicemen in Iraq and Afghanistan, and particularly to activated guardsmen and reserves.

Consider that just yesterday, the President signed an $87 billion appropriation for the effort in Iraq and Afghanistan which, as I understand it, about $67 billion was for our men and women in uniform, which I supported. As much as I disagree with the President's foreign policy, I am not going to shortchange our men and women in uniform for the resources they need to be successful in their mission and come home safely.

Having done that, having given the appropriation to the administration, now we have families and servicemen coming to me, as the Senator from Illinois, saying they do not think the money is being spent properly. I have a responsibility to their families and to my State to ask the hard questions of the administration. Are you doing all that you can to protect our servicemen? Frankly, I think that is why I was elected. If I am not given a chance to even ask that question or to have my inquiry answered, what, then, can I say to these families or to these servicemen who believe that I am their elected representative and have that responsibility?

Senator STABENOW, in her amendment, says this new policy of the administration, of refusing to answer letters from Democratic Senators and Democratic Congressmen, takes away from the voice of those families and those servicemen and people across the United States who rely on us to stand up and hold any administration accountable, whether it is Democratic or Republican.

I think, honestly, her amendment goes to the heart of why we are here doing business in the Chamber of the Senate. I support her very strongly. I urge my Republican colleagues who have been very loyal to their President, and that is understandable and admirable, to think long and hard about this policy. Things change in this town. The tide of politics can hit the shore and go back out to sea and come back again. You never know, a year, 2 years, 3 years from now, whether or not policies taken by this administration establish a precedent which is not healthy for our constitutional democracy. Certainly this decision by the administration to turn down inquiries and letters of request on matters as basic as the protection of our men and women in uniform and whether or not our helicopters are adequately protected—their decision as a policy basis, which I understand has been included in an e-mail and sent across the administration—raises some important questions.

I see the ranking member of the Senate Budget Committee, Senator CONRAD, has taken the floor. Again, he is a perfect illustration of why this new policy of the administration, refusing to answer inquiries from Democratic Senators about their spending policies and taxing policies, make it impossible for him to do his job on the Budget Committee to make certain that every administration is held accountable.

I am going to yield the floor and say to my friend and colleague from Michigan, thank you for bringing this issue up. This is not just a morning newspaper article. This is a serious constitutional question. I hope some of my colleagues on the Republican side of the aisle, after first reacting they want to stand by their administration, will think long and hard if this is a policy we in America should be asked to live with, when future Congresses and future Presidents are elected and we are all told we are trying to share a responsibility of accountability across our Government.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I ask to speak as if in morning business for no longer than 10 minutes.

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

(The remarks of Mr. LAUTENBERG are printed in today's RECORD under ''Morning Business.'')

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. 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. CONRAD. Mr. President, less than 6 months ago, we enacted the Jobs and Growth Tax Relief Reconciliation Act which contained $20 billion in temporary State fiscal relief. Yet before us is legislation that may effectively take back a significant portion of that much-needed relief for States. In my earlier career, I was tax commissioner in the State of North Dakota. My successor, a Republican, a man who currently holds the office, was in my office just a couple of weeks ago explaining the impact of the committee bill on our State. He estimated this bill would cost our State $20 million. That may not be a lot of money in Washington. I can tell you that is a lot of money in North Dakota. That is $20 million we would be taking away from the State of North Dakota they have every right to collect.

Let me make absolutely clear that I am not for taxing access to the Internet. I am not for that. I have supported the moratorium. I will continue to support the moratorium. But as Senator DORGAN made clear on the floor this morning, definitions do matter. Unfortunately, the bill out of the committee has left a lot of open questions. Lawyers looking at it are telling us it would restrict the States far beyond a simple extension of the moratorium. I do not believe that is the intention of the Congress. I certainly hope it is not the intention of the committee to go

beyond the definition of access we agreed to in 1998 and reaffirmed in 2001 in a way that would preempt States' abilities to levy taxes as its elected representatives see fit.

On the floor of the Senate, we have seen a bipartisan effort to make certain what we do here is what we really mean. I have been very interested to see four distinguished former Governors—Senator ALEXANDER, Senator VOINOVICH, Senator CARPER, and Senator GRAHAM, who are among our most respected colleagues on issues such as these, and all of them served successfully as Governors—warning Members of Congress the legislation before us has unintended consequences. I hope we listen carefully to our colleagues, Senator ALEXANDER, Senator VOINOVICH, Senator CARPER, and Senator GRAHAM, and that we pause and get this right.

We should not tax access to the Internet. That would inhibit its economic potential. It would reduce opportunity in our society. But at the same time we shouldn't be going beyond that principle and that concept in restricting the States' rights to levy taxes that are reasonable and appropriate. That is not the appropriate role of the Federal Government.

I hope very much we will take a few moments and get this right so that this is not a rush to judgment and we not impose on hard-pressed States. We already know there is some $90 billion of shortfall by the States all across the country. The last thing they need is the Federal Government to come in here and take away legitimate sources of revenue from them. That makes no sense.

I hope my colleagues are going to be sufficiently patient and that we get this right. As Senator DORGAN said—again, I want to emphasize—earlier on the floor, definitions matter. I heard Senator MCCAIN say the same thing last night; that it is important to get these concepts right, to get them carefully defined so we are not doing something other than what we really intend to do, which is to provide a continuing moratorium on the taxation for Internet access.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Madam President, I ask unanimous consent to speak in morning business for 10 minutes. I understand we have a lull on the Internet tax bill.

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

(The remarks of Mr. ALLARD are printed in today's RECORD under ''Morning Business.'')

Mr. ALLARD. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Madam President, I ask my friend from North Dakota—this is on the Stabenow amendment—we would like to have a couple-word change. If he would look at the amendment where it says, in the last paragraph, ''The White House and all Executive Branch agencies should respond promptly and completely to all requests by Members of Congress,'' that between ''all'' and ''requests,'' if we could add the two words ''constitutionally appropriate.'' Would that be agreeable to him, so it would read: ''completely to all constitutionally appropriate requests by Members of Congress''?

I assume that most Members of Congress would not make unconstitutionally appropriate requests, but that seems to be perfecting language that some of my friends would like to have added.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I say to the Senator from Arizona, this is not my amendment, so I would have to consult with the author of the amendment.

As you know, the amendment is prompted by a news story today from the White House suggesting they will not be answering inquiries except by certain Members of Congress. So that prompted her to offer this amendment.

I will certainly consult with—she is on the Senate floor, so perhaps we can ask her directly.

Mr. MCCAIN. Madam President, do I still have the floor?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask unanimous consent to ask a question of the Senator from Michigan.

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

Mr. MCCAIN. Madam President, I ask the Senator from Michigan if she would be agreeable to a two-word addition in the last paragraph, that between the words ''all'' and ''requests'' the words ''constitutionally appropriate'' be added. I wonder if that would be agreeable to her. If it is not agreeable to her, I will not propose the amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, the only question I have is the word ''appropriate.'' We certainly want this to be within constitutional parameters. I would say, at this point, the question I would have would be about ''appropriate.'' Who decides what is ''appropriate,'' given the judgments the administration is making? Possibly we can work together to find something else other than that word. But at this point that would be my concern.

Mr. MCCAIN. I thank the Senator and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, will the Senator from Michigan allow me to ask a question?

Ms. STABENOW. Certainly.

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

Mr. REID. This amendment is offered by the Senator from Michigan, and it never took into consideration doing anything that was unconstitutional?

Ms. STABENOW. That is correct.

Mr. REID. Everything the Senator does is within the framework of the Constitution. So I would hope that the matter could be disposed of as written because it goes without saying that we want this to be constitutional. We would never try to do anything that would be outside the parameters of the Constitution.

So I hope this amendment could be accepted. It appears to me it should be done by voice. If that is not the case, I know that a number of other people have more to talk about on this amendment. So I would hope the majority would make a decision quite soon as to what is to be done with this amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I mentioned that the event that has prompted this amendment, I understand, was in the newspaper this morning. It was apparently a report that the White House would limit their responses to questions from Members of Congress.

I, at one point, chaired the appropriations subcommittee here in the Senate that actually funds the operations of the White House. We always work very closely with the White House. When they request the necessary funding, we provide it. We never have any difficulty. The same is true with respect to the agencies. We fund all of the agencies of the executive branch. We spend a great deal of money in doing that. We work together to find the appropriate number and the appropriate amount of resources that are needed.

The White House is a little different. When they make the request, we fund the request. That is the way we deal with the White House.

But with the executive agencies, of course, we have disagreements and differences from time to time, but we end up sending billions and billions—hundreds of billions—of dollars for expenditures through these agencies. If ever—if ever—the Members of the Congress are prevented from asking questions about how the money is used, how the money is spent, then there is something fundamentally broken.

So I was as surprised as my colleague from Michigan to read the story in the newspaper this morning. I know it is nettlesome, I know it is a pain, it is a bur under the saddle to get questions from Members of Congress if you are a member of the executive branch.

At one point, I was a member of the executive branch in State government,

and all the State legislators were always peppering us with questions. Sure, that is a nuisance. Nobody likes that. But the fact is, the congressional actions here determine how much money is made available. The same is true in the State legislatures. They have every right—in fact, they have a responsibility—to the taxpayer to try to determine how that money is spent. If they have questions about it, they ask those questions. If they ask those questions, they darn well expect an answer, even if it is considered a nuisance by those who are receiving the questions.

So my hope is they will just accept this amendment at some point today. I understand what has prompted the amendment.

Let me just, for a moment, talk about the underlying proposition before the Senate; that is, the bill that is brought to the floor today, the moratorium on Internet taxation. I want to see us pass a piece of legislation. I do not think it is satisfactory to have the moratorium expire on November 1, and then to just let that be the word. That is not where I would like to see this end up.

So we have a bill on the floor that came from the Commerce Committee. That legislation passed the Commerce Committee unanimously, but it was not quite the way it seemed when you take a look at that vote because we also agreed that the definition of that Internet tax moratorium was faulty or at least not agreed to, and we would work on it coming to the floor of the Senate.

We have not yet reached a compromise. That definition is the key. It is the linchpin to this legislation. So we have to find a way to resolve that. We thought this morning perhaps there was a way to do that. That appears not to be the case. I think we still have some distance between the various thoughts about how one would craft this in a way that is helpful to not retard and not injure the buildout of the infrastructure for the Internet and, at the same time, be fair to State and local governments with respect to their revenue base and not be preempting the opportunity they need and they would have, as they have always had, to tax certain services. So we continue to try to talk and see if we can find a way to reach some kind of agreement on this definition.

Now, I want to make an additional point because I think it is important to continue to make this point even as we work on these issues. We have this issue on the Senate floor today. I understand why that is the case, because this issue had a November 1 deadline by which the moratorium on Internet taxation expired.

We have a responsibility to try to see if we can pass this legislation. So there was a deadline with respect to this legislation.

But there was a deadline on appropriations bills as well. That deadline was October 1. It is now November. We still have appropriations bills that have not been considered in the Senate. Yesterday there was great urgency about an appropriations bill. Everybody cooperated to try to get that done. We are told today there is great urgency about legislation. We are told that the majority leader wants the Congress to work on Veterans Day and so on.

Then we are told, despite the fact that there is this urgency to get appropriations bills done and they request cooperation, that beginning next Wednesday we will spend 30 hours so that the majority can talk about the four judges they have not been able to get confirmed.

It seems to me perhaps we should talk about the 168 judges we have confirmed. If we are going to take time in the middle of next week, after having worked on Veterans Day, because we believe there is such an urgency—and I believe there is an urgency with appropriations bills; we should get them done—if we are going to take 30 hours in the middle of the week in order to try to convince the American people that the Congress is not moving forward on judgeship nominations, and they are going to take 30 hours to talk about four judges who didn't get confirmed by the Senate, I think perhaps then we need to take much more time to talk about the 168 judges we did confirm.

I am a little miffed at having these talk shows and others get all their talking points about how the Senate is stalling on judgeships. We are not stalling on judgeships. Most all of the Federal judges who have been nominated by this President have been confirmed by this Senate.

We have an advise and consent responsibility. The Constitution does not say the President has a right to pick somebody and say to that person: For the rest of your life you will be a Federal judge.

That is not the way the Framers of the Constitution described it. This described a dual role. The President shall nominate; the U.S. Senate shall confirm—advise and consent. Even George Washington ran into some tough sledding. Even George Washington lost a Federal judge in the Senate because they wouldn't confirm one of George Washington's judgeship appointments or nominations. So it started with George Washington.

But when you talk about cooperation, this Senate has provided extraordinary cooperation with this President. We have confirmed 168 judges. We have tried in every way possible to be cooperative. We have the lowest vacancy rate in 15 years on the Federal bench. Why? Because this Senate has worked with the President to confirm 168 judges.

I understand my colleague wishes me to yield. I do so without losing my right to the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Arizona.

Mr. MCCAIN. Mr. President, if my colleague would allow me to speak for 5 minutes in morning business about an important issue to me.

Mr. DORGAN. Providing that I am recognized at the conclusion of the remarks of the Senator from Arizona.

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

(The remarks of Mr. MCCAIN are located in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. BROWNBACK. Mr. President, will the Senator from North Dakota yield for a question?

Mr. DORGAN. Mr. President, I yield to the Senator from Kansas for a question.

Mr. BROWNBACK. Mr. President, if I can ask for permission to speak up to 3 minutes on a personal tribute in morning business and that the floor not be lost to the Senator from North Dakota.

Mr. DORGAN. I will agree, provided I am recognized following the presentation.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

(The remarks of Mr. BROWNBACK are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I know my colleague from West Virginia is preparing to speak. I will not be long. I will make a couple of comments to finish what I was discussing about next week's schedule.

It is true the minority party in the Senate does not schedule the Senate; the majority party does and the majority leader does. This Senate is 51 to 49. Some pretend it is 100 to zero. In the circumstances, for example, with the energy conference, I am a Democratic conferee, and we have been disinvited and not allowed to attend any of the conferences with respect to the Energy bill. That is the wrong way, in my judgment, to do business in the Senate. It pretends as if one-half of the Senate doesn't exist when you do that.

Having said all that, I understand we don't schedule the Senate; the majority leader does. We find ourselves now in the first week in November, with a number of very important appropriations bills not yet completed, with stories earlier in this week that the majority may well want to put unfinished appropriations bills in another appropriations conference and create an omnibus bill, and bring it to the Senate as a conference report so Members of the Senate would be prevented from offering any amendments to the legislation.

Well, that is not acceptable; it is not the way to do business. I don't know whether that is what is being planned. I can only tell you that is what I read early this week, as described by some majority party aides, I guess they are called.

In addition to the urgency of getting appropriations bills completed, we are

now told next week's schedule will include 30 hours of debate on judges. Actually, there won't be any business before the Senate to debate; it will just be an opportunity for the majority party to ruminate for 30 hours about how unfair it has been that 4 nominees have not been approved by the Senate—4. Mr. President, 168 judicial nominees sent to us by the President have been confirmed by the Senate, and 4 have not been. Yet you would be led to believe by all of the information spewed out of this Chamber, from all of the political vents that exist here, that somehow the Senate has just been unwilling to approve judgeships.

We have the lowest vacancy rate on the Federal bench in 15 years. Why? Because this Senate has been cooperative with this President with respect to judgeships. He has nominated and we have confirmed 168. If next week they want to spend time, in a moment when it is urgent to finish our work on appropriations bills, instead to talk about the 4 judges who were not confirmed by the Senate, I want to come to spend some time talking about the 168 judges, including 2 from my State, both Republicans, both of whom I supported and was pleased to do so—I want to talk about the 168 judges we did confirm. I want the American people to understand what our record is with judges.

My colleague from West Virginia knows about the Constitution, perhaps more than anyone in this Chamber. He has studied it, he has lived it, and he carries it in his pocket every day. His copy of the Constitution is one I enjoy seeing when he pulls it out of his pocket during debate on the floor of the Senate, because he describes it in vivid detail and gives life to this fabric of American Government. The Constitution does not say the President has a right to put a man or woman on the Federal bench for the rest of their lives. That is not what the Constitution says. The Constitution says we will provide lifetime appointments to the judiciary in the following manner: The President shall nominate, and the Senate shall give its advice and consent. So there are two steps: The President shall nominate and the Senate shall decide yes or no.

There are circumstances where a President might say: I want to put someone on a very important Federal bench who is way outside the norm in terms of behavior, thought, or experience, or whatever; and the Senate has a right to say in that circumstance we are sorry, that is a person we are simply not going to confirm, Mr. President.

That is not terribly unusual. George Washington failed to get one of his nominees confirmed—America's first President. So it is not unusual for the Senate to say, no, this is not a candidate we agree should be put on the Federal bench for a lifetime.

In most cases, the President has sent us nominees we are satisfied with, and 168 of them have been approved; 4 have not been. In the middle of this time, when time is so critical and the appropriations bills are so urgently needed to be completed, the majority wants to ruminate and vent for 30 hours in the middle of next week about the 4 who have not been approved.

I say, as my colleague from Nevada has, I make no excuses for deciding not to support the nomination of Mr. Estrada. I make no excuses for that. Mr. Estrada wouldn't answer the questions when asked by the Senate Judiciary Committee. How do I know that? Because the same day that he was a witness before that committee, the same day his nomination was considered by that committee, a nominee for a judgeship in North Dakota was there before the committee. That candidate from North Dakota, whom I supported—and, incidentally, is a Republican—is a fine judge. I was pleased to support him. He answered the very questions put to him by that committee that Mr. Estrada refused to answer.

Mr. Estrada refused to answer questions. He and the administration refused to release information that was requested. I have no reason to make any excuses for deciding to vote against Mr. Estrada. I wouldn't have voted for him and didn't vote for him. I am not apologetic about that.

If next week in the middle of all of this urgency we are going to take 30 hours and decide just to have the majority party ventilate about the four who did not get approved by the Senate, then I say—my colleague from Nevada is here—I would like to be part of a process that talks about the 168 Federal judges we did approve, all Republican incidentally—168 of them we did approve. We will get some pictures and get their story. I will talk about a few of them. I hope my colleagues will as well because the American people need to understand the story, and the story is not of the four who didn't get approved by the Senate.

The story is the lowest vacancy rate in 15 years on the Federal bench because the Senate has moved forward on judgeships and because we have confirmed judges sent to us by this President and because we have succeeded in that effort. That is the story next week. If we are going to have 30 hours for the other side to ventilate about the 4 who didn't make it, I want 60 hours to talk about the 168 we did confirm.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I wish to take a couple of moments to do a few items cleared on both sides.

UNANIMOUS CONSENT AGREEMENT—H.R. 2799

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 1 p.m., Monday, November 10, the Senate proceed to the consideration of the Commerce-Justice-State appropriations bill.

Mr. REID. Mr. President, reserving the right to object, it is my understanding that the distinguished majority whip is going to announce there will be no more rollcall votes.

Mr. MCCONNELL. I say to my friend, just as soon as he clears this.

Mr. REID. No objection.

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

Mr. MCCONNELL. I, therefore, mention there will be no more rollcall votes today.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, there are a couple of items on the Executive Calendar cleared. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's calendar: Calendar No. 61 and 362. I further ask unanimous consent that the nominations be confirmed; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

FEDERAL ENERGY REGULATORY COMMISSION

Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2007.

Suedeen G. Kelly, of New Mexico, to be a Member of Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2004.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, has the Pastore rule run its course for the day?

The PRESIDING OFFICER. It has not.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order for such time as I may require.

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

AN INFINITE MIRAGE AND A BOUNDLESS FACADE

Mr. BYRD. Mr. President, through its shortsighted actions, this administration perpetuates an infinite mirage and a boundless facade. This administration hopes to fool the American people into swallowing its wrongheaded policies with no questions asked. These

policies have a superficial appearance of reality, but they are beyond comprehension—beyond grasp. They hover like a mirage on the horizon. We are lulled into believing that if we just stay the course, we will eventually reach some sweet, glorious watering hole. However, the truth is that there is nothing tangible, nothing solid, nothing with form or substance on the horizon.

Regardless of whether it is Iraq or an energy bill, one need only connect the dots to see that the same questionable tactics are readily apparent. When the President announced to the world, ''Either you are with us or against us,'' he alienated many potential allies abroad. The administration uses the same posturing in terms of an energy bill. It is either the administration's way or no way, as it opposes any alternative approaches that do not fit into its little black box.

There was a horrible rush to pass the Iraqi resolution in this body last year. This administration is using the same tactics to dictate the terms of a very bad energy bill this year. This facade is all too obvious as the White House's only goal is to pass a bill seemingly regardless of its substance or lack thereof.

The administration's national energy policy plan will do about as much to improve the Nation's energy security as the administration's invasion of Iraq has done to stem the tide of global terrorism. In the past, the administration attempted to make a case that linked September 11 and Saddam Hussein. These links have failed to materialize, but the administration is still trying to make that link. Not one Iraqi was among the hijackers of airplanes on September 11—not one. So it must be a matter of great chagrin to the administration that it has been unable to bring forth the evidence of that linkage.

Predictably, the administration is now attempting to make the same connections between its national energy policy and a comprehensive energy strategy. This link will also be proven groundless in the not too distant future.

For many years, the Middle East has been a hotbed for a number of reasons, especially because of the Israeli-Palestinian conflict and the continuing U.S. military presence in the region, but an underlying reason for our continued presence in the region is for the protection of our oil lifeline. We likely would not have such close ties to the Middle East if it were not so important to our economic base. Because of this tethering, we are being pressured into passing an energy bill. Unfortunately, even if this Congress passes the administration's prescribed energy bill, that will do little, if anything, to reduce our dependence on foreign oil.

Instead of striving to disentangle ourselves from this foreign oil dependency, the Bush administration seems intent on sinking our military and energy fortunes deeper and deeper into the hot sands of the Middle East.

I have spoken on this floor before regarding my concern for this Nation's energy future. I have also addressed the Bush administration's lipservice and corporate coddling, which is the sum total virtually of its energy policy. As a recent report from the General Accounting Office concludes, the Vice President's national energy policy development group did not solicit a broad range of views. That group never sought to project future energy demand or engage future sources of supply. There was no plan with specific goals and objectives designed to ensure energy diversity. But the Bush administration insists it has an energy policy.

A lot of energy went into producing it, and it has expended much energy to get its bill passed. In fact, just before the lights went out in Manhattan, Cleveland, and Detroit, Vice President CHENEY was quietly working with the Republican leadership to void key electricity provisions that this body was about to pass.

I say to my colleagues, all is not lost. Help is on the way. While this Nation's citizens were stranded and sweltering in darkened subway tunnels in New York and without drinking water in Cleveland and Detroit, more rewards were being handed out. Yes, while the citizens of those cities suffered, the administration was very busy. While our electricity system was in a shambles, the Bush administration was eagerly handing out hundreds of millions of dollars in sole-source contracts to Halliburton—have my colleagues heard of that name before?—and Bechtel to rebuild Iraq's water and electricity infrastructure. Oh, the irony.

Even more telling, in its statement of administration policy, the White House told energy conferees to trim the estimated $50 billion-plus cost of the energy bill because the pricetag was excessive.

Let the American people hear this: We can cut taxes for the rich, we can spend $21 billion just this year to rebuild Iraq's infrastructure, but the energy pricetag in the next decade at home is too expensive. The truth is, regardless of its costs, the Bush administration will never fully fund the programs in an energy bill as the White House is too distracted by other so-called priorities.

The Center for Responsive Politics reports that the energy industry gave more than $2.65 million to the Bush-Cheney campaign in 2000. The oil and gas industry gave 68 percent of that total. Not surprisingly, media accounts are ripe—ripe, I say—with stories of the administration's contributors who have been tripping over themselves to curry favors for their particular energy interests.

What about other groups? Were the interests of the State and tribal interests, labor unions, consumer groups, and environmental organizations at the table?

A lack of consensus on energy legislation has rightfully raised concerns that the final product will be but a patchwork of compromises that do not truly solve our urgent problems.

The Republican majority and the White House have put together what amounts to a ''pig in a poke'' energy bill that includes a number of items that remain enormously controversial and that have little to do with building the bipartisan consensus essential for the development of a national energy strategy. The legislation passed by this Senate last year and this year has been largely ignored.

Now the majority is preparing to ram this hodgepodge through the conference, and we are being forced to swallow it, hook, line, and sinker. This is no way to legislate and it certainly is no way to develop such an important national policy.

We cannot continue to conduct the Nation's business in this way. The stakes are too high. Partisanship alone is threatening enough to our ability to develop comprehensive solutions to our energy problems, but it is not just partisanship that is reason for worry. It is the utter contempt with which this Bush administration apparently views the role of the legislative branch.

As the General Accounting Office has learned, this administration simply will not tolerate legislative inquiry. This administration will not tolerate fact-finding. Requests for information are often simply denied. There is no room for debate, just dictums. We are not expected to stand on this floor and offer amendments. We are urged to sit quietly, we are expected to sit quietly, and wield the rubberstamp. The people of West Virginia did not send me here to be a rubberstamp. I am certainly not a rubberstamp.

Energy policy, in my estimation, drives so much of our economy and defines so much of our national prosperity and security that backroom bargaining can threaten our Nation's future.

The administration used numerous promises and assumptions to sell the Iraqi war to the American people. We were assured that the postwar construction would largely be paid for with Iraq oil revenues and the cooperation of other nations—nations that got the back of our hand. But the President now tells us we cannot count on that money in the short term and the American taxpayers will have to foot the bill.

We are hearing the same type of rhetoric now. We heard claims that the administration's energy bill would fix all of our energy problems. I hope the American people are smarter than that because this energy bill is no panacea, and it could very well turn out to be a Pandora's box.

We need a comprehensive approach to our energy policy. What do I mean by comprehensive? A comprehensive approach fully integrates four fundamental principles: energy security to encourage fuel diversity; fiscal soundness to increase economic growth and

the efficiency of production; consumer protections to guard against fraud, market manipulation, and abuse; and environmental sensitivity to minimize the impacts from wastes and emissions.

These are essential elements for any comprehensive energy policy. These elements must be fully integrated through a policy that is designed to maximize fuel diversity and efficiency of production while minimizing consumer abuse and environmental degradation. These elements could provide a complementary path forward, but this Energy bill is a significant detour.

With these guiding principles in mind, we must then begin to make the hard choices. We must develop a truly strategic plan. Planning requires that we decide how much, to what extent, and when actions must be taken. It requires the development of criteria so the progress can be measured.

For the past three decades, the United States has struggled to find and secure its energy future. Administrations since Richard Nixon have been trying to craft a sensible energy policy, with some small successes, but mostly with little significant progress to show. All too often, America's energy agenda has shifted—lurching first in one direction, then in another. The net effect has been that the Nation has grown more and more dependent on foreign oil, making America's energy security increasingly vulnerable to manipulation and terrorist attack.

This Nation has not had a serious, thoughtful energy strategy or a comprehensive set of energy policies for a long while. Too often, the Government has, instead, reacted to shortages, dislocations, and various energy crises. For example, the Government has tried to control oil and natural gas prices, which only served to exacerbate supply shortages. For a period of time, one administration tried to prohibit the use of natural gas and forced the use of coal for power generation. Two decades later, another administration discouraged the use of coal and Federal priorities shifted to the increased use of natural gas. Today, the Nation finds itself caught in what Federal Reserve Chairman Alan Greenspan calls ''the gas trap.''

The energy bill soon to be before this Congress is primarily another reactionary effort. While there may be some strong trees planted, it is by no means a healthy forest. From past energy efforts, only a few actions, such as creating the Strategic Petroleum Reserve and the Clean Coal Technology Program, have proven to be truly farsighted. I fear that most of this energy bill will continue a business-as-usual approach.

Furthermore, we must, once and for all, realize that our energy and climate change policies are two sides of the same coin. Yet we are doing little, if anything, to address seriously these critical links. This energy bill includes nothing substantial to address either global climate change or advanced clean energy technology exports. If these and other key provisions are not included, why should I support such a flawed, misguided energy conference bill?

Furthermore, the administration has been seeking my support for its so-called FutureGen project, claiming this purported $1 billion, 10-year proposal would build one large powerplant as an experiment to address climate change. My support for this project is largely contingent on identifying the long-term resources for FutureGen and knowing that it will not erode other critical energy programs. So I have to say that, if the administration is expecting my support for FutureGen, then, in coming years I expect that the administration will support my climate change and international technology transfer provisions as well. If the administration is still around.

Global warming is an Achilles' heel for this White House—one among other Achilles' heels. The President has shown no desire to address this problem in an energy bill or anywhere else.

In the end, the President would dearly love a showy Rose Garden ceremony in which to sign an energy bill and thus have a 2004 campaign press release to tout its so-called success. But, given this administration's track record, an energy bill would simply be another empty soapbox for the President to stand on to announce a bankrupt deal.

I say, where have we seen that before? While the Congress has passed bills and supported the Bush administration's rhetoric, the necessary resources to carry all this out never materialize.

The American people deserve much better than this. As the blackout of August 14 vividly demonstrated, this Nation's energy system—which is the lifeline of our economy and national security—is on life support. As we struggle to define and implement a national energy policy needed to address these issues, we again find ourselves on a collision course.

We need a new framework based on a consistent and cohesive set of policies. But we must recognize that we must get to that critical juncture. This new framework must be designed to strengthen the law, not gut it. Most importantly, as we approach this crossroads, we must seek to fully integrate our energy and environmental policy goals and objectives in a complementary way.

We were told we had to rush into Iraq to contain Saddam's WMD programs. Now we are being told this energy bill will reduce our dependence on foreign oil, counteract increasing fuel prices, and do so many other things.

Americans should not be fooled. They will not. There are few, if any, benchmarks or yardsticks from which we can truly chart our progress. Sadly, such milestones are anathema to this administration. At the same time, we have squandered a huge opportunity. The bipartisan cooperation in the development of this energy bill was purely superficial. Soon this Senate could be asked to vote on this legislation. There is pressure to cajole Members to swallow hard and pass it. Despite some solid provisions, why should I be a party to this boondoggle?

A cherry-picked energy plan based on soliciting big industry campaign contributions is a bankrupt policy. It takes this Nation nowhere, and it puts our Nation's future at risk. It is time that the dots were connected. The same pattern by this White House continues to repeat itself. That pattern is statements of policy that build on infinite mirages and boundless facades.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. 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. DEWINE. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators speaking for up to 10 minutes each.

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

HONORING OUR ARMED FORCES

Mr. DEWINE. Mr. President, I rise today, in the few days before Veterans Day, to pay tribute to one of America's and one of Ohio's fallen sons. Twenty-seven year-old Army Specialist James Christopher Wright, who served in the 4th Battalion, 42nd Field Artillery Regiment, of the 4th Infantry Division, passed away on September 18, 2003, while trying to secure a hostile area near Tikrit, Iraq.

James Wright—known as Jimmy by his family and friends—was from Delhi Township, OH. In the early 1990s, he graduated from Oak Hills High School and Diamond Oaks Vocational School.

Growing up, Jimmy was a fun-loving kid. Friends say he was always ready with a smile or a joke. He could make any situation seem comfortable.

He could put people at ease.

Christina Schwaller, who attended Oak Hills High School with Jimmy said that he was ''very outgoing and lovable, very much the clown. He was always laughing—you never had a bad moment when he was around.''

Jimmy also loved cars. It's a love he shared with his older brother, Eddie. When Jimmy was still in high school, and Eddie had just graduated, they bought low-riding pick-up trucks and spent hours upon hours outfitting them. In Iraq, Jimmy was the proud driver of a Humvee. Today, Eddie drives a Porsche with a memorial to his brother painted on the front hood.

In 1996, Jimmy enlisted in the Marines and served four years. In that time, he toured in Bosnia, Greece, and Italy. Jimmy felt strongly about serving our Nation. He had a deep, abiding sense of duty—something he learned from his family. His father, Edward, served in the Army for 20 years and did two tours in Vietnam. He learned from his family about sacrifice and service.

After his tour with the Marines was over, Jimmy decided to settle down for a short time in Delhi Township and later Waco, TX, with his wife, Alina, whom he had met when they were both stationed at Fort Bragg in North Carolina. She, too, had been a Marine. As they were settling in to their new civilian life, the world turned upside-down with the tragic terrorist attacks of September 11, 2001. Once again, Jimmy and Alina felt the familiar pull of duty—duty to the victims of September 11th, duty to their families, duty to our country. Alina remembers Jimmy saying then that ''it was time to put the uniform back on. He couldn't just sit back and not do anything.''

Jimmy and Alina both enlisted—this time into the Army. Jimmy was deployed to Iraq on April 1, 2003. Three weeks later, he learned that his wife was pregnant with a baby boy whom they named Jamison Edward. Five months later, Jimmy Wright gave his life fighting to secure the safety and freedom of the Iraqi people—fighting to secure a peaceful world and future for his unborn son. As his brother Eddie said, ''When Jimmy died, he was doing something he loved. I'm proud of my brother. He's a hero.''

He received the Bronze Star, the Purple Heart, the Armed Forces Services Medal, and the Good Conduct Medal.

Specialist James C. Wright did not have to re-enlist. He did not have to fight and die for us and for his son, Jamison Edward. But he did. As Reverend Thomas King said at Jimmy's memorial service in Ohio, ''Jimmy knew the dangers he faced, but he never backed down.'' He felt it was his duty—his calling—to serve. He believed in what he was doing—in what he was fighting for. He wanted his son to live in a world without terrorism—a safe world—a world of freedom and liberty and hope.

Pliny the Elder wrote that ''hope is the pillar that holds up the world.'' Jimmy was a man of courage, of love, of duty—and his broad shoulders of hope will continue to hold up the world safely above our heads.

He will continue to be that pillar as we remember his life—as we remember how he followed his heart, lived a life full of love, and dutifully responded to the call of his country.

Left to cherish and honor his life are his wife, Alina; his unborn son, Jamison Edward; his parents, Edward and Barbara; his two brothers, Eddie and Mark and their families; and his grandmother, Josefa Wright. Let me say to all of them that you all remain in my thoughts and prayers.

I thank the Chair and yield the floor.

Mr. ALLARD. Madam President, today, I rise to honor recently fallen soldiers in Iraq and to recognize the mission these men and all Fort Carson soldiers have been accomplishing since the conflict began.

This past Sunday the State of Colorado lost four of its courageous army warriors when a Chinook helicopter assigned to the 12th Aviation Brigade and attached to the 3rd Armored Cavalry Regiment crash landed outside of Baghdad. These were brave and loyal soldiers defending the principles of freedom and liberty and fighting the terrible war against tyranny and terrorism.

This helicopter was shot down in the single deadliest attack on American troops since the war began. This attack killed a total of 16 troops and injuring another nineteen. It was transporting the troops to Qatar. Some were headed home for leave while others were getting much needed rest before returning to Iraq to wage peace and rebuild the country after more than twenty years of neglect and oppression.

As I learn more of the four men from Fort Carson who lost their lives, my heart swells with pride. I am very proud of the commitment and sacrifice these soldiers gave to our country and our way of life. Yet, I am also saddened. I am deeply grieved knowing that for each of the brave souls have a family left behind.

It is a somber realization that some parent or spouse will receive the worst possible news. Men in dark green uniforms will show up to explain the unexplainable. As honorable as this task is, no one from the army can comfort the families of Specialist Darius Jennings, Specialist Brian Penisten, Sergeant Ernest Bucklew or Staff Sergeant Daniel Bader. These were good men and proud Americans who were pausing briefly in their duty to improve the conditions in Iraq and fully expected to return soon to rejoin their units.

This tragedy is magnified when you learn of the stories behind these young men and the lives they left behind.

Sergeant Dan Bader was returning to Fort Carson to see his wife and fourteen-month-old daughter. Last spring he tearfully kissed his wife and child goodbye and deployed for Operation Iraqi Freedom promising to return soon and was ever more eager to see his daughter grow with each passing day. He was a towering man of six foot three who was not afraid of anything. He fought for his family, for his unit and for America. His daughter will grow up knowing her father was a hero but not knowing her father.

Specialist Brian Penisten was also coming home but he was coming home to start a new family. He was coming home to his fiance in Pueblo, CO so they could get married this month. He called her before heading to the helicopter and told her everything was okay and ended the conversation with the words, ''I love you Mrs. Penisten.'' But now instead of a wedding his two families will be attending a funeral for this fallen hero.

This attack represents another example of the cowardice and terror tactics employed by Saddam loyalists and the foreign insurgents intent on our failure to bring peace and freedom to Iraq and the region.

They will not succeed. Both the American troops and the Iraqi people are working hard to make the country better. Everywhere you turn, the message is the same. The Iraqi citizens are happy to have us there and our troops understand why we must be there. Whether you count the social programs being worked by our soldiers, the re-enlistments of our Fort Carson soldiers or the over all morale of the troops, the message is clear. We are committed and will not quite until our task is done.

Some of these troops have been in the country since before Christmas of last year. This deployment and combat environment could easily destroy morale and incentive to re-enlist. That is not so for these fine soldiers of Fort Carson.

Even through Sunday's disastrous loss, the spirit of Fort Carson stays strong. The executive Officer for the 3rd Armored Cavalry, said after losing his four men, that, ''morale is saddened and humbled but we remain resolved to continue the fight.''

The unit's 5,000 soldiers serving in Iraq don't have time to be horrified or mourn the dead. They have a job to do.''

He added that they were obviously saddened by the events but ''we are soldiers, cavalry troops and have to execute the mission given to us.''

There has been plenty of discussion lately of America's resolve and commitment to seeing this through. Let me tell you that the men and women serving in Iraq are not confused and know how committed this country is to ensuring that democracy flourishes in Iraq.

The men and women of the 3rd Armored Cavalry Regiment are still fighting the war on the Syrian border but that has not deterred them from performing great measures for the Iraqi people. The 3rd Cavalry helped rebuild a town's schools and hospitals with the help of the local mayor and town council.

Another program brought bookbags full of school supplies to over 200 local youth. This is a sharp contrast to the Hussein regime who did not provide basic education for all children.

One of the American commanders said ''most people in the communities here are peaceful and just want to resume moral lives but the actions of the aggressors place them in a position where they feel they can't publicly support coalition forces.'' And the Iraqi mayor said ''we are very grateful for what they have done.''

Fort Carson has retention goals that it must meet to fulfill its mission. This is true during war as well as during times of peace. Fort Carson has deployed over 12,000 troops to Iraq since last year. That constitutes 80 percent of its troops. Men and women from the 3rd Armored Cavalry Regiment, 3rd Brigade Combat Team, 10th Special Forces Group and 7th Infantry Division have all supported Operation Iraqi Freedom.

Surprisingly, though the 3rd Armored Cavalry is still deployed in Iraq, the unit has not only reached its retention goals, it has greatly exceeded them. In the last quarter of this past year 294 soldiers re-enlisted while the objective was 129. This unit is retaining almost three times its goal for that period and for fiscal year 2003. Over the year, the regiment had 834 soldiers reenlist though the goal was 554 reenlistments.

It is clear to me that the soldiers who are laying their lives on the line; they are committed to this cause; and we need to follow their lead. Secretary of State Colin Powell, while leading the first gulf war, said that the truly great leaders were also great followers. We in the Congress need to follow the lead of men and women from Fort Carson and commit to this cause. We must not waver when it is politically correct to do so, when the elections are near, or when the costs are high.

The cost of failure is greater than any supplemental bill brought forward to this body. The cost of failure is immense. The cost of failure will be realized not only here but through out the Arab world. Iraq is a unique opportunity to show that freedom and democracy can flourish in the region.

This mission is that important.

Any loss of life is tragic and we must reflect on the ultimate sacrifice we ask of our soldiers, sailors, airmen and marines when we send them into harm's way. We always hope that every person that deploys to a war zone will return home to their parents, wives, children and community. Today we have four families who will be met by the dark green uniforms that they all dread.

We can never bring SP Darius Jennings, SP Brian Penisten, SGT Ernest Bucklew or SSG Daniel Bader back to their families alive. As much as we would want, that is not possible. What Fort Carson is doing is 'continuing the fight' and that is exactly what this Congress and this country needs to do. We need to continue the fight even when that means more money appropriated, even when that means a new round of deployments to Iraq, Afghanistan or other yet to be determined hot spots, even if that means standing up to the world community and demanding they do their share.

The war on terror is not going to be won over night. The terrorists have been honing their skills and will not quit because we ask them to. Surgical strikes to obscure targets will not deter them. United Nations resolutions with no force deployment will not dissuade them. What will convince these international thugs is a commitment to stand firm in our responsibility and not second guess our actions when things get difficult.

I stand today to honor these four fallen soldiers, each of the injured, and all of the men and women of Fort Carson. Your commitment and sense of duty is a commendable example to all Americans. I salute Fort Carson and everything the soldiers stand for, so let this body recognize SP Darius Jennings, SP Brian Penisten, SGT Ernest Bucklew, SSG Daniel Bader and all of Fort Carson left to carry on the fight and more importantly carry on the peace.

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

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

AIR QUALITY AND THE BUSH ADMINISTRATION

Mr. JEFFORDS. Mr. President, I stand here to raise some questions and issues of importance.

There are so many difficult problems that Americans must face every day. These include crowded roads, finding adequate and affordable health care, getting a good education for their children, and improving their economic situation.

I believe our constituents want and should expect the Federal Government to do whatever is possible to minimize these burdens with minimal intrusion.

I also believe that Americans want to trust that the government is working to protect them from involuntary risks or dangers that will affect their lives, like defective products, unfair trade practices, and corporate fraud.

Or, perhaps one of the public's greatest expectations about such risks is that the Federal Government will effectively stop pollution that would shorten lives, put people in the hospital or otherwise harm their quality of life or their earning power. Not to speak of cancer or developmental damage that might occur to their families.

It is my duty, as a Senator from Vermont and as the ranking member of the Environment and Public Works Committee to see that the Federal Government meets the public's expectations. Sadly, it is my duty to say that in this matter the administration has grossly failed those expectations and has betrayed the public's trust.

I am not here to simply be critical. I am here representing those people, those communities, those populations who are sufferring because this administration refuses to acknowledge that air pollution causes illness and death. Actually, maybe they do know this, but they're willing to look the other way at the misguided request of big polluters.

There is a reason we have a Clean Air Act. To protect human health and the environment. I can not imagine any member of Congress or any elected or appointed official that would say that we don't need a Federal Clean Air Act. But this administration is getting close to that point.

I want my colleagues to know that I will be vigilant in pointing out places where this administration is at war with the Clean Air Act. And they are numerous.

I plan to work vigorously to defend the Clean Air Act throughout my tenure in this body. I will not bend on this. I will fight efforts to undermine the act in the energy bill, in appropriations bills, in any venue that members may look for an opportunity.

Mr. President, 32,000 or more people are dying every year due to power plant pollution. This is not a new number. It was first reported in the year 2000 and is based on reliable, peer-reviewed science. That is a crisis by anyone's definition. It is a call to action.

But, instead of taking urgent steps or really any steps at all to control that pollution, this administration has given the dirtiest, oldest power plants a permanent exemption from installing modern controls that would cut millions of tons of pollutants.

Not only will this administration not force these power plants to cut pollution in the future, but they announced earlier this week that they would no longer penalize those power plants and refineries for violating pollution limits in the past.

This reversal is stunning and unprecedented, to my knowledge. Just weeks ago, we were assured that the administration would continue to prosecute polluters who violated Clean Air rules in the past. Now they are saying let's just pretend nothing bad ever happened.

That is like saying, ''Let's pretend that the thousands of lives shortened by increased pollution from those illegal activities don't matter.''

The combined effect of the change in rules and the evisceration of enforcement cripples the Clean Air Act.

This Bush administration is trying to unilaterally reverse the great progress in air quality that we have made due to the bipartisan agreement in the amendments to the act passed in 1990.

I hope and will be working to stop this reversal through the courts or by other actions.

The so-called ''clear skies'' proposal that the Administration has advertised with taxpayer dollars is too little and too late.

It puts off real reductions in smog and acid rain causing pollutants from power plants for many years beyond what the public's health demands.

It puts them off beyond what the Clean Air Act could do right now if

only the Administration had the guts to stand up to the polluters' lobbyists and use the act constructively.

At the same time that the President's proposal defers any real and significant reductions in pollution, it immediately suspends or cuts back on the important parts of the Clean Air Act that work right now to protect local air quality from upwind sources and to push emissions control technology forward.

By the agency's own analysis of clear skies in the year 2020, hundreds of coal-fired units representing tens of thousands of megawatts, will still be operating without modern pollution controls.

This means that people downwind of those plants will continue to suffer in communities across the nation, in 20 or more states like Alabama, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, and on.

This just does not make sense. The administration's proposal still leaves many many plants uncontrolled 18 years from now.

It defies the imagination that we won't ask those power plants to use modern controls for a minimum of eighteen years. The technology is available now and it doesn't cost that much.

And yet, this delay in the President's proposal and its suspension of parts of the current Clean Air Act, will result in more than 8,000 people downwind of those plants dying prematurely every year when compared to my bill, the Clean Power Act, or to a vigorous implementation of today's Clean Air Act.

I have been prepared, as I have noted several times over the last 2 years, to work with the administration to work on compromise legislation. My offer has been met with deafening silence.

That is unfortunate for all those whose lives will be shortened, for the additional acid rain that will fall, for the asthmatic children who will suffer, for the increase in global warming, for the smog-blocking scenic vistas, and for the new lakes and fish contaminated by mercury. But that silence is not unusual.

I have come to expect that the administration will not answer straightforward questions or provide simple technical assistance.

And I have come to expect that the administration will not honor the public's or Congress' right to obtain documents and information on vital environmental policy matters.

So it was not a surprise to me that EPA has refused to honor its promise to analyze the impacts of controlling mercury emissions at various levels from powerplants. If they did a decent job, it would show that the Clear Skies proposal is weak and far less effective than today's control technology. Today's control technology—it is even worse than that.

It is also not a surprise to hear rumors that EPA and the utilities are seeking another delay in the legal deadline to control mercury and other air toxics. As it is, this deadline is already many years later than required by the Clean Air Act.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JEFFORDS. Mr. President, I ask unanimous consent to have an additional 5 minutes.

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

Mr. JEFFORDS. What is surprising is that anyone who has children would consider such a delay. Mercury, much like lead, can cause significant neurological and developmental damage to fetuses when a mother consumes normal quantities of fish. It can also increase the risk of heart, kidney and liver effects in adults. The National Academy of Sciences has documented these risks well. Let me repeat that. The National Academy of Sciences has documented these risks well.

However, in case the mothers and fathers who are considering extending this deadline or proposing ineffectual rules, I have joined with 12 other Senators in sending a letter to the Office of Management and Budget and the EPA. The letter explains their legal and moral duties, in the event that they have been forgotten. I ask unanimous consent that the letter be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. JEFFORDS. Mr. President, my inescapable conclusion, unless newly confirmed Administrator Leavitt can change it, is that the Bush administration does not care about the burdens that polluters lay upon the public.

Perhaps the administration does not care about the deathly ill senior citizens suffering from pollution-induced heart or lung disease, or the parents who are struggling to help their learning disabled or physically handicapped child cope with everyday life, or the 150 million Americans who are breathing unhealthy air.

Whatever their reasons, this administration is making it harder to breathe, to see, and to trust.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, November 6, 2003.

Hon. JOSHUA B. BOLTEN,
Director, The Office of Management and Budget, Washington, DC.

Hon. MICHAEL O. LEAVITT,
Administrator, U.S. Environmental Protection Agency, Washington, DC.

DEAR DIRECTOR BOLTEN AND ADMINISTRATOR LEAVITT: We are writing to urge the Office of Management and Budget and the Environmental Protection Agency to promulgate expeditiously a proposed rule to set maximum achievable control technology (MACT) standards to reduce utility emissions of hazardous air pollutants (HAPs), including mercury, as required by the Clean Air Act. As you may know, this proposed rule must comport with, at a minimum, the requirements of sections 112 and 307 of the Clean Air Act, the Administrative Procedures Act, Executive Order 12866, and all applicable settlement agreements. News accounts suggest that the rule is being written to include an arbitrary reduction requirement and compliance date that are not justifiable given the Clean Air Act's specific language, and in a manner that may not produce a defensible proposal.

The Clean Air Act Amendments of 1990 require EPA to promulgate national technology-based standards for utilities that emit hazardous air pollutants, if deemed appropriate and necessary by the Administrator. After many years of Agency delay on that utility MACT standards rule, a settlement agreement was entered into between EPA and environmental organizations. The settlement agreement required EPA to sign a determination of whether regulation of utility HAP emissions is appropriate and necessary, and to follow a positive determination with a proposed and finalized rule, by dates certain. Pursuant to that settlement agreement, as last modified in November 1998, EPA Administrator Carol Browner finally made a regulatory determination in December 2000 that it was appropriate and necessary to regulate utility HAP emissions through the MACT regulatory process. Under this agreement, EPA must now publish a proposed utility MACT rule by December 15, 2003, and a final rule by December 15, 2004, with the compliance date set for December of 2007.

In general, the Clean Air Act Amendments of 1990 require EPA to set a MACT standard that achieves the maximum degree of reduction in emissions of hazardous air pollutants from all new and existing major and area stationary sources, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements. But, section 112 of that Act defines MACT for new facilities as an emission standard no less stringent than what is achieved in practice by the best-performing similar source for which the Administrator has emissions information. Existing sources are required, at a minimum, to meet the average emissions of the best performing 12% of existing units, though EPA can set a more stringent standard. Section 112 (f) also requires EPA to assess the remaining (i.e., ''residual'') risks posed to human health within eight years after the promulgation of MACT standards, and regulate sources of HAPs to provide an ample margin of safety to protect public health. The EPA has moved responsibly in the past to regulate mercury emissions from all major non-utility sources, leaving utilities as the largest source of mercury air emissions in the country.

According to data collected by EPA and presented to industry groups in December 2001, there are technologies available today to reduce mercury and other HAPs from utilities in an efficient and economical manner. In fact, EPA's own analysis shows that several of today's technologies can control mercury emissions from coal-fired utilities by 99% for new sources, and by 98% for existing sources, without subcategorization by coal type. The upcoming utility MACT proposed rule must reflect this technological capability. Furthermore, given that this technology is already available today, there is no defensible reason to delay for any source the compliance date of December 2007, a deadline mandated by both the Clean Air Act and the settlement agreement.

Section 112 (d) of the Act allows for subcategorization of the standard, but only by class, type, and size of source, assuming it does not result in a delay of the compliance date. In other words, subcategorization is allowable for physical differences in plant design. We are concerned that EPA may be

considering subcategorization by coal type, which does not constitute one of these allowable distinctions. Including such a subcategorization in the MACT rule would not be legally defensible.

As you know, the Executive Order on regulatory review (No. 12866) enhances planning and coordination with respect to new and existing regulations, with the understanding that the, ''. . . American people deserve a regulatory system that works for them, not against them: a regulatory system that protects and improves their health, safety, environment, and well-being. . . .'' In particular, E.O. 12866 states that in deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives. Further, in choosing among alternative regulatory approaches, agencies should select those approaches that maximize net benefits, including potential economic, environmental, public health and safety, and other advantages, as well as distributive impacts and equity.

Despite that directive, we are concerned that EPA and OMB may not be considering a full range of regulatory options that includes accurate implementation of the Clean Air Act, namely, a standard based on technologies available today that can achieve a 98%+ reduction in mercury emissions. We expect the upcoming proposal to reflect what the law requires by offering either the most stringent technology standard for public comment, or at least a range of options that includes this most stringent standard. We also expect that the regulatory impact assessment, as required by the Executive Order, which accompanies the proposed rule to include an assessment, and the underlying analysis, of the costs and benefits (including reductions in other air pollutants such as fine particulate matter) of potentially effective and reasonably feasible alternatives to the proposed rule that have been identified by the public.

We are also troubled that the Clean Air Act Advisory Committee established under the Federal Advisory Committee Act to advise EPA on development of utility MACT standards has not received promised analyses and has been inappropriately and abruptly excluded from the regulatory process. EPA worked with industries, environmental organizations, and State and local agencies in the context of these FACA workgroup meetings over a two year period. During these meetings, environmental stakeholders requested specific considerations and mercury reduction scenarios to be included in a model the Agency was developing.

The Agency promised to incorporate group recommendations and deliver findings of this updated modeling to the workgroup by March 4, 2003, yet the analysis was not available by that time. The Agency promised then to share the analysis by April 15, 2003, yet the analysis was again not available, and EPA staff abruptly cancelled that day's workgroup meeting, saying, ''We will get back to you regarding a future meeting.'' The utility workgroup was never able to schedule a subsequent meeting with the Agency, and has still not received the modeling analysis promised almost eight months ago. This failure to deliver promised analysis is unacceptable, and the abrupt exclusion of stakeholder involvement is not good governance.

We expect the Environmental Protection Agency and the Office and Management and Budget to propose utility MACT standards on schedule. We expect that proposal will use the best performing facilities as the guide in setting standards that obtain the maximum reductions achievable. We also expect EPA to deliver on its promises by swiftly completing and distributing to the workgroup the modeling analysis for group-specified mercury reduction scenarios. Further, we expect EPA to continue to work in good faith to incorporate public comment on the proposal and finalize a thoughtful rule by December 15, 2004, while maintaining the December 2007 compliance date. To do any less would be legally indefensible, and would prolong damage to the public's health.

It is well documented that mercury from utility air emissions endangers our health and environment by depositing into our lakes, streams, and oceans and bioaccumulating in the fish we eat. The National Academy of Sciences has confirmed that fish consumption by pregnant women can lead to neuro-developmental damage in fetuses, and that all other adults can be put at greater risk of heart, kidney, and liver effects. Due to this public health threat, 44 States now post advisories warning the public about the risks of fish consumption. Dozens of other toxic air pollutants are released in significant quantities from power plants as well, including arsenic, cadmium, and lead, many of which are known carcinogens. The Clean Air Act does not allow for promulgation of a rule on this matter that is ineffectual in reducing to the maximum extent achievable the major HAPs emitted by utilities.

Thank you for your attention to this matter. We look forward to your prompt response.

Sincerely,

Jim Jeffords, Olympia Snowe, Joseph Biden, Ted Kennedy, Hillary Rodham Clinton, Jack Reed, Dick Durbin, Patrick J. Leahy, Susan M. Collins, Frank Lautenberg, John F. Kerry, Lincoln D. Chafee, Charles Schumer.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak in morning business for as much time as I may consume.

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

UNFUNDED MANDATES AND THE INTERNET TAX NONDISCRIMINATION BILL

Mr. ALEXANDER. Mr. President, Mr. CARPER, the Senator from Delaware, is on the floor. He may want to speak in a few minutes. I have a few comments I would like to make about the debate we are having about unfunded mandates and Internet access taxes.

First, I thank Senator MCCAIN, the chairman of the Commerce Committee, who has been working very hard to help bridge what is a fairly big philosophical difference of opinion some of us have, and I express my appreciation to the leader, BILL FRIST, because he created some time today and last night for us to debate and talk about the issues. I think we have made some progress.

But here is where we are. As with most of our debates in the Senate, we have two valid principles in which most of us believe: First is, no taxation of Internet access. I have yet to run into a Senator who really wants to tax Internet access. Virtually all of us are willing to keep State and local governments from taxing Internet access.

I am a little bit of a purist on unfunded Federal mandates, with Washington politics telling State and local officials what to do, but the amendment which I have offered, and which Senator CARPER and others have joined in, would ban State and local government taxation of Internet access.

That is the first principle. We want the Internet to grow. We don't want local taxation. We don't want taxation that discriminates.

The second principle is, we don't want unfunded Federal mandates. That may be a little bit of a Washington word, but most people know what it means. It means Senators and Congressmen who come to Washington and pass laws and claim credit and send the bill to the school boards and Governors and mayors. Nothing makes local officials madder. This Congress, to its great credit, since 1995, has been very resolved against unfunded Federal mandates. So we don't want to tax Internet access and we don't want unfunded Federal mandates.

We haven't found out how to put the two together. We have offered a solution. There are really two basic ones out there. Ours would be to just take the current law, the current ban on taxing Internet access or allowing State and local governments to make that decision, and extend it for 2 years, and then to make a change to minimize discrimination between providers, providers being phone companies and the cable companies. That is our proposal.

The proposal on the other side was to create a much broader definition of what we mean by Internet access which would create a huge unfunded Federal mandate and take away, we believe, billions of dollars from State and local government tax bases, cause them to cut services or raise taxes on many other things, and make it permanent. That is the proposal.

Our argument is that our 2-year extension of the current law, with one adjustment to level the playing field between telephone companies and cable companies, is better for the country than a permanent installation of a very broad definition. So the issues are duration and definition.

The reasons for our amendment are these. One, we want to preserve the original intent of the Congress. The 1998 law was to keep the basic Internet access tax free. By that we mean, when you hook up your computer to AOL, the intention is that that is tax free. In our amendment, even as the telecommunications industry moves more on to the Internet, that would continue to be tax free. It is really a significant infringement on State and local prerogatives to decide what taxes to raise

on their own. We want to make sure no one will be able to tax e-mail or surfing the Web. We want to make sure that States don't lose the bulk of their telecommunications revenues. Those were our major goals.

The opponents have raised many objections to these ideas. They say the Internet is so valuable that it should not be taxed. Well, we don't tax it any more than it is now. We don't allow taxing any more than it is now. And it makes me wonder. I agree the Internet is valuable. I supported the first moratorium. But it is a grown-up business now. It is no baby in a crib. We had 3 years and then 2 years. Now we are talking about another 2 years.

The telephone is valuable. Television is valuable. Airplanes are valuable. The automobile was a great invention. We don't tell State and local governments what to do about their tax policy for those businesses. The Internet is not a baby in a crib anymore. It can at least afford to hire some of the most expensive lobbyists; we know that.

Then they talk about interstate commerce, that we are messing around with interstate commerce when we talk about telling States what to do about taxing Internet access. I read the Constitution again to make sure I was right. Article I, section 8, says Congress has the power to regulate commerce among the States, but it doesn't say exactly what to do about it. It means Congress can impose limits. They can do some things.

There is also another provision called the 10th amendment which reserves all the powers to the States unless they are specifically delegated to the Congress. That is where the whole prohibition against unfunded Federal mandates came from. That is why, in 1995, this Congress passed as its first bill S. 1 of the new Republican Congress, to stop unfunded Federal mandates—Congress telling Governors and mayors and school boards what services to provide and how to spend their money.

As long as we are allowing States to make decisions about taxation on telephones and telegraphs and bus tickets and airline tickets and severance taxes, all of which are interstate commerce, I don't know why we worry so much about that.

There is the assertion that we might be taxing broadband. That is Internet service delivered by telephone and cable companies. We are really not taxing anything. We are trying to decide whether we should write some rules for what States should do. Broadband is a wonderful thing. It is always just around the bend. We want to it come. What we have said is that except for grandfathered States that now tax DSL Internet phone service, it can't be taxed in the next 2 years. We are just trying to level the playing field for 2 years, as we take the current law and extend it for that period of time.

Multiple taxation would be banned under our amendment, just as it is today. Discriminatory taxation is banned under our amendment, just as it is today. Taxes on e-mail and basic Internet access, banned, just as they are now.

So it seems to us our amendment is a good one. We are willing to continue to visit and talk with the Senator from Virginia and the Senator from Oregon, who have worked very hard and believe very strongly in this. But our arguments are, the Congress has promised not to pass any more unfunded mandates. We have made it a violation of the Budget Act to do so. We should respect that as much as we possibly can. No. 2, their proposal is potentially a huge unfunded Federal mandate which we have promised not to do.

We believe our amendment is better at reconciling two valid principles: One, continuing the ban on basic Internet access and, two, making an adjustment to create a more level playing field between cable and telephone while making a minimum offense to the principle of unfunded Federal mandates.

We also believe that a short term—a couple of years—allows us to craft wise decisions about what is happening in a rapidly changing technology, and theirs would impose an inordinately broad definition of what we mean by Internet access permanently or for an unreasonably long period of time.

There was a letter sent around from the Republican Policy Committee which asserted that the objective of the unfunded mandate law was to stop the Federal Government from imposing affirmative duties or regulations on the States. It basically argues that the Allen-Wyden amendment is not an unfunded mandate. All I can think is that that memo didn't make it all the way through the vetting process. It argues that the unfunded mandate law Congress passed in 1995 doesn't apply to situations where the Congress might say, for example, States may not collect taxes on telephones and telegraphs. If we were to say that, that would mean State and local governments would be deprived of $20 billion of their tax base next year, and they would have to raise taxes on food or medicine or income or property or something else, or cut services.

By the very plain terms of the Unfunded Mandates Act of 1995, it includes both affirmative actions. For example, when we pass a bill that says Memphis shall do thus and so for disabled children but we only pay for half of the cost, that is one kind of unfunded mandate.

But according to the Congressional Budget Office and the plain English in the 1995 law, it also includes the definition of direct cost of a mandate, ''the amounts State and local governments would be prohibited from raising in revenues to comply with the mandate.'' An unfunded Federal mandate also includes our telling the States you cannot raise revenues from these sources. If we think it is so important to do that, we are supposed to pay that.

I am afraid in this case the Allen-Wyden amendment, while they have worked hard to try to narrow it, still raises the possibility many billions of dollars would be lost to State and local tax bases. In other words, we would be imposing a multibillion dollar unfunded Federal mandate on State and local governments.

We believe there is a better way, that we can continue the ban on Internet access, but do it in a way that minimizes the unfunded Federal mandate. Because the leader asked us to, and we want to, we will be working over the weekend, and our staffs are meeting this afternoon. We will be working early next week, and we hope we can come to some agreement in a very short period of time.

I am grateful to Senator CARPER for his leadership in helping us come up with a sensible path in the future. I wanted to give that report on the status of where we are.

Mr. CARPER. Will the Senator yield?

Mr. ALEXANDER. Yes.

Mr. CARPER. Let me just say if I have provided leadership, I know the Senator from Tennessee has. I have enjoyed the opportunity to work closely with the Senator from Tennessee, Senator VOINOVICH, Senator GRAHAM of Florida, and others on this issue. I reflect on the role we as Senators are trying to play in this and the disadvantage some of us operate from. The Presiding Officer and I serve on the Banking Committee together. If the issue before us is like the Fair Credit Reporting Act, we have a fairly good idea, using our background and experience, as to what is fair and reasonable; what makes sense and what is good public policy. If the issue is energy policy, I think our background prepares us to make reasonably good judgments there.

When we come to issues with respect to the Internet and the transmission of information over the Internet, for a lot of our colleagues—certainly this one—it doesn't take long to get in over our heads. If we are honest, I think most will say that. In order to help us through a difficult issue like the one we have now, whether there should be a continuation of a moratorium on Internet taxes and in what form, and should it be extended, we have bright people who work on our staffs, and we speak to people from the outside, whether they happen to be from the industry or State and local governments, to round out our knowledge. But it is still a different result.

For this Senator—I suspect I speak for the other Senators here at this moment—what I think we can maybe best do is figure out the fair thing to do. I always like to talk about the Golden Rule, to treat others like I want to be treated. I try to apply that even in this instance. If you look back to the 1995 law Senator ALEXANDER talked about, the genesis of that law was Governors like he and I used to be, and even mayors in places like Gillette, WY, who didn't want the Federal Government to tell them what to do and not give them

the money to do it. Similarly, whether you are a Governor or mayor, we didn't much appreciate the Federal Government coming in and saying we are going to take away your ability to raise revenues as you see fit and not make up for the shortfall.

That sense of outrage sort of grew out of State and local officials, and eventually came here and compelled the Congress to take steps to enact the 1995 legislation, banning unfunded mandates both under spending and on the revenue side. Today you cannot do that. For the most part, Congress and the President since have done a good job adhering to that law.

What is before us now is how do we be true to the spirit of the unfunded mandates law, not taking away the revenue base of the States and, at the same time, trying to be fair to consumers. People want to have access to the Internet, whether residential consumers or businesses, and how do we manage to be fair to the businesses that are providing these services? I am not going to suggest any of that either. If I could, we would have finished before this week and we would all be in Wyoming, Tennessee, or Delaware, doing other things. But we are not there yet.

The hangup is, as the Senator suggested, the moratorium that has been in effect for the last 5 years says you cannot access the Internet and add a tax to somebody who has a monthly internet bill. It says if two States or more want to tax in that transaction, you cannot do that. Multiple taxes are something you cannot do. The same legislation has said if there is a discriminatory tax somebody wants to impose on Internet transactions, you cannot do it. For example, Delaware has no sales tax. To say for a person who goes to the local book store and buys a book in Delaware that you don't have a sales tax, but if you buy that same book over the Internet, you have a tax imposed, that is a discriminatory tax. The law in effect for 5 years said you cannot do that.

What Senator ALEXANDER, Senator VOINOVICH, Senator GRAHAM, Senator ENZI, and a number of others are seeking to do is to simply say the law in effect for the last 5 years, which prohibits those kinds of activities, stays in effect. Because the world is changing in the way people access the Internet, through broadband and DSL, which a couple of months ago I could not even spell, today turned out to be a key component of this debate. But how do we change the old 5-year moratorium in a way that is fair, for instance, to the baby bells, to their business interests? What can we do that is fair and will enable them to be competitive, level the competitive playing field for them. They have suggested that whether you are getting your Internet service from a cable provider or a telephone company, State and local governments should not be allowed to tax that access to the Internet, at least for the end user.

Here is where our divide is with our friends, Senator ALLEN of Virginia and Senator WYDEN from Oregon. The question is: Where do we prohibit the imposition of the tax? At what point? Starting with the consumer in his or her home, the business in its operation, all the way back up to the ISP, through the infrastructure to the backbone—where does access to the Internet begin? We argue in our definition in our proposal the access begins between the provider, ISP, and the consumer, whether a business or an individual.

Other colleagues, who have a different view, have a much broader vision of where the Internet access comes from—much more expansive, and by their expanded definition, they expand the prohibition dramatically on what State and local governments can tax to raise revenues. I think there is an honest disagreement here. We believe we should focus on what I call the last mile. There are others who believe we should focus on the first mile, all the way through the last mile. When we do that, we take for the States potentially a fair amount of revenue generation capability off of the table at a time when obviously they are hurting and they need every dime they can raise.

I don't know if we can resolve this difference. I think we had a good honest go of it today. Senator MCCAIN is trying very hard to broker some kind of agreement. We may be successful or we may not. Ultimately, we may have to just vote.

I say this to our friends who have a different view than Senator ALEXANDER, Senator VOINOVICH, the Presiding Officer, and myself: We in Delaware have learned over the years to make our State a real attractive place to do business. If other States want to impose fees or taxes on services, and we are smart enough in my State to not do that and then go to the businesses that are maybe being mistreated by regulatory or tax policies in another State, and say, Come to Delaware; you won't have to put up with any of that frankly, it has a good argument.

In a variety of ways, financial services and other sections of our economy are stronger today because we have chosen not to impose certain taxes or fees. We have gone to sections of the economy and said: Look what we have in our State.

I say to those who have a different view than Senator ALEXANDER, Senator ENZI, and myself: Don't discount the competitive nature of States and how some of us will elect not to impose a tax on any of this business in an effort to be far more attractive to those kinds of businesses as we go down the road.

I thank my colleague for the good work he is doing and say to him how much I have enjoyed working with him on this issue, clean air issues, and others. I hope this is a harbinger of things to come.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. The Senator is still under a unanimous consent agreement to yield as much time as the Senator wishes to the Senator from Delaware.

Mr. ALEXANDER. Mr. President, as I was listening to Senator CARPER, I was thinking about what he just said. I believe I am right about this, but Senator CARPER can correct me: What we are saying in our amendment is if the Senator from Delaware or I hook up a computer to the Internet, our amendment would prohibit State and local governments from taxing that event; isn't that right?

Mr. CARPER. I think the Senator has that right.

Mr. ALEXANDER. That would be true even if Internet access moved over from the current way many people do it—and this is hard for people to understand many times—over to the cable or the phone company; is that right as well?

Mr. CARPER. Five years ago when this legislation was written on the moratorium, I don't believe DSL existed. The idea of people accessing the Internet over broadband was not something people thought much of. The idea of accessing the Internet over wireless I don't think is something we thought we had the capability of doing. The world has changed.

Mr. ALEXANDER. So from the point of view of the Federal Government interfering with local governments, we would be making a pretty significant interference there because we would be affording to the Internet access connection a protection that we didn't afford the telephone, that we didn't afford the telegraph, that we didn't afford the purchase of food, the purchase of medicine—anything. If you hook up your Internet, nobody can tax you. That would be our proposal.

The other point the Senator from Delaware is making—Delaware in particular has done this—is, say, in the District of Columbia there was a big cable company or big phone company, and the District of Columbia said: We may not be able to tax the connection between Senator ALEXANDER's computer, but we can sure tax the cable company, we can sure tax the telephone company that provides that connection, and they raise the taxes to a very high level for certain of these points along the Internet architecture. I assume it is entirely possible the Governor of Delaware may ride the train down to the District and say: The tax may be 20 percent, but come live with us in Delaware; come to our State; we don't have a right-to-work law; other States do; we don't have an income tax; other States do. We may have a higher corporate tax than other States. States have these differences all the time, and if one State gets out of line, people leave, businesses leave, elections are held and people are

thrown out of office. That is the way we have operated the government for a long time.

This is a nation that from its beginning operated community by community and State by State and has had a great aversion to central direction of too many of these decisions.

Mr. CARPER. Mr. President, I say in response, that is the way States and competition—friendly competition—have worked over the years, and if it worked in the last century, it is going to work out that way in this century as well.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to print in the RECORD two editorials from Tennessee newspapers: One from the Tennessean and one from the Chattanooga Times Free Press. They just came today.

The last sentence in the Chattanooga Times Free Press article says:

If the federal tax ban becomes permanent, state and local governments may have to come up with great amounts of tax money in other burdensome and permanent ways that taxpayers will not like.

The Tennessean says:

Sen. Lamar Alexander is not voting to raise taxes. He is not trying to increase the cost of Internet access, nor is he advocating a new tax on e-mail.

Instead, Alexander is trying to protect states from excessive control by the federal government. Yet the conservative states-rights position the senator has taken on Internet access has been turned on its ear by some of his critics. . . .

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

[From the Tennessean, Nov. 7, 2003]

ALEXANDER'S PRINCIPLED STAND FOR STATE CONTROL

Senator Lamar Alexander is not voting to raise taxes. He is not trying to increase the cost of Internet access, nor is he advocating a new tax on e-mail.

Instead, Alexander is trying to protect States from excessive control by the federal government. Yet the conservative, States-rights position the senator has taken on Internet access taxes has been turned on its ear by his critics, many of whom are Republicans.

Congress placed a moratorium on Internet access taxes in 1998. The few states, including Tennessee, that had taxed Internet access before the moratorium were allowed to keep their tax. The moratorium officially ended last week.

Now the House has passed legislation cosponsored by Representative Marsha Blackburn that would make the moratorium permanent and would eliminate all exemptions. In the Senate, Alexander opposes a permanent moratorium. He points out that Congress shouldn't micromanage the financial affairs of cities and States. And he points out that the few States that are exempt from the moratorium would lose between $80 million and $120 million in revenue if their exemptions end. That loss of revenue would force the States to increase taxes elsewhere.

Up until last week, Alexander was one of several senators who had placed a hold on the moratorium legislation, but he agreed to lift his hold on the bill last week in exchange for a Senate debate on the issue this week.

No one wants to pay more taxes. No doubt, Tennesseans, who are already paying tax on Internet access, would love to pay less for Internet connections.

But the question in the Senate isn't whether the Internet taxes should go up or down, or whether they should exist at all. The question is whether the Federal government should tell States what they can and cannot tax. Alexander says it should not, and he is right. Tennesseans who want to eliminate Internet access taxes should contact Governor Phil Bredesen and members of the General Assembly.

Tennesseans elected Lamar Alexander to the Senate because they believed he would exercise his own good judgment and act in the best interest of Tennessee. On this bill, he is.

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[From the Chattanooga Times Free Press, Nov. 7, 2003]

IT'S ABOUT TAXES—YOURS

It's not the kind of issue that generates lots of public attention or quick understanding. But when Senator Lamar Alexander, R-Tenn., took the Senate floor this week to discuss it, he wanted to make sure everyone understood that the proposed Internet Tax Nondiscrimination Act involves ''an unfunded Federal mandate''—which could result in State and local tax losses of $80 million to $120 million a year, that local taxpayers might have to make up.

Some time ago, to promote development of the Internet and other electronic communications, Congress banned taxes on Internet access until November 1, 2003, with some exceptions to expire October 1, 2006. The bill now before Congress would make those taxing bans permanent. Since most people don't like any kind of taxes, why shouldn't the ban be permanent?

Senator Alexander explained: ''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 local stores must collect. . . . ''That is an entirely different piece of legislation.'' (We believe such legislation should be passed to provide more State revenue and thus avoid the necessity of imposing other taxes on Tennesseans.) Senator Alexander continued: ''What we're 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 a sales tax from the telephone company when it connects my telephone or from the cable TV company when it connects my cable.''

He said some senator seemed surprised when he suggested the proposed permanent ban on State and local taxation is ''an unfunded Federal mandate.'' But, Senator Alexander insisted, it ''is an unfunded mandate, plainly in violation of the Unfunded Mandates Reform Act of 1995 . . .''

Senator Alexander said the Tennessee Department of Revenue estimates that making the tax ban permanent would cost Tennessee many millions of dollars a year. With Tennessee finances already pinched, how would that amount be made up without new State taxes?

So, said Senator Alexander, ''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 (in Washington), but make it be done down there (in Tennessee and other States)—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 Minnesota and other State and local governments each year for the cost of this new mandate.''

Don't expect Congress to rush to embrace Senator Alexander's amendment. But he has made a point that deserves serious consideration.

If the Federal tax ban becomes permanent, State and local governments may have to come up with great amounts of tax money in other burdensome and permanent ways that taxpayers will not like.

Mr. ALEXANDER. Mr. President, I believe the more Senator CARPER, Senator VOINOVICH, Senator ENZI, Senator GRAHAM, and I talk about this issue, the more people are coming our way. I look forward to continuing to work with other Senators who have different views, and I hope we can come up with a good conclusion to this that respects both principles: banning taxation of Internet access and not imposing large unfunded Federal mandates on State and local governments.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. 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. ROCKEFELLER. Mr. President, I rise today to support the amendment to be offered by my friends and fellow former Governors, Senators GRAHAM, ALEXANDER, CARPER, and VOINOVICH.

The amendment is a very simple one. Every Senator who is aware of the fiscal crisis faced by States across the Nation, which I think at this point is virtually all States, ought to support this amendment, in my judgment.

The amendment simply says we ought to continue the current moratorium on Internet taxes for another 2 years, giving the industry additional time to reach out to new customers and ensuring that we do not undercut States' long-term ability to balance their budgets, because there is an enormous relationship between Internet taxes and State budgets. In fact, this amendment improves on the previous moratorium by ensuring that consumers' access to the Internet is tax-free. Regardless of the technology they prefer, be that DSL, cable modem, wireless phone, traditional dial-up access, they would all be treated the same under this amendment.

I know many of my colleagues are interested in providing a permanent moratorium on the taxation of Internet access, but I ask them to take a moment to consider the potential harm of the bill we are debating today.

Governors, State legislators, and mayors from across this country have called my office, and I would think the offices of most Senators, to implore us not to pass the legislation. I understand the moratorium envisioned in this other amendment applies only to taxes imposed on access to the Internet. However, our good intentions are

not enough to ensure that this legislation is properly applied and that the States are able to collect taxes on other telecommunications services.

Technology, as you well know, is still developing. In the near future, the providers of Internet services may offer telecommunications services as part of a premium package of technology products. Digital content presents additional challenges. I believe somebody purchasing a new movie should be taxed on that, whether they download the movie from the Internet provider or they purchase it from Amazon.com or they walk over to Blockbuster and buy it off the shelf. As technology develops and more and more options are available to consumers, Congress will obviously need to revisit this issue of what exactly falls within this moratorium since the technology changes so often.

This amendment would protect States' rights to impose fair and equitable taxes on products other than Internet access. As a former Governor, I remember very well the difficulty of financing critical State services. I was Governor some 20 years ago, but we were having those troubles then. They are much worse now.

I worked hard with the State legislature to achieve the right balance of taxes and spending. That was hard. I needed the maximum flexibility. It has been some time now, as I indicated, since I was Governor, but over the last few years we have witnessed again how States often struggle to balance their budgets and how, in fact, virtually every single State is going through that process.

It seems somewhat arrogant and unfair for us as Federal legislators to permanently limit the options available to States. I feel very strongly about that. I in no way want to disadvantage development of the Internet, but I want to respect the rights of other elected officials in West Virginia and in other States, and I believe in that strongly.

I believe a 2-year extension of the moratorium is the best of all solutions. It protects Internet access from State and local taxes for a while longer, as more Americans get access to the benefits of the Internet. It preserves for the future the flexibility that State and local governments need as they try to balance their budgets while providing for good education, improved infrastructure, adequate police and firefighting forces—all these things in this new age of terrorism. And it gives Congress the responsibility and the opportunity to revisit the issue, which is absolutely key, in 2 years, as the technology evolves.

Let me be clear. I strongly supported the previous moratorium on Internet access taxes because I recognized the value of expanding Internet use to more Americans. I believe Congress ought to do what it can to ensure the Internet becomes like the radio and the telephone and the television before it—technology that connects with all Americans and connects all Americans to each other.

In my home State of West Virginia, we are still working hard to ensure that all our citizens will have access to the latest broadband technology, so I am eager to support efforts that can make the Internet more affordable and more available, including extending the current moratorium for 2 years. However, I cannot ignore my concerns with the permanent moratorium we are asked to consider today.

I urge my colleagues to join me in supporting this amendment which a number of other former Governors and I have put forward.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

POLITICIZING THE SENATE INTELLIGENCE COMMITTEE

Mr. FRIST. Mr. President, I want to spend the next several minutes commenting on a matter that I regard, as majority leader of this body, to be one that is very serious. As is the case with a number of my colleagues, in fact, most of the U.S. Senators, we have been given the opportunity to reflect on the publication of a very disturbing internal memorandum, a memorandum that lays out a blatant, partisan strategy to use the Senate Intelligence Committee to politically wound the President of the United States.

That is unacceptable. There is really no other way to read this memo. I am deeply disappointed that anyone—that anyone—would have a plan to so politicize the Intelligence Committee of the U.S. Senate, to render it incapable of meeting its responsibilities to this institution, to the U.S. Senate, and, indeed, to the American people.

Moreover—I had hesitated to come to the floor to address this directly, but now is the time to do that—the response by those behind this memo has been miserably inadequate, has been disappointing, and has been disturbing.

We are at a time of peril in our Nation's history. As our intelligence agencies and our Armed Forces in the Middle East are at war against our mortal enemies, those responsible for this memo appear to be—and anybody can read this memo. It is available now. The copy I have here is actually on the FOXNews Web site. But if you read it, those responsible for this memo appear to be more focused on winning the White House for their party than on winning the war against terror.

Those priorities are wrong. They are dead wrong.

As majority leader of the U.S. Senate, as one responsible for preserving the integrity of this institution and the direction of this institution, it is incumbent upon me to make sure we address this matter properly, appropriately, and adequately.

In the aftermath of the war in Iraq, the failure thus far to find deployed weapons of mass destruction is a legitimate matter for inquiry by this body, this institution, for our colleagues. After all, for nearly 10 years—throughout the 8-year tenure of President Clinton and the first 2 years of President Bush—the U.S. Congress and the White House were given a steady flow of information by the intelligence community that suggested such weapons did exist.

In fact, it was this information that precipitated, in 1998, the U.S. military attack Operation Desert Fox, ordered by President Clinton at that time, and, in part, Operation Iraqi Freedom, ordered by President Bush in 2003.

Thus, if there is incomplete or imprecise information that had been provided to President Clinton or President Bush and the U.S. Congress over a 10-year period, the intelligence community should be asked to explain. That is what the Intelligence Committee is expected to do; it is really charged by this body to do; and that is exactly—that is exactly—what Senator ROBERTS, chairman of the Intelligence Committee, set out to do.

Last spring, Senator ROBERTS, as chairman of the Intelligence Committee, made a commitment, jointly with Senator ROCKEFELLER, to conduct a thorough review of U.S. intelligence on the existence of and the threat posed by Iraq's weapons of mass destruction programs.

The review was also intended to cover Iraq's ties to terrorist groups, Saddam Hussein's threat to stability and security in the region, and his violations of human rights, including the demonstrated actual use of weapons of mass destruction; namely, chemical weapons against his own people.

The review was intended to examine the quantity of information, the quality of U.S. intelligence, the objectivity, the independence, the accuracy of the judgments reached by the intelligence community, whether or not those judgments were properly disseminated to policymakers in the executive branch, as well as to this body and the Congress, and whether any influence was brought to bear on anyone to shape the analysis to support policy objectives.

Thus, that was the initial charge and what, in fact, has occurred over the past 5 months. The Intelligence Committee staff has reviewed thousands of documents. It has interviewed over 100 individuals, including private citizens and analysts and senior officials with the Central Intelligence Agency, with the National Security Council, with the Defense Intelligence Agency, with the State Department's Bureau of Intelligence and Research, and even the United Nations.

It is indisputable the chairman of that Intelligence Committee, Senator ROBERTS, has complied in good faith with the nonpartisan—the nonpartisan—commitment which he made to his Democratic colleagues. Most recently, this nonpartisan commitment was manifest, once again, in a series of very direct, no-nonsense letters directed to the administration, demanding the immediate production of documents and interviews necessary to move the Iraq review forward.

Senator ROCKEFELLER, himself, formally recognized, on the floor of the Senate, the fundamental good work performed thus far when, on November 5, he stated on this floor, and I quote:

I have been vocal in my appreciation of the absolutely excellent job done to date by the staff on the aspects of the investigation they have been asked to perform, which is reviewing the prewar Iraqi intelligence. They have done a superb job, absolutely superb job.

The words of Senator ROCKEFELLER.

The chairman of the committee, Senator ROBERTS, has acted with the utmost attention to that nonpartisan tradition of this critically important Intelligence Committee. That nonpartisan tradition—and it is unusual to have nonpartisan traditions in this body—but it has always been preserved, for good reason, in that Intelligence Committee.

The tradition is reflected in the committee's founding resolution, S. Res. 400, enacted in 1976, as a result of nationwide concerns at that time about intelligence activities in earlier years.

The committee's nonpartisan tradition has been carefully cultivated and respected over time, over all these years, by its members. The tradition is part and parcel of the committee's rules, which extend the prerogatives of the minority, that are not found in any other committee in this body.

For a quarter century there has been a consensus in the Senate that the committee's nonpartisan tradition must be carefully safeguarded. Nothing less is acceptable. Why? Because this committee deals with information that is unique, that is privileged information, because of the dangerous and sensitive nature of the subject matter for which the Intelligence Committee, this committee, has unique oversight.

I come to the floor because that critical tradition has now been willfully attacked.

How can I say that? By this memo. You read the memo. The Senate Select Committee on Intelligence has been harmed by a blatant partisan attack. I have no earthly idea who wrote this memo. I do know why. I don't know who it was intended for, but I do know why. If you read the memo, you can look. It is a sequence of steps spelled out. The sequence of steps proposed in this partisan battle plan for the committee itself is without question intended to sow doubt, to abuse the fairness of the committee chairman, Senator PAT ROBERTS, to undermine the standing of the Commander in Chief at a time of war, and to launch a partisan investigation through next year to continue into the elections.

The memo lays clear that over the past several months there has been a partisan design at work ''to pull along the majority.'' According to the memo, the good will, the sense of fairness, the nonpartisan approach of the chairman of the committee, Senator ROBERTS, is still seen as providing ample ''opportunity to usefully collaborate'' in attacking the President of the United States. That is an abuse of the chairman of that very committee. This whole idea of leading that chairman or the committee along is simply unacceptable and out of the spirit of this committee. Again, it is something we simply cannot tolerate.

Finally, in the memo the author proposes that once the committee can be duped no longer, a partisan core of Senators can ''pull the trigger'' on another investigation.

The Senate Select Committee on Intelligence simply cannot function. Worse than that, it cannot fulfill its purpose for us without a complete understanding of what is at work in this matter. I thought it would come forward over the last 48 hours, but it simply has not. That is unacceptable.

Thus I suggest we take the following three steps. First, I don't know who wrote this memo, but as majority leader of the Senate, I do ask the author or authors to step forward, to identify himself or herself or, if there are several people, to stand up with that information for the full Senate. We would be much better equipped to understand the level of intent behind this partisan strategy as well as the depth of the problem within the committee itself.

It is necessary to know who the memo was intended to go to, who was to receive that memo. It was obviously written as a strategy. Who was that memo to be delivered to? Was it intended for political purposes beyond what is permitted in the Senate rules?

Second, it is reasonable to expect, I think—in fact, I know—that the author or authors and the designated recipient or recipients disavow once and for all this partisan attack in its entirety. It is hard to believe this disavowal has not come forward given what is at stake. The Senate cannot permit a committee chairman with the integrity of Senator PAT ROBERTS to be subjected to such abuse. The Senate as an institution should not permit a committee upon which all of us are so dependent—because of its privileged status with access to information, we are dependent on that committee to make decisions—to be so misused or potentially misused for partisan purposes.

Third, I expect there to be a personal apology to the chairman of the Intelligence Committee, Senator ROBERTS, for the manipulative tone and the injurious content of this document. Senator ROBERTS is one of this body's most distinguished Members. He is a friend. He is a trusted colleague. He served in this body for 7 years, rising to that position of trust as chairman of one of the Senate's most respected, most important, most critical committees, especially at this time of war. Senator ROBERTS, with his straight-talking manner, has the complete trust of colleagues on both sides of the aisle. He served this Nation in uniform, in the Marine Corps, in the House of Representatives. His integrity is unimpeachable. He is doing an outstanding job as chairman of the Intelligence Committee.

But only with the fulfillment of the three steps I outlined—No. 1, who wrote it and who was the intended recipient; No. 2, a total disavowal of the writing of this and, more importantly, the intent of this memo; and No. 3, an apology to the chairman—will it be possible for this important committee to resume its work in an effective manner, in a bipartisan manner, a manner that is deserving of the confidence of 100 Members in the Senate as well as the confidence of the executive branch.

In light of this partisan attack, Chairman ROBERTS and I have taken the opportunity to discuss the scope of the unfinished work on the review of the prewar intelligence in Iraq. It is our view that the committee's review is nearly complete. Together we have called upon the administration to provide the remaining requested materials. We have jointly determined that the committee can and will complete its review this year.

To the authors of this memo, there will be no more pulling along and no more useful collaboration on partisan schemes, borrowing from the malicious intent of this memo.

This must be addressed forthrightly. I call upon my colleagues to pay attention to this memo. It is something we can resolve and we must resolve over the coming days.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend our distinguished leader for addressing this matter which is of extraordinary importance to the institution and indeed the United States.

I humbly say I have been privileged to serve in this body for 25 years. I have been a member of the Intelligence Committee in years past, 8 years; the last 2 of those years serving as the ranking member with Senator DeConcini, who is now retired from the Senate. I speak now as a former member of the committee and draw on those 25 years of my own experience.

I have never seen an incident of the level of seriousness to our very vital security interests in this country as this particular memo presents. I think our leader, in a very fair and balanced way, has addressed the challenges. I commend the distinguished chairman, Senator ROBERTS, with whom I have served these many years in the Congress and the Senate.

I conclude by saying, speaking for myself and I think many Senators,

with everything we do in this body today, I keep in mind the young men and women of the Armed Forces, wherever they are in the world today, serving valiantly, most particularly in Afghanistan and Iraq, and how the actions we as an institution take hopefully are in their best interest.

I thank the Chair and the distinguished leader.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank our leader for bringing this matter to the floor. I join with the very distinguished chairman of the Armed Services Committee because that is what we really ought to be about. We ought to be focused on winning the war against terrorism, not allowing one of our primary, sensitive committees, the Intelligence Committee, to be focused on winning the White House. I can't say it any better than the Senator from Virginia. We have heroic young men and woman in harm's way fighting to bring order to a region of the world where we have had many threats to our security. The least these brave men and women could expect would be that our country and our Congress would be behind them.

Frankly, one of the reasons I sought membership on the Senate Intelligence Committee as a new member was I realized that in this critical battle against terrorism worldwide, we cannot win unless we have the best possible intelligence.

As I understand it, the job of the Intelligence Committee is not only one of oversight but of taking a look and seeing what has happened in the intelligence-gathering analysis and sharing in the past, how we can do a better job. Our staffs have been deeply engaged in this exercise for many months. We have followed it. We have had numerous hearings. We have read some, but not all, of the tens of thousands, perhaps hundreds of thousands, of pages that have come before us. We need, on a bipartisan basis, to be able to find out how we can improve that intelligence.

One of the reasons the Intelligence Committee is so special is the tradition it has. The intelligence community members, whose lives are at risk because of what they are doing—often undercover work, dealing with classified, sensitive subjects—have been able to come before the committee in the past, knowing they could count on confidentiality, professionalism, and on a body that was not going to be using their words or their actions for partisan political gain.

Unfortunately, when we first saw this memo, it looked as if there was somebody, or ''somebodies,'' in the Intelligence Committee who wanted to use it to win the White House. That is just unacceptable. Some people on the other side have said this is just an options memo tossed up for review. I have been around here for a few years, and a staff person on his or her own doesn't write a memo saying: We have carefully reviewed our options under the rules and we believe we have identified the best approach. Our plan is as follows.

I say that the occupant of the chair, and probably everybody else here, would be totally stupefied if they got a memo from the staff that was supposed to be an option memo and said: This is our plan. This is not an accident. Days have passed and there have been no consequences. If somebody was really off base, there would have been something that would have happened. Some steps would have been taken. As the distinguished majority leader has pointed out, nothing has happened. Unfortunately, too many of the actions we have seen seem to fit right in with this plan. Not only are they not disavowing it, they appear to be preparing to implement it, or are in the process of implementing it.

What is this plan? Is it to find out how the intelligence gathering could be better? Not likely. In addition to the President's State of the Union speech, they say, they want to look at the activities of the Office of the Secretary of Defense, as well as Secretary Bolton's office at the State Department. They want to go after political figures.

Somebody in my office said, ''This looks like a political witch hunt.'' I said maybe that is not a bad way to characterize it.

They are going after political scalps, not trying to find out whether the intelligence that we received, the White House received, the Department of Defense received, and the State Department received was good, but how they can use the process of the Intelligence Committee to win political points.

By the way, when they talk about ''when we can pull the trigger''—pull the trigger on an investigation—they say the best time to do so will probably be next year.

If I remember correctly, that happens to be a general election year. That would seem to square with some of the statements made by the many Democratic Presidential candidates who want to raise questions, who want to attack the President, using the process of the Intelligence Committee.

One of the things that is really bothersome is that they are not just speaking to an audience in the Senate. When they launch these attacks, these attacks get carried across the Nation and across the world. They get back to the people we are trying to fight. Do you know something? There is nothing a terrorist likes better than seeing discord, disharmony, and political infighting among the people they are trying to terrorize. That is one of the victories of terrorists. If they can tie up the intelligence-gathering operation, which is so critical for the protection, first and foremost, of our soldiers on the front line, but ultimately our allies and ourselves—if they can see that tied up in a political Gordian knot, then they know they are winning.

I strongly support what the majority leader has said. I strongly believe that our fine chairman has not only gone the extra mile, he has gone the extra mile and a half.

Some on the other side said we have not been able to get the information we want. When we have found we could not get information, the chairman has demanded it and we are going to get it. When they want to ask questions, they can do so. When they want to call witnesses, they can call witnesses.

There has been a suggestion that there was pressure on intelligence community members. The chairman has gone out and asked publicly of the intelligence community, if anybody has any information or concerns that they have been pressured, to come forward and talk to staff. We have set up elaborate procedures so they can come forward. We are still waiting. If we find any of that, we will certainly let it out.

In the meantime, it is time for us to get back to the job of the Intelligence Committee—how we can support, rather than tear apart, our intelligence-gathering system. It is with great regret we note that we have gone down this path and there doesn't seem to be any remorse or disavowal from the other side.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise today, first of all, to ask that I be associated with the remarks of the majority leader, as well as the Senator from Virginia and my colleague from Missouri, and to also pay a great compliment to the chairman of the Intelligence Committee, Chairman ROBERTS, who throughout the past 10 months has led the Senate Intelligence Committee through one of the most difficult, if not the most difficult, times in the history of the United States of America from an intelligence community standpoint.

Today, our men and women are fighting a war that is unlike any war America has ever been involved in before. The intelligence community is playing a more high profile and much more public role than ever before in the history of our great country. Chairman ROBERTS has been at the tip of the spear when it has come to providing oversight in a bipartisan manner with respect to the activities of our intelligence community.

Over the past week, he has provided great leadership with respect to the most sensitive issue that has taken place in the short time I have been a Member of the Senate. We have seen a security breach unlike any other security breach I have ever experienced.

As my colleagues have noted, the memo that has been referred to that was prepared by someone on the other side of the aisle—we have yet to find out who—was a blatant political attempt to impede what I consider to be an independent, nonpartisan review of prewar Iraq intelligence. America

should expect more from this Congress. The Democrats in this body should expect more from themselves as well as their staffs.

The Select Committee on Intelligence was established to be nonpartisan in nature, in which Congress could perform critical oversight of the intelligence activities of the United States. This nonpartisan environment was, and is, a crucial feature. This nonpartisan environment creates a crucial level of trust between the executive branch and the Senate, permitting the President to share sensitive national security information, with the confidence that the committee will protect the information and not use it to engage in rank political misconduct.

We have seen just the opposite take place with this blatant political attack that comes from the other side in the form of this memo.

We can have our differences over issues involving Iraq, and we have had those differences, and we will continue to debate issues such as weapons of mass destruction. But no one in this body and no one in the intelligence community ever expected a weapon of mass destruction to be dropped on the Senate Intelligence Committee, as was done this week.

I implore the leadership on the other side of the aisle to follow the initiative of the majority leader: examine what he has said with respect to what needs to be done from this point forward. I certainly hope the leadership on the other side of the aisle will do just what they are charged to do, and that is to provide leadership and come forward to explain the purpose of this memorandum, its intended use, and where they expect us to go from here because otherwise, that weapon of mass destruction that has been dropped on the Senate Intelligence Committee is going to impede our ability to function in the bipartisan way that is absolutely crucial if we are going to exercise our oversight role in the intelligence community.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I rise to reinforce the very serious concerns just raised by the distinguished leader and my colleagues, and I thank them for that. The Senator from Tennessee is an ex officio member of the Intelligence Committee. He has also been a member of the Foreign Relations Committee. He thoroughly understands the complex and important foreign policy issues which depend on reliable intelligence for their proper resolution.

I associate myself completely with his comments and agree with him that neither the Intelligence Committee nor the Senate, let alone the American people, are well served in the current atmosphere of raw partisanship that was created by a minority attack strategy that was revealed this week.

I have come before the Senate many times to report on the progress and good work that has been done by the committee staff in a bipartisan way on the Iraq intelligence review. That has been under review since the spring of this year. Two days ago, I expressed an interest in getting back to work in the Intelligence Committee. Some Senators across the aisle have taken this sentiment as an expression of readiness to simply close the book on this episode and pretend like it never happened. They are mistaken.

What has occurred in the Intelligence Committee was not a simple misunderstanding over policy or a mild disagreement about philosophy or oversight responsibilities. Far from it. What occurred was a direct assault on the heart of what makes the Intelligence Committee a unique and credible and respected entity in behalf of our national security. It was a direct assault on our concept of oversight that is the product of some of our country's most trying days. It has functioned well, although imperfectly, for nearly 30 years. And now we find ourselves at a crossroads, and, boy, is this a road we didn't have to take.

Unless and until this reprehensible attack plan and strategy to derail the committee's important work is properly addressed, I am afraid it will be impossible to return to business as usual in the committee.

I remain absolutely stunned that just one Member of the minority of the Senate has disavowed this destructive strategy and said we are on the wrong trail, said it would lead to a box canyon. That courageous Member saw it for what it is: ''A highly partisan and perhaps treasonous memo.'' Those are his words, Mr. President.

What really disturbs me the most is that most Democratic Members just haven't remained silent about this outrage; some of them have openly embraced it. They have actually tried to make a silk purse out of this sow's ear by dressing up their planned attack on the Intelligence Committee as some kind of frustrated cry for help from their committee staff. That is not going to wash.

Democratic reaction to the attack memorandum is as destructive as the strategy itself. We face mounting intelligence challenges in places such as North Korea, Iran, and, of course, Iraq, and Afghanistan. Members across the aisle should carefully reflect and decide whether their caucus should repudiate or disavow—pick any word you want—this plan and embrace our Nation's security instead of self-interest. Critically important work lies ahead for the Senate Intelligence Committee, and an atmosphere of mutual trust and professionalism must be restored.

According to Senator Bob Kerrey, a former Senator and a former vice chairman of the committee said:

> Rank partisanship like this destroys the comity needed for compromise.

There is a way to restore that comity quickly and completely. It seems to me that Democratic Senators must clearly repudiate or disavow the blatantly partisan strategy laid out in the attack memo. If they refuse, it seems to me, then, that the Democratic caucus must be prepared to accept responsibility for destroying the Intelligence Committee's 25-year, almost 30-year tradition of effective nonpartisanship when the country needed it most.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I first compliment the distinguished chairman of the Senate Select Committee on Intelligence, the Senator from Kansas, not only for the remarks he just made, but for the way he led this committee during very difficult times, as has been mentioned before.

I regret he has been criticized for the very acts of comity which are required of a chairman in a position such as this for trying his best to accommodate the members of the minority, trying his best to be as open and as broad as he could possibly be in approaching the issues that have been brought to his attention by members of the minority, even criticized, I have seen, in his own hometown press, his own press in Kansas for being too soft in dealing with the members of the Democratic Party in this matter.

It is his job to bend over backwards, to make the Intelligence Committee work in a nonpartisan fashion. I didn't say ''bipartisan,'' I said ''nonpartisan'' because that is the way this committee was set up 25 years ago: to be a place where politics could not intrude.

I don't know how many people are aware of where the Intelligence Committee works. It works in an area that is secure. That is the phrase. There are special physical arrangements in the construction of this area in which the committee works. It is literally a vault that you walk into, totally closed off from the rest of the world, obviously because we don't want any electronic surveillance or other means of intercepting what is said within the confines of this secure area.

It could also be a metaphor for its location in this very political city because there is a lot of politics in Washington, DC. We all understand that.

This is a special place where politics is not to intrude. It is literally an island in this political sea that is supposed to be out of bounds for politics.

The chairman has done a great job of trying his best to get all of the information he can from the intelligence community, from the administration, from any other source that would be useful to the committee's work, and to bend over backwards, as the memorandum itself notes, for the members of the minority. I take my hat off to him for that and suggest that he should not be criticized for it; he should be praised for it.

He, too, has made the point that there is a point beyond which one just cannot go. When it appears that the

other side has attempted to take advantage of your goodwill, as the chairman has done, he has got to say that is it; no more; this committee is not going to be used for partisan political purposes. That is what he should do, and I applaud him for that effort.

I also appreciate the comments of the distinguished majority leader in bringing this to the full body as he has done, to raise the critical questions and to simply ask for those responsible to step forward and acknowledge their responsibility and identify for whom this memorandum was written; for the responsible people, including the leadership of the Democratic minority, and certainly the leadership of the committee, to disavow the contents of the memo, the plan that has been written, and to make a public apology to the distinguished chairman of the committee.

I think those are very reasonable requests and, frankly, too many hours have passed since the first calls for disavowal. Yet the memorandum remains not disavowed.

I would like to take just a moment to try and explain why some of us feel so strongly about this. I served on this committee for 8 years. There is a rule that a Senator can only serve for 8 years because we never want this to become a politicized committee. We never want it to be a source where power is gathered around people who maintain their position. This is supposed to be a place where a Senator comes in, gets expertise, serves time, and then moves on. I had the honor and privilege of serving for 8 years.

One of the things that always stuck with me was the fact that it was not bipartisan, it was nonpartisan. The staff was selected primarily from the intelligence community, people who were experts in matters of intelligence. When I first came in, I said I had a member of my staff who used to be with the Intelligence Committee. He has the top clearances, and I would like to have him on staff to help me on this committee. Bob Kerrey, the former Senator from Nebraska and distinguished former chairman referred to by Senator ROBERTS, made the point at the time: No, we cannot do that because we do not want there to be any suggestion that there is influence in the committee from the private staff of individual Senators. This is professional intelligence community staff, and if it ever were thought to be otherwise, we would never get the cooperation of the intelligence community providing us with secrets that are the most significant, important secrets of our Nation.

Our committee staff of the Select Committee on Intelligence has the complete knowledge of the most significant, serious secrets of this country. They have to be above reproach. Think for a moment what would happen if it were perceived that they were political staff just like all the other committees. There is nothing wrong with political staff, but we all understand they have a substantive and a political dimension to the work that they do. We all operate within that understanding. But here, think about what a Senator could do knowing all of these secrets if they decided to use them for partisan political advantage.

I can state unequivocally that I could have gone out and criticized the Clinton administration with things I knew, and people on the committee today could probably go out and criticize the current administration for things that they know. It would be very hard to respond to that because the only response is to use similarly classified information to respond.

We cannot get into that game. No one would share information with the intelligence committee if they felt that it could be used for political purposes. Indeed, what foreign country or other sources would be willing to provide information to our intelligence community with the understanding that it might go right to a partisan political committee of the Congress? It could not be done.

I was interested to go to Great Britain and visit with Parliamentarians who only recently obtained oversight, like the Intelligence Committee oversight of the United States, over intelligence activities of the executive branch of their government. Now, understand they are a parliamentary form of government so the distinction is not nearly as bright as it is in the United States, but they sought advice from us as to how they could best do oversight of this important intelligence function.

They were interested in how we were able to get these deep dark secrets of our country into the legislative branch of government when in the past they had always been the sole province of the intelligence community and the executive branch. One of the explanations was because we were trusted. We were not a partisan committee like the other committees.

Well, this memorandum and the conduct of the staff in this particular case begins the process of destroying that credibility and that trust and thus eliminating any prospect that this committee can operate in a successful way in its oversight function. That is why this is such a big deal.

I mentioned former Senator Kerrey. I would also mention former chairmen of the committee, Senators SPECTER and SHELBY, both of whom spoke to this issue a couple of days ago and recounted how in their experience they had never seen anything like this during their time as chairman and noted that they could not possibly function as a committee if there were a perception that the committee was being used for political purposes.

I might note one other thing just as an aside. I wrote additional views, along with the distinguished chairman of the committee, today to the report that the Intelligence Committee issued at the end of last year about the events leading up to September 11, 2001. One of the reasons that those other views are not as eloquent as I would have liked them to have been is that we had to draft them very quickly, after the report was done, after we knew what its conclusions were. We were able to read through it, and the Senator from Kansas and I noted that we did not totally agree with everything—more precisely, there were other things that we thought should have been said in that report, and we hastily put together our additional views and got them attached to the report. I hope they are helpful for people who read that report and our additional views.

We did not come to a conclusion before that report was done, before the committee's work was done, that no matter what that report said, we were going to attach additional views and be critical of the report. We could not have done that because we did not know what it was going to say.

That is what this memorandum suggests is the plan of these Democrat staffers, that irrespective of what the report says the Senator from Kansas will oversee the issuance of in the next few weeks, they plan to attach additional views castigating the majority. I will quote that in just a second. That is a misuse of the process and that is the kind of thing that we are talking about.

I would just finally note in this regard, the report that the committee is working on now is the second of three major reports. First, the committee put out the report at the end of last year. Then there is the followup report that is being done right now on the intelligence leading up to September 11 and leading up to the conflict in Iraq, and finally the Kean commission, which is also going to be issuing a report on the same subject. So all three investigations overlap in one way or another to ask the question about the adequacy of our intelligence pre-September 11 and pre-Iraqi war. It is not as if this subject has not gotten a lot of attention.

The public might be a little confused about what this memorandum actually says. I just wanted to note finally what this memorandum says. It begins by saying:

> We have carefully reviewed our options under the rules and believe we have identified the best approach. Our plan is as follows.

So this is not a recitation of options. This is a statement that they reviewed the options and this is what they came up with: The plan, ''our plan is as follows.'' It clearly is written for someone who understands fully what the idea was.

Our options for what? It would have to be options for something that the recipient of the memo already understood. It says:

> First, pull the majority along as far as we can.

That is the distinguished chairman of the committee.

Pull the majority along as far as we can on issues that may lead to major new disclosures regarding improper or questionable conduct by administration officials.

In other words, a fishing expedition. Let us see how long we can string this out and maybe we will get lucky and come up with something. In fact, they say it right here: ''. . . We don't know what we will find,'' and then there is a parenthesis at the end of this paragraph that I find very interesting. ''Note: we can verbally mention some of the intriguing leads we are pursuing.''

No, you cannot, not under the committee rules. It is absolutely forbidden.

What is in that committee is confidential. You cannot verbally mention some of the intriguing leads that ''we are pursuing.''

Second:

Assiduously prepare Democratic ''additional views . . .''

That would be appropriate if the report is already done, but what does it say?

. . . to attach to any interim or final reports the committee may release.

In other words, it doesn't matter what the committee says. We'll write these views ahead of time and attach them.

. . . we intend to take full advantage of it,

it said.

Our additional views will also, among other things, castigate the majority for seeking to limit the scope of the inquiry.

The majority has not done anything yet but, by golly they are going to be castigated for this.

Third:

Prepare to launch an independent investigation when it becomes clear we have exhausted the opportunity to usefully collaborate with the majority.

I like that phrase. I think that reveals a malevolent intent here. Then:

. . . we can pull the trigger on an independent investigation. . . . The best time to do so will probably be next year. . . .

They then talk about the advantages or disadvantages of doing it at that time. They note that:

We could [under the second view here] attract more coverage and have greater credibility in that context than one in which we simply launch an independent investigation based on principled but vague notions regarding the ''use'' of intelligence.

It concludes:

. . . we have an important role to play in revealing the misleading—if not flagrantly dishonest methods and motives—of the senior administration officials who made the case for a unilateral, preemptive war. The approach outlined above seems to offer the best prospect for exposing the administration's dubious motives and methods.

This is political. This is staffers who have already prejudged. They cannot believe President Bush. There must be bad, dishonest motives. It is their mantra, and I think they think it is their duty to expose and blame the Bush administration. Yes, it is political, but in their view it is a higher calling. Bush must be exposed, so any method is acceptable, so the end justifies the means even if it risks destroying the intelligence committee.

These staffers should know better because they are senior staffers, presumably. That is the kind of people who get hired on this committee. But it is wrong to put partisan politics above national security and certainly the members of the committee know better. That is why the majority leader is absolutely correct in calling upon them to disavow this memorandum, which puts partisan politics ahead of national security.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, let me initially state I have the highest respect for PAT ROBERTS, with whom I served for a number of years on the Ethics Committee. I served with him in the House of Representatives. I also have the highest respect and the deepest admiration for JAY ROCKEFELLER, a man who has devoted his life to government and who, as I have indicated, I admire greatly.

But the American people must understand this memo that has been talked about was somehow stolen from the offices of Senator ROCKEFELLER and his people who work in the Intelligence Committee. It was purloined—I used the word stolen—and then made public by the majority. I think one of the things we should consider here, in addition to what is in the memo, is how this information was taken. How it was obtained and how that came to be is something the Intelligence Committee should really be concerned about because, as a number of Senators have spoken about this afternoon, the information that is spoken of in the Intelligence Committee, the memos, letters, and other information that is in the Intelligence Committee, has to remain secret. It has to be something that is within the confines of that office.

That wasn't done in this instance. All you need to do is compare the situation where, just a few weeks ago now, information was leaked from somewhere within the confines of the White House to Robert Novak, a distinguished columnist in the Washington area, and that information was obviously leaked in an effort to get even with Ambassador Wilson. How did they intend to get even with Ambassador Wilson for questioning how the war came to be in Iraq? How were they going to get even with him? They were going to disclose the name of his wife who was a CIA agent. By her name being made public, not only could it lead to her physical harm but harm to the people with whom she had intelligence contacts all over the world. Where is the hue and cry about this?

I have been terribly disappointed over the last several days about what is happening in the Senate. There were speeches this afternoon accusing Senators who are not here to defend themselves and who are only trying to do what they think is right for national security—it may not be right, but they think it is—of being unpatriotic. That makes me feel even sadder.

The American people should understand, what we have here is an investigation being conducted by the Intelligence Committee. It is a very important committee. I acknowledge everything that has been said by the Senators here this afternoon. It is very important. But the minority believes the investigation should be more than looking at what the civil servants did; that is, the CIA itself, and should be looking at not only what the civil servants did but what the policymakers did.

I voted for the first gulf war. I voted for the second gulf war. I have no regrets about having done either. But I am very interested in how we got to the situation we are in.

I said we can win the war, but can we win the peace? I want to know about how the policymakers made the statements they did.

I think it is also of note, as my friend, the distinguished Senator from Arizona, indicated, he did file the same views—he and Chairman ROBERTS. In this report, on page 4 in their views I quote:

Because the fundamental problems that led to 9/11 are almost certainly rooted in poor policy and inadequate leadership, the investigation should have delved more deeply into conflicting interpretations of legal authorities, including presidential directives, budget allocations, institutional attitudes, and other key areas. Only penetrating these areas will tell us how policymakers, including Congress, contributed to the failures the Report identifies.

So as I understand this memo, which was stolen from the Intelligence Committee—I don't see anything wrong with their asking for more information and how we should start looking at the policymakers, not just the bureaucrats.

On page 17 of the report, Senators ROBERTS and KYL said:

The failures that led to 9/11 occurred not only in the intelligence community. The [Joint Inquiry] was selective about what threads of inquiry it was willing to follow beyond the intelligence community.

So they were asking for what I understand the memo asked for.

Rather than talking about the Intelligence Committee being landlocked, blocked, I think they should just go ahead and do their report, enlarge it, and include this information.

Last night on this floor and earlier today I tried to get permission from the majority to pass military construction. The conference report should have been passed. We are not doing that. We could do it right now. I also tried to pass the Syria Accountability Act. I understand procedurally why on the Syria Accountability Act the majority may want to hold it over. An hour and a half is plenty of time, but the appropriations bill has no time on it. I can't understand why we will not do that.

Talk about political grandstanding, we now learn that starting next

Wednesday at 6 o'clock we will spend 30 hours talking about judges.

I ask unanimous consent that the debate time for discussion on judges, which we have all learned is going to be 60 hours, be divided and controlled equally between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Reserving the right to object, Mr. President, it is interesting to me; comments have been made over the course of the day that there was some attempt to figure out how time would be divided, and I believe the allegation has been made that had been discussed with me before. We have not gotten to that point yet. So I am a little bit surprised about some of the statements which were made earlier.

As we discussed the judicial issue and the filibusters that are ongoing, which are unprecedented—partisan filibusters in this country on the judicial nominees—I do think it is critically important that we have the opportunity on both sides to be heard. The plans will be, after we finish the appropriations process over the next several days, that at that point in time we will turn to the judicial nominees. We will be debating two nominees who haven't yet been considered on the floor of the Senate. The intention has been made very clear that the Members on the other side of the aisle will filibuster. Therefore, I look forward to an active debate between both sides of the aisle. We would be happy to talk to the Democratic leadership about how the time will be divided.

Mr. REID. Mr. President, I withdraw the unanimous consent request and express my appreciation for hearing that at a later time the leader will determine how he feels the time should be allotted. I am glad he is thinking about some allocation of time to the minority.

I also say that my friend from Arizona raised questions and made statements about the 9/11 Commission of which Governor Kean is chairman. Of course, that has a number of people on it, such as Senator MAX CLELAND. But as we have read from the press accounts, even Governor Kean, a Republican, is concerned about the lack of information.

From the 9/11 Commission, Governor Kean has indicated publicly that he may go to as far as issuing subpoenas to the White House to get the information he hasn't gotten yet.

If we are talking about divulging information, one of the things that we need to talk about is what has gone on in preparing this intelligence report between the White House and the Intelligence Committee which is supposed to be sacrosanct in itself.

Numerous questions have been raised about what the intelligence community told the Bush administration about the threat posed by Saddam Hussein and how administration officials used this information in the days leading up to the war with Iraq.

What was the factual basis for the administration's assertion that Iraq attempted to acquire uranium in Niger?

What was the factual basis for the administration's assertion that there were concrete ties between Saddam Hussein and al-Qaida?

What was the factual basis for the administration's assertion that Iraq posed an imminent danger to the United States?

What was the factual basis for the administration's assertion that if we did not act in Iraq, the so-called smoking gun would be a mushroom cloud?

In all the speeches, not one of my colleagues has suggested that these are not legitimate questions for congressional inquiry. That is because each of us recognizes that we need a strong, independent intelligence community to win the war on terrorism.

In order to answer these questions, we need to understand both what intelligence told the administration about these issues and how the administration used that information.

Both issues have important implications for national security, and both issues should be thoroughly examined by Congress.

Nevertheless, the Intelligence Committee chairman rejected the Armed Services Committee chairman's proposal to conduct a joint investigation.

My friend, the senior Senator from Virginia, asked for a joint inquiry by the Armed Services Committee and Intelligence. But that didn't come to be, even though we all know it was a good idea.

At the same time that he was rejecting these entreaties from members of both parties, press reports indicate that the majority was meeting with the White House, as I have already indicated, to discuss how to proceed on matters that affect the intelligence community.

I don't think it should come as a surprise to anyone who knows these issues that some in this body who are concerned about our national security have seen their pleas ignored by the majority. They have been frustrated.

It is difficult for Members in this position to understand why the majority would refuse to explore the questions that I have outlined only briefly—questions which we all agree need to be answered if we are to succeed in this war on terrorism. We all agree that these are important questions. We all agree the committee has authority to look into these issues.

While we are posing questions for each other here, my question is this: Why isn't the Intelligence Committee looking at both what the intelligence community knew and how the administration used that information?

Again, the memo that is the subject matter of the discussion here today was not leaked by anyone we know. In fact, we believe—and I think there is credible evidence to indicate—that it was stolen, purloined, and then made public. It wouldn't have been made public but for the majority.

Doesn't the minority have a right, in the secret confines of the Intelligence Committee room, to have pieces of paper there that aren't going to be pilfered by the majority? The staff allocation is very unfair. Some say it is about 30 to 3. But in spite of that, those 30 should have better things to do than to pilfer through the records of the minority.

I have the greatest confidence in Senator ROBERTS and Senator ROCKEFELLER. I think we should get back to the business of this Intelligence Committee. We should get back to it, and I hope they will broaden the investigation. If they decide not to broaden the investigation, as the memo indicated—and I have only read little bits and pieces of it; I haven't studied the memo—then there are things the minority can do to bring this out because the issues that I have raised should be made public.

I hope these two fine Senators—the Senator from Kansas and the Senator from West Virginia—will work together as they have so well and not let this stolen memo hurt the deliberations of this most important committee, the Intelligence Committee.

I apologize to the majority leader. I know he is a busy man. I am sorry I took so long to respond to the remarks made by others here today.

Mr. FRIST. Mr. President, we are about to wrap up here in just a couple of minutes.

But just from my standpoint, based on the comments that have been made, we still have no one disavowing the contents of the memo or the intent of the memo. All I ask at this juncture is, Who wrote it? Who was it intended for? Who was the recipient?

Second, I ask for someone to stand up and disavow either the intent or the content of the memo.

Third, an apology to the chairman, who it certainly seems to me there is an intent to in some ways embarrass and subtract from the integrity he has brought to that committee.

Those three things.

Just to respond very briefly about some other business, we share the minority whip's concern about getting our business done. I have mentioned that November 21 is the target date for us to adjourn.

I am pleased that we have been able—speaking to the legislation that we mentioned—to lock in a time agreement on Syria accountability. It was a priority of mine. It is a priority on my side of the aisle, and on the other side of the aisle. And I can assure our colleagues that it will be done early next week. I am not sure exactly what that date would be but sometime early next week. There are Members on both sides of the aisle who desire to speak on the Syria Accountability Act. I urge them to be available early next week, Monday or Tuesday, or they might not get that opportunity. I understand both sides of the aisle want to progress quickly to this important piece of legislation, the Syria Accountability Act.

On MILCON, I am prepared to move on that conference report. If the minority whip is willing, I am prepared to lock in a 20-minute time agreement to allow the managers to make short statements and then to allow us to finish that measure. I ask the Democratic whip if he would allow us to proceed to that when we proceed to the conference report, that it be considered, and that a short time agreement be part of that agreement.

Mr. REID. Reserving the right to object, I ask that the consent be modified to allow the statements to be made after the bill passes today. We would pass it today, and people could have more than 20 minutes next week to speak on it all they want. This matter should be passed immediately.

Mr. FRIST. Mr. President, as I said earlier, I renew my request as made because it is very important that people who have worked very hard on MILCON, out of respect for them and those managers, be here and they make the appropriate speeches and response in support of this bill.

Mr. REID. Reserving the right to object, does the leader have the time in mind when he would bring this up?

Mr. FRIST. Mr. President, we would bring it up the early part of next week.

Mr. REID. As I have indicated, I want it passed tonight. People in Nellis Air Force Base and Fallon can do without speeches. It should be passed now. If it will not be passed now, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. FRIST. Mr. President, as you can tell, we have a very busy week next week. I will comment a little bit more on the schedule shortly and we will be doing MILCON and Syria as well as many other things over the next several days.

PARTIAL-BIRTH ABORTION

Mr. LAUTENBERG. Mr. President, I rise to discuss something that struck me as downright chilling when I saw it yesterday in the paper. It was the signing of the so-called partial-birth abortion bill. I want to show a picture as it appeared—as I first saw it in the Washington Post. I challenge anybody: Find a woman in that picture. We even broadened it to a larger picture, and once again I issue the challenge: Find a woman in this picture. There are 10 men, not 1 woman in that picture.

This picture represents the most sweeping attack on women's rights in 30 years. What do we see? We see a group of gleeful men, smiles across their faces. We don't see the picture of the women who are frightened to death about what can happen if they need to make a decision to protect their health, in the company of their doctor.

This gleeful group is watching President Bush sign away women's rights. Look at the image—not a woman on the stage. Does anybody doubt about how the population splits 50–50 between the two genders? But here, in these two pictures, it is all men, and it is downright frightening.

It has been said that a picture is worth a thousand words. When women across America picked up the paper or watched the news and saw this image, it spoke volumes. This photo says to women: Your right to make choices about your health and your body is being taken back from you.

I am the proud father of three daughters and five granddaughters. I don't want the men in these pictures making decisions for my daughters or my granddaughters when it comes to their health and their well being and their families' well-being. Thank goodness, all of my children have children. They have wonderful families. But they have to take care of those families. If their health is jeopardized by a pregnancy or a disease, I want them to be able to take care of it.

Not here. These men will make your choices for you.

I am old enough to remember a time when women were not permitted to make choices, when women couldn't hold certain positions in society. There was a time when women couldn't vote. We have made great strides forward to advance women's rights, and one of those rights is the right to choose. But look at this picture. These fellows are eager to snatch those rights away from women.

The absence of women on the stage says something. Make no mistake. We have more than a dozen women in the Senate. I don't know what the count is in the House. Not one of them stood on this floor during the debate and defended that law that was passed and signed so smugly at the White House. I call this a ''malegarchy'' and this photo captures the essence of the ''malegarchy'' women live under today.

If we keep going backwards, maybe it will be possible our women will live like they do in parts of the Middle East and have to wear burqas. The men will decide.

I think it is shameful. It is embarrassing to see this image in the 21st century in the United States of America. Have we entered a time warp? In some ways we have. Ultra right-wing conservatives who control this Congress and control the White House are more in line with the thinking of the 19th century than the 21st century.

The conservatives today speak of ''traditional family values'' and protecting marriage. Those are their buzz phrases, but you look back in history and what you see here is a repeat of the same themes constantly used to keep women subservient. I couldn't get away with that in my household.

In 1914, during the battle over the women's right to vote, there was a group called the Nebraska Men's Association Opposed to Women's Suffrage—that was the title of the organization. It was organized in 1914. The group published a document expressing its reasons for opposing women's suffrage. The association claimed if we give women the ability to vote, to make electoral choices, then that would lead to ''attempts to change home and marriage.'' Does that sound familiar? It is the same rhetoric we hear today. In this picture, it is the same rhetoric being used at this bill signing.

We also hear about the ''culture of life.'' What about the woman's life? What about her health? This law does not include a health exception. What if a woman's health is in danger? What if her life is ultimately threatened by complications stemming from the pregnancy? And where is the culture of life when that fetus is born? Where is the culture of life for children who have been born?

Earlier in this Congress, the anti-choice conservatives led the fight against the child tax credit for low-income working families. Where are the family values in that? Where is the culture of life in that?

How about nutrition for those children? How about education for those children? How about health care for those children?

We have seen ''no'' vote after ''no'' vote on funding these programs for making our children healthier and brighter and more productive.

I was pleased to see the Federal courts in Nebraska and New York issue injunctions against this unconstitutional abortion law. The vast majority of legal scholars predict this law will be easily overturned, based on Roe v. Wade, and it should.

The famed American suffragette Elizabeth Cady Stanton said ''men want their rights and nothing more, but women want their rights and nothing less.'' As we can see with the signing of this bill, women's rights are still under attack. We must not settle for anything less than full reproductive rights for women in America.

CONGRESSIONAL PORK

Mr. MCCAIN. Mr. President, I would like to address an article that appeared on the front page of Roll Call on Thursday, November 8. The title of the article was ''McCain Breaks Own Pork Rule,'' and it addressed my efforts, as a member of the Senate Armed Services Committee, to secure authorized funding—I emphasize authorized—for land acquisition at Luke Air Force Base in Arizona. Sadly, the headline was misleading and the article itself was simply inaccurate.

As my colleagues know—and I see my colleague from West Virginia in the Chamber—for many years I have made it a point to carefully scrutinize the annual appropriations bills which are, in my view, wasteful porkbarrel spending. I have specific criteria for identifying these projects which are very clear. Simply put: If an item is requested by the administration or properly authorized, I do not object to it and I do not consider it a porkbarrel project. Having said that, let me address the situation discussed in the Roll Call article.

The authorization for funds for the land acquisition at Luke Air Force Base was included in both the House Armed Services Committee markup of the fiscal year 2003 Defense authorization bill and the fiscal year 2003 authorization conference report, and in the Senate Armed Services Committee markup of the fiscal year 2004 authorization bill. As a member of the authorizing committee, I readily admit I worked hard to procure the authorized funds necessary for the land acquisition. As all of my colleagues are aware, authorizing the expenditure of Federal funds before appropriating them is the proper process. It is the way we are supposed to do things in this body.

As no one disputes, the authorization bill includes a provision for the Luke land acquisition. It will be adopted by both Chambers and signed into law by the President. I cannot recall a Defense appropriations or Military Construction appropriations markup occurring after the Defense authorization bill conference report was signed into law. As my colleagues know, appropriators have only the Senate-passed authorization bill to use in determining whether projects proposed for inclusion in their markup are authorized.

Simple fact and not my opinion—I emphasize, it is a fact, not my opinion—rule XVI of the Standing Rules of the Senate expressly acknowledges that Senate bills that were previously passed in the current session authorize appropriations. The rule states in part that:

> The term unauthorized appropriation means an appropriation (i) not specifically authorized by law or Treaty stipulation unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session. . . .

That is exactly what happened with the authorization bill. Therefore, the Senate considers it authorized when the authorization bill passes the Senate, not when the conference report is signed into law. Again, this is a standing rule of the Senate, not an arbitrary decree of my own. I have never objected to an appropriation on the grounds that while it was authorized in the Senate-passed bill and was accepted by House and Senate conferees, the conference had yet to finish its work. I consider such an appropriation to be authorized while consistent with Senate rules and the fact that the report had yet to be voted only a technical formality.

The article also suggested that I requested from the Military Construction Appropriations Subcommittee an unauthorized earmark for Luke Air Force Base. That suggestion is simply not true. I categorically deny ever approaching any member of the Appropriations Committee in order to request funding for this project, or any other project for that matter. It just simply didn't happen.

If there is any member of the Appropriations Committee who will come forward and say that I did, I would be very interested, because it didn't happen.

The fact is, when I was approached by the chairman of the Senate Military Construction Appropriations Subcommittee, who informed me that if I wanted the money authorized for Luke included in her subcommittee's markup, I would have to send her a letter requesting it, I firmly refused to do so, noting only in conversation with the chairman that the money had been authorized and that the appropriators should follow that instruction.

I believe strongly, as every Member of the Senate knows, that appropriators should follow the instructions of the authorizing committees. And no one should have to write a letter requesting it. I never have.

It has come to my attention that three different members of the Appropriations Committee told the Roll Call reporter responsible for this article that I approached them and requested this funding. Again, this is not true. I challenge any member of the House or Senate Appropriations Committee to come forward and prove I made any such request.

I have with me a letter to the editor of Roll Call from Tom Schatz, president of Citizens Against Government Waste. As my colleagues know, Citizens Against Government Waste is a very well respected and nonpartisan government watchdog organization. I have worked with them for many years, and I am proud of our joint efforts to combat wasteful spending. In the letter Mr. Schatz says:

> Citizens Against Government Waste (CAGW) is concerned about the accuracy of the article, ''McCain Breaks Own Pork Rule,'' that Roll Call published on November 6. [Citizens Against Government Waste] is dedicated to hunting down pork-barrel projects in every appropriations bill. In fact, CAGW's fiscal Congressional Pig Book contained 9,362 pork-barrel projects. Senator John McCain has been the leading voice in the Senate trying to stop this egregious practice. As for the $14.3 million for Luke Air Force Base mentioned in your article, Sen. McCain has assured us he did not request any unauthorized fund from any member of the appropriations committee.
>
> We have worked closely for many years with Senator McCain in our joint effort to combat wasteful government spending. He believes that spending provisions, particularly defense-related projects, be contained in the Department of Defense authorization bill. Senator McCain serves on the Senate Armed Services Committee, and he readily admits that he worked hard to ensure that funding for Luke AFB was included in the Senate DOD authorization bill. The timing of the authorization versus appropriations bills is a red herring in this story, designed to make it appear that Senator McCain has violated his own rules on pork barrel spending.
>
> Sincerely,
>
> Tom Schatz, President, Citizens Against Government Waste.

Mr. President, I regret I had to take the time of the Senate to address this issue. I feel it is important for my colleagues to know the truth. I know very well if I violated my own rules, it would get a lot of publicity and longevity. I have not done that in 17 years, and I will not. That is why I come to the floor today to correct what was written in that article.

I have been very diligent in ensuring my office never violates the same standards for appropriations to which I have long insisted my colleagues adhere. I did not do so in this case and I will not do so in the future. I appreciate the indulgence of my colleague from North Dakota.

I yield the floor.

TANKERS

Mr. MCCAIN. Mr. President, I commend the Chairman of the Senate Armed Services Committee, the senior Senator from Virginia, Senator JOHN WARNER for putting the Committee on Armed Services back on the map of relevancy and like any sea captain with a steady hand decisively changing the course of the committee from just a debating society. I believe that the Appropriations Committee will think twice before they try to pull this off again. This began in September 2001 when Secretary Roche, the Boeing Company and the Appropriations Committee decided to lease 100 Boeing 767 tankers and go around the traditional budget process at the Pentagon, go around the Secretary of Defense, go around the Office of Management and Budget, go around the authorizing committee—(SASC)—and insert a $30 billion new start lease of 100 Boeing 767 aerial refueling tankers into the Department of Defense Appropriations Act for Fiscal Year 2002—without a single hearing, debate, or vote.

However, late yesterday afternoon Secretary Wolfowitz sent a letter to the defense committees which would enable the SECAF to sign a contract for the requisition of 100 tankers now, and to buy 80 of them on delivery.

This language has negative financial and budgetary implications. Importantly, it will provide that lease-unique disbursements, such as construction financing—$7.5 million per plane—lease administration costs—costing up to $5.5 million per plane; FAA certification—which would be considerable and yet unnecessary when the Air Force owns the planes; and other costs such as operating expenses for any special-purpose entity extend to the order of 80 tankers—which the SECAF will buy.

In addition, the USAF will not be required to set aside money now for the purchase of these tankers. So, when the tankers are built, the USAF will have to come up with the cash to pay for them. But, at that point, the temptation will be simply to extend the lease and not convert to a buy when the time comes to do so. So, this proposal puts no pressure on the USAF to make choices before starting to build planes number 21–100. Instead, it will have Congress over a barrel to pay for planes already built under the tanker lease regime. Thus, as is the case under

the original lease proposal, the USAF will get its tankers in a way that defers the payment burden to someone else at some unspecified point in the future.

This is what we were trying to originally avoid.

The language we agreed to late last night is clear and would unequivocally prevent the USAF from leasing more than the 20 tankers.

And more importantly will prevent ''costs that are unique to this lease arrangement . . . costs for issuing the bonds required to finance the lease or the construction of the tankers, operating expenses for the special-purpose entity, lease administration fees, FAA certification costs, etc.'' apply to the subsequent 80 aircraft.

The Air Force will be forced to, just like the other military services do, obtain budget authority before placing an order for the purchase of tankers or before Boeing spends any money for the construction of those planes. Because this will require the USAF to pay at the time of order, make progress payments and acquire the tankers under two separate contracts, as it should, potential savings could be as much as $5.2 billion according to unofficial CBO estimates.

Remarkably, the key threshold issue of corrosion remains an open issue. CRS still believes that, to date, the DOD has not provided a thorough corrosion assessment as the SASC asked for. And, the two reports that Secretary Roche cited as updating the Economic Service Life Study, ESLS, which concluded that the current fleet is viable to 2040, are in no way comparable in sophistication, depth or scope. So, to date, the DOD has produced, despite numerous requests, any data or analysis that invalidates the conclusions of the ESLS.

The November 5, 2003, letter from the Deputy Secretary of Defense to Chairman WARNER is disturbing. In this letter, the DOD describes how it intends to proceed acquiring tankers under the legislative language agreed upon by the conferees 2 days ago. In particular, it indicates that the DOD intends to sign the current contract for the acquisition of all the tankers now and not obtain requisite budget authority until the out-years to fund the purchase of the tankers.

According to the letter, the DOD will fund its purchase of the 80 tankers by adding $3.8 billion in the out-years to ''achieve[] an immediate start to the program and allow [for the] purchase [of] the last 80 aircraft at time of delivery.''

There are several problems with this:

It seems inconsistent with the plain language of the bill that the conference has agreed upon—that the USAF buy up to 80 aircraft under a multi-year procurement/incremental funding methodology.

It will likely result in the proposals being scored as a $18 billion ''direct purchase.''

It suggests that taxpayers will be stuck with unnecessarily having to pay for construction financing costs at a premium open-market rate and other lease-unique disbursements.

It is unabashedly similar to what the USAF intended to do under the original contract to lease 100 tankers, and I appreciate that we now have a commitment, as Senator WARNER said on the floor of the Senate, that would put this program back into the traditional procurement process, this program back into the traditional budget process, and this program back into the traditional authorization process.

I yield.

TRIBUTE TO DR. S. KING SANDERS

Mr. BROWNBACK. Mr. President, I rise to honor Dr. S. King Sanders, who passed away October 30, 2003. I hope my colleagues will join me in expressing condolences to his family in this great loss.

King Sanders left a worthy and memorable legacy for his wife, Rose; his children, Courtney and Michael, and other family members and friends to remember him by. He was a vocational Christian minister for 30 years, working as a director of missions and then a pastor in New Mexico for 20 of those years. During the last 14 years of his life, King also worked in the public policy arena. He served as liaison to the New Mexico legislature on behalf of that State's Baptist convention for eight years. Beginning in 1997, he worked here in Washington for the Ethics & Religious Liberty Commission of the Southern Baptist Convention.

His behind-the-scenes work in our Nation's Capital supported the efforts of the ERLC and others to make this country all it should be. He used his abilities and position in the effort to protect all human life, from conception to natural death. King worked to help expand religious freedom to all people in this country and around the world. He was concerned about marriages and families, and sought to strengthen them and protect them from the ravages of harmful forces in our culture. He also worked earnestly to motivate citizens to become more involved in the political process.

For King, relationships were foremost. He loved people and served them in many ways. He constantly expressed concern for others, even in the midst of the health problems that plagued him near the end of his life. His love for others and his concern for their welfare were based on his relationship with God by faith in Jesus Christ.

King Sanders was the best of what this country is all about. He wanted America to be a great force for good in the world, and he wanted the lives of Americans to be blessed. All who knew him will miss him, and we pay tribute to his influential life and legacy.

I yield the floor.

NEW TERMINAL AT ABERDEEN REGIONAL AIRPORT

Mr. DASCHLE. Mr. President, I would like to speak about an important ceremony occurring this Veterans Day in my home town: the dedication of a new terminal at Aberdeen Regional Airport.

Community leaders have chosen Veterans Day for this event because the terminal will be called the War Memorial Building. It will be located on the grounds of Saunders Field, named for General LaVerne Saunders, a World War II hero from Aberdeen.

A plaque inside the new building proclaims:

> The City of Aberdeen dedicates this building and sculpture to the brave men and women who served and continue to serve to protect the values we all cherish: freedom, justice and democracy.
>
> The War Memorial sculpture recognizes the courage they have shown and continue to show in the service of our great nation. They will never be forgotten.
>
> Let us reflect on the past and hope that we might learn as a world to live in peace.

Those words are a fitting tribute to our nation's heroes, past and present, and are especially fitting in a year that has seen a new generation take up arms in defense of the homeland. Aberdeen is one of the communities that has been touched by the largest call-up of South Dakota Guard and Reserve troops since World War II.

This terminal was constructed with funds from the Federal Aviation Administration, State and local government, and a Senate amendment to the fiscal year 2001 transportation appropriations act. I remain grateful to Senator FRANK LAUTENBERG, former ranking member of the Transportation Appropriations Subcommittee, for helping me secure $2.5 million in that legislation. The Senate funds completed the financing for this project and allowed it to move ahead without further delay.

The project is a step into the future for one of the busiest airports in South Dakota. It replaces a 50-year-old facility, providing improved security measures, additional ticket counter space, and expanded baggage claim areas. It will improve access for disabled passengers. It will shorten the time that planes spend taxiing, thus resolving a long-standing problem of flight cancellations due to wing icing. Given the critical role that airports play in economic development, I also see this new terminal as a long-term investment in Aberdeen's prosperity.

This project required a great deal of hard work and dedication, and I would like to thank some people who made it possible: Mayor Tom Hopper, the airport board and staff, the Aberdeen City Commission, the Brown County Commission, the Aberdeen Chamber of Commerce, architects Herges Kirchgasler Geisler & Associates, engineers Helms and Associates, Transportation Director Dave Osborn, and former airport managers Tom Wylam and Rebecca Hupp.

This facility is a wonderful tribute to America's veterans, and a valuable asset for the people of northeastern South Dakota. Congratulations, Aberdeen, on another job well done.

Mr. REID. Mr. President, I rise today to express my congratulations and warm wishes to Bjorn Selinder as he retires from his position as Churchill County Manager in the State of Nevada.

Bjorn, affectionately known as ''BJ'', has led a selfless life as a public servant, friend, husband and father. Born in Goteborg, Sweden, Bjorn, his brother and his parents immigrated to the United States in the early 1950s and moved to Minneapolis, MN.

After Bjorn graduated from Southwest High School, he ended up in California where he met the love of his life, Judy Moffatt. Soon after he met her, they married in 1996 and later moved to Nevada in 1973 to raise their children and start a family business.

Bjorn originally went to Churchill County looking for a short-term job. Twenty-seven years later, he is one of the longest serving county managers in the State of Nevada.

When he first joined Churchill County in August of 1974, his duties were coordination and planning activities and acting as assistant to the county manager. A short 2 years later, BJ became the Churchill County manager.

Prior to moving to Fallon, Nevada, Bjorn received his bachelors degree in management science from Sierra Nevada College and did post graduate work at the University of Nevada Reno.

He worked in the aerospace and ordinance industries when he lived in southern California and Minneapolis. He also came to Churchill County with an understanding about how to run a small business.

Throughout Bjorn's life as a public servant, his wife Judy has been the rock on which he leans. With the road of retirement stretching before them, they plan to spend time with their three grandchildren and their two daughters, Kristen and Majken. I am sure BJ will also put in a few hours on the lovely Fallon golf course.

Bjorn Selinder is leaving his job, but he's not leaving the community. As he goes about his new life, I hope he will take time every day to look around at the county he helped create, and know that his work is appreciated.

I congratulate Bjorn on a job well done and wish him an enjoyable retirement.

VOTE EXPLANATION

Mr. NELSON of Nebraska. Mr. President, I ask that the following information be entered into the RECORD. I was unavoidably absent for rollcall votes on Thursday, October 30, 2003 as I was attending a funeral in Omaha, NE. As a result, I would ask that the RECORD reflect the following:

On vote No. 419, if present and voting, the Senator from Nebraska (Mr. NELSON) would have voted ''yea.''

On vote No. 420, if present and voting, the Senator from Nebraska (Mr. NELSON) would have voted ''yea.''

On vote No. 421, if present and voting, the Senator from Nebraska (Mr. NELSON) would have voted ''nay.''

On vote No. 422, if present and voting, the Senator from Nebraska (Mr. NELSON) would have voted ''yea.''

On vote No. 423, if present and voting, the Senator from Nebraska (Mr. NELSON) would have voted ''yea.''

On vote No. 424, if present and voting, the Senator from Nebraska (Mr. NELSON) would have voted ''yea.''

On vote No. 425, if present and voting, the Senator from Nebraska (Mr. NELSON) would have voted ''yea.''

On vote No. 426, if present and voting, the Senator from Nebraska (Mr. NELSON) would have voted ''yea.''

On vote No. 427, if present and voting, the Senator from Nebraska (Mr. NELSON) would have voted ''yea.''

On vote No. 428, if present and voting, the Senator from Nebraska (Mr. NELSON) would have voted ''yea.''

On vote No. 429, if present and voting, the Senator from Nebraska (Mr. NELSON) would have voted ''yea.''

On vote No. 430, if present and voting, the Senator from Nebraska (Mr. NELSON) would have voted ''yea.''

On vote No. 431, if present and voting, the Senator from Nebraska (Mr. NELSON) would have voted ''nay.''

On vote No. 432, if present and voting, the Senator from Nebraska (Mr. NELSON) would have voted ''nay.''

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.

In pronouncing sentence on 21-year-old Yitzak Abba Marta, Circuit Judge William Storey told the court, ''this was nothing more than a hate crime . . . this person was killed because he was gay.'' Marta was convicted for the 1996 beating and strangling death of Alan Fitzgerald Walker, a transvestite. Marta and an accomplice picked up Walker outside of a gay nightclub while he was dressed as a woman. Police were called to Walker's home 3 days later when neighbors became suspicious of his disappearance. Not only had he been absent, but the tires on his car had been slashed, and there were notes on his door. Police found Walker's body in his bedroom with ''KKK'' scrawled in blood on an adjacent wall.

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.

UNIVERSAL SERVICE

Mr. JOHNSON. Mr. President, the Senate Committee on Commerce, Science, and Transportation held a hearing last week on the Universal Service Fund, USF, and I would like to take a few moments to share with my colleagues some thoughts on this topic. As many of my colleagues know, the survival and strength of this fund is critically important to providing affordable, state-of-the-art telecommunications services to rural and high-cost areas. Without universal service support, many residents in South Dakota and other rural areas would not have the opportunity to share in the benefits of quality telephone and data services.

I have recently cosponsored S. 1380, the Rural Universal Service Equity Act of 2003, which would change the formulas that determine the distribution of universal service high-cost funds among nonrural telephone companies. I believe this legislation is necessary to address an inequity in the current formulas limiting the amount of high-cost support so called nonrural companies such as Qwest receive from the USF. While I am pleased that under this legislation, South Dakota would receive more support than it currently does, I am mindful that it does so at the expense of other States and Puerto Rico.

Under the current USF system, although Qwest provides telephone service to many South Dakota residents, including some in very rural and high cost areas, it receives no universal service support from the high-cost model for operations in South Dakota. This has the practical effect of forcing Qwest to keep rates in other areas of my State higher than they otherwise would be in order to subsidize service in the high cost areas.

Although I support this legislation, I recognize that it does not address the more fundamental issues threatening the sustainability of the universal service fund. The entire universal service system is jeopardized because of a shrinking contribution base and increased demands. Without addressing these fundamental problems related to the viability of the system as a whole, the change in the formulas as proposed in S. 1380 will have limited value.

I urge my colleagues to work in a bipartisan manner to help assess and develop comprehensive solutions to the many outstanding and emerging issues that confront the universal service program. We can do no less if we truly believe in the underlying principles of this longtime national policy that has proven so vital to both our economic and national security.

FDA CBER RESEARCH ACTIVITIES FUNDING

Mr. BENNETT. Mr. President, the fiscal year 2004 Agriculture, Rural Development and Related Agencies Appropriations Act includes appropriations for the Center for Biologics Evaluation and Review of the Food and Drug Administration to continue important vaccine and biological product research activities. Support of these research activities is essential for keeping CBER scientists and medical reviewers up-to-date and knowledgeable of the breakthrough science of vaccine and biological product research and development. Being involved in this cutting edge research better equips CBER scientists and reviewers with the best scientific-based tools for reviewing and regulating the safety and efficacy of live-saving vaccines and other biological products.

During our subcommittee and Committee deliberations, many colleagues shared my concerns about the emergence of SARS, West Nile Virus, monkey pox, antibiotic resistant staphylococcal infections in hospitals, and other naturally-occurring infectious diseases in the U.S. I believe there is a need to expedite the development and licensing of new vaccines and biologicals to protect our citizens from these naturally-occurring infectious diseases. As with recent efforts and increased appropriations to augment research, regulatory testing and scientific capabilities of the FDA to assist in combating bioterrorism threats, I endorse FDA's continued support of those capabilities at the Center for Biologics Evaluation and Research to combat the public health threats from naturally-occurring diseases. It is my view that continued support of these capabilities will better enable the Center to recruit and retain highly-qualified, motivated scientists and medical reviewers for vaccines and other biological products.

In past years, CBER scientists engaged in laboratory and clinical research, which greatly improved their understanding of the science, their mission of assuring the safety and efficacy of the products under review by FDA, the medical needs of patients, and alternative products available. This understanding resulted in a more efficient and rapid agency licensing processes for many new products, which presented complex scientific, medical and public health issues. For example, CBER reviewers deeply involved in relevant laboratory research were responsible for the complex yet expeditious regulatory review and licensing of the four combination diphtheria-tetanus-acellular pertussis (DTaP) vaccines and the four Hib (meningitis) conjugate vaccines during the last decade.

Past CBER research has significantly contributed to technology transfer and benefited the public through the development of assays and reagents, which would otherwise be too costly and time-intensive for industry to duplicate. This research has facilitated the expedited testing, development, and availability of several important licensed vaccines for the prevention of life-threatening pediatric diseases and is critical for others currently under development for licensing in the future.

Mr. President, I urge the Administration to provide sufficient funding in fiscal year 2005 for continued CBER research. These appropriations are essential for expediting not only the development and availability of licensed counter-bioterrorism vaccines and biological products, but also for those intended for the prevention and treatment of naturally-occurring infectious diseases, such as SARS, West Nile Virus and HIV–AIDS.

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

Mr. LEVIN. Mr. President, 2 weeks ago, the majority leader indicated that before this session of Congress comes to an end, the Senate may consider the Protection of Lawful Commerce in Arms Act, a bill the New York Times has said ''would give gun manufacturers and dealers a courthouse shield that tobacco and asbestos companies never had in being forced to come to terms with some of the damage their products inflict.'' While it now appears unlikely that the bill will be considered in the Senate this year, I would nevertheless like to express my concerns about it.

The bill would rewrite well-accepted principles of liability law, providing the gun industry legal protections enjoyed by no other industry. Some claim that this bill would prevent frivolous lawsuits and protect firearm manufacturers, dealers, and distributors from being held responsible for the actions of criminals. While most gun dealers and manufacturers may conduct their business responsibly, this bill would shield negligent and reckless gun dealers and manufacturers from legitimate civil lawsuits.

In fact, according to the Brady Campaign to Prevent Gun Violence and the Violence Policy Center, many meritorious cases could be dismissed under the bill. And according to a letter from University of Michigan Law Professor Sherman Clark, the case filed by the Washington, D.C. area sniper victims is among those that would not survive if the legislation were enacted. I ask unanimous consent that a copy of Professor Clark's letter be printed in the RECORD.

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

THE UNIVERSITY OF MICHIGAN
LAW SCHOOL,
Ann Arbor, MI, November 6, 2003.

DEAR MEMBERS OF THE UNITED STATES SENATE: As a professor of law at the University of Michigan Law School, I write to make two points regarding the legal implications of S. 1805, the ''Protection of Lawful Commerce in Arms Act.''

First, S. 1805 would represent a substantial and radical departure from traditional principles of American tort law. Though described as an effort to limit the unwarranted expansion of tort liability, the bill would in fact represent a dramatic narrowing of traditional tort principles by providing one industry with a literally unprecedented immunity from liability for the foreseeable consequences of negligent conduct.

Second, more specifically, and by way of illustration, S. 1805, as currently drafted, would mandate the dismissal of litigation currently pending against the dealer and manufacturer who are alleged to have negligently enabled John Allen Muhammed and Le Boyd Malvo to obtain the assault rifle used in the recent D.C. sniper killings.

S.1805 IS INCONSISTENT WITH TRADITIONAL PRINCIPLES OF TORT LAW

S. 1805, described as ''a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others,'' would largely immunize those in the firearms industry from liability for negligence. This would represent a sharp break with traditional principles of tort liability. No other industry enjoys or has ever enjoyed such a blanket freedom from responsibility for the foreseeable and preventable consequences of negligent conduct.

It might be suggested that the bill would merely preclude what traditional tort law ought to be understood to preclude in any event—lawsuits for damages resulting from third party misconduct, and in particular from the criminal misuse of firearms. This argument, however, rests on a fundamental misunderstanding of American tort law. American law has never embraced a rule freeing defendants from liability for the foreseeable consequences of their negligence merely because those consequences may include the criminal conduct of third parties. Numerous cases from every American jurisdiction could be cited here, but let the Restatement (Second) of Torts suffice:

§ 449. TORTIOUS OR CRIMINAL ACTS THE PROBABILITY OF WHICH MAKES ACTOR'S CONDUCT NEGLIGENT

If the likelihood that a third person may act in a particular manner is the hazard or one of the hazards which makes the actor negligent, such an act whether innocent, negligent, intentionally tortious, *or criminal* does not prevent the actor from being liable for harm caused thereby. (emphasis supplied)

Thus, car dealers who negligently leave vehicles unattended, railroads who negligently manage trains, hotel operators who negligently fail to secure rooms, and contractors who negligently leave dangerous equipment unguarded are all potentially liable if their conduct creates an unreasonable and foreseeable risk of third party misconduct, including illegal behavior, leading to harm. In other words, if the very reason one's conduct is negligent is because it creates a foreseeable risk of illegal third party conduct, that illegal conduct does not sever the casual connection between the negligence and the consequent harm. Of course, defendants are not automatically liable for illegal third party conduct, but are liable only if—given the foreseeable risk and the available precautions—they were unreasonable (negligent) in failing to guard against the danger. In most cases, moreover, the third party wrongdoer will also be liable. But, again, the bottom line is that under traditional tort

principles a failure to take reasonable precautions against foreseeable dangerous illegal conduct by others is treated no differently from a failure to guard against any other risk.

S. 1805 would abrogate this firmly established principle of tort law. Under this bill, the firearms industry would be the one and only business in which actors would be free utterly to disregard the possibility that their conduct might be creating or exacerbating a potentially preventable risk of third party misconduct. Gun and ammunition makers, distributors, importers, and sellers would, unlike any other business or individual, be free to take no precautions against even the most foreseeable and easily preventable harms resulting from the illegal actions of third parties. Under S. 1805, a firearms distributor could park an unguarded open pickup truck full of loaded assault rifles on a city street corner, leave it there for a week, and yet be free from any negligence liability if and when the guns were stolen and used to do harm.

It might appear from the face of the bill that S. 1805 would leave open the possibility of tort liability for truly egregious misconduct, by virtue of several exceptions set forth in Section 4(5)(i). Those exceptions, however, are in fact quite narrow, and would give those in the firearm industry little incentive to attend to the risks of foreseeable third party misconduct.

One exception, for example would purport to permit certain actions for ''negligent entrustment.'' The bill goes on, however, to define ''negligent entrustment'' extremely narrowly. The exception applies only to sellers, for example, and would not apply to distributors or manufacturers, no matter how egregious their conduct. Even as to sellers, the exception would apply only where the particular person to whom a seller supplies a firearm is one whom the seller knows or ought to know will use it to cause harm. The ''negligent entrustment'' exception would, therefore, not permit any action based on reckless distribution practices, careless handling of firearms, lack of security, or any of a myriad potentially negligent acts.

Anotehr exception would leave open the possibility of liability for certain statutory violations, variously defined, including those described under the heading of negligence per se. Statutory violations, however, represent just a narrow special case of negligence liability. No jurisdiction attempts to legislate standards of care as to every detail of life, even in a regulated industry; and there is no need. Why is there no need? Because general principles of tort law make clear that the mere absence of a specific statutory prohibition is not carte blanche for unreasonable or dangerous behavior. S. 1805 would turn this traditional framework on its head; and free those in the firearms industry to behave as carelessly as they would like, so long as the conduct has not been specifically prohibited. If there is no statute against leaving an open truckload of assault rifles on a street corner, under S. 1805 there could be no tort liability. Again, this represents radical departure from traditional tort principles.

S. 1805 WOULD REQUIRE THE DISMISSAL OF PENDING D.C. SNIPER LITIGATION

Litigation is currently pending in Washington State against the manufacturer and dealer from whom John Allen Muhammed and Leo Boyd Malvo obtained the assault rifle used in the D.C. area sniper killings. The lawsuit, brought on behalf of victims' families, alleges in essence that the defendants' negligent practices and inadequate security made this weapon available to Muhammed and Malvo. There is nothing innovative or cutting edge about this litigation; and it is certainly not based on any new or liability-expanding theory. Rather, it alleges straightforward negligence, and is analogous to the sort of case that might be brought against a contractor who leaves explosives unguarded at a construction site. Allegedly, the firearm in question was so poorly secured that 17-year-old Lee Boyd Malvo was able simply to pick it up and walk out of the store.

S. 1805, as currently drafted, would require the dismissal of this litigation. The lawsuit pending is a ''qualified civil action'' under the bill, because the harm came about through the ''criminal or unlawful misuse of a firearm;'' and the bill clearly provides that any such action ''pending on the date of enactment of this Act shall be immediately dismissed.''

None of the exceptions enumerated in the bill would operate to save the litigation currently pending in Washington State. It is not based on an alleged statutory violation, but on the alleged failure of the defendants to take due care to secure firearms. Nor does the litigation fit the bill's narrow statutory definition of ''negligent entrustment.'' As noted, that theory would not apply in any event to the manufacturer or distributor, and would not apply to a seller in this case, whose alleged negligence consists not of supplying the rifle to a particular person, but in so failing to secure it that it was literally available to anyone who walked in the door.

My aim here is not to make a claim about the merits of the pending D.C. sniper litigation, but rather to illustrate the scope of S. 1805. Whether or not the defendants in that case were in fact so negligent in their keeping of firearms that they should be found liable for negligence under Washington State law is a question for the courts of that State. The important point here is that under S. 1805, those defendants would be free of liability no matter how careless they had been. It is for this reason that the bill would require the dismissal of that case. And it is this light that one can see the true scope and import of S. 1805. The bill, as currently drafted, would not simply protect against the expansion of tort liability, but would in fact dramatically limit the application of long-standing and otherwise universally applicable tort principles by precluding, or requiring the dismissal of, cases alleging traditional negligence liability.

Sincerely,

SHERMAN J. CLARK.

Mr. LEVIN. The two alleged snipers were both legally prohibited from buying guns, but through the apparent negligence of a gun dealer, they were able to obtain the military-style Bushmaster assault rifle. Reportedly, the gun dealer operated in such a grossly negligent manner that 238 guns inexplicably disappeared from its store. Among the missing guns were the alleged snipers' Bushmaster rifle. Several of the snipers' victims have filed a lawsuit against the dealer and others. Their case might not survive if this bill became law.

This bill would set a dangerous precedent by giving a single industry broad immunity from civil liability and depriving many victims with legitimate cases of their day in court. If it is enacted, other industries will almost certainly line up for similar protections.

Every single gun safety organization has expressed its opposition to this bill. This is special interest legislation. It should not be adopted.

THE LONG REACH OF THE HEAVY BOMBERS

Mr. JOHNSON. Mr. President, I rise today to draw my colleague's attention to an article published in the November 2003 edition of Air Force Magazine entitled ''The Long Reach of the Heavy Bombers.''

The article outlines the importance of our Nation's long-range bomber fleet, and in particular notes the increasing role the B–1 bomber is having in our national security planning.

I am extremely proud that Ellsworth Air Force Base in my State of South Dakota is home to the B–1 bombers and crews of the 28th Bomb Wing. Their contributions in Operation Iraqi Freedom were critical to our military success. Although B–1s flew fewer than 2 percent of the combat sorties in Operation Iraqi Freedom, they dropped more than half the satellite guided Air Force Joint Direct Attack Munitions, JDAMs, and maintained a 79 percent mission capable rate. The B–1s were assigned against a broad range of targets in Iraq, including command and control facilities, bunkers, tanks, armored personnel carriers, and surface-to-air missile sites. They also provided close air support for U.S. forces engaged in the field.

Given the demonstrated capabilities of the B–1 and its importance to our military, we need to continue to invest in the technological improvements that will maintain the B–1s role as the backbone of our bomber fleet. I am pleased that Congress enacted legislation earlier this year that will return 23 B–1s to the active inventory, and I look forward to working with the Air Force and my colleagues in the Senate to ensure that we provide the resources necessary to fully upgrade these planes.

I close by commending the men and women stationed at Ellsworth Air Force Base and thanking all of the members of our Armed Forces for their sacrifices on behalf of our Nation's security.

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:

THE LONG REACH OF THE HEAVY BOMBERS

(By Adam J. Hebert)

In mid-2001, the B–1B was in trouble. Years of fiscal stringencies had left the bomber with a $2 billion modernization backlog, poor reliability, rising upgrade costs, and some major combat deficiencies.

Secretary of Defense Donald H. Rumsfeld, reflecting the prevailing view, charged the B–1 ''is not contributing to the deterrent or to the warfighting capability to any great extent.'' Indeed, the purported backbone of the Air Force heavy bomber fleet seemed destined for the scrap heap.

Then, things changed, and, just two years later, the B–1B became one of the star weapon systems in Operation Iraqi Freedom. Just 11 aircraft deployed to the combat theater. However, commanders set up and maintained B–1B ''orbits'' that kept at least one of the B–1Bs in the air around the clock, ready to

engage emerging targets with huge loads of precision weapons.

Mission capable rates soared, and modernization programs were funded and put back on track.

For the Air Force's long-range bombers, the wars in Afghanistan and Iraq provided some of their finest hours. Their performance in many ways validated the service's bomber investment programs. USAF's B–1, B–2, and B–52 bombers were heavily tasked and proved to be highly effective in the two recent wars—and turned in several combat ''firsts.''

As Air Force planners describe it, the B–1Bs served as ''roving linebackers,'' circling the battlespace and waiting for a call instructing them to unleash deadly satellite guided Joint Direct Attack Munitions. B–1Bs and B–52Hs performed close air support strikes for ground forces, and the venerable B–52H, the last of which was built in 1962, delivered laser guided bombs using newly installed Litening targeting pods. B–2s used new deployable shelters and were ''turned'' at a forward location to perform additional combat missions.

At least once, B–7B, and B–52H aircraft all were employed in the same strike package.

NO SURPRISE

''It is no surprise that those aircraft and platforms were used in the way they were,'' said Maj. Gen. David A. Deptula, Air Combat Command's director of plans and programs. He said that the results of bomber usage over the past two years have confirmed what proponents of long-range strike capabilities had said for a long time: The range, payload, precision capabilities, and flexibility of bombers make them a superb weapon whose uses go well beyond mere ''carpet bombing.''

Gen. John P. Jumper, the Air Force Chief of Staff, offered one example of the new way of doing business. A combat controller in Afghanistan sent enemy coordinates ''up to a B–52 at 39,000 feet, and the B–52 put laser guided munitions down'' on a target that was only 1,000 feet in front of friendly forces.

''That's the effect of close air support,'' Jumper said. ''You [didn't] see the airplane or feel the heat from the engines, but the precision was even better than we were able to do in Vietnam.''

''This is not a surprise,'' Deptula said, noting that USAF decided years ago to push for improved bomber defensive systems, data links, and the ability to deliver smart weapons, all with an eye to making long-range systems effective in the future.

In the zero-sum game of defense budgeting, however, long-range strike has clearly suffered at times.

For example, DOD's response to the chronic underfunding of the B–1 fleet was not to fully fund the program but rather was to slash its numbers. USAF announced in 2001 that it would retire one-third of the B–1B fleet—dropping it from 93 to 60 aircraft—consolidate what remained at two bases, and use the savings to eliminate the $2 billion modernization backlog.

Some bomber partisans were up in arms, but the plan has worked, so far as it goes. Within the slimmed-down fleet, 36 B–1B aircraft were kept combat ready, with the other 24 in training status, depot maintenance, or test. That has been sufficient for the wars of recent years. Officials have long maintained that they would prefer a small fleet of effective aircraft to a large fleet of deficient systems.

The B–1B's MC rate—the percentage of aircraft ready to perform their primary mission at any given time—has increased steadily since the decision.

The Institute for Defense Analyses, a federally funded research center, determined back in 1995 that B–1B MC rates are heavily dependent upon sufficient spare parts, equipment, and personnel. Until the retirements began, the Air Force was never able to give the bomber the sustained support it required.

The B–1B MC rate has risen from 61 percent in 2001 to 66 percent in 2002 and 71 percent this year. For the bombers deployed in support of Gulf War II, the rate was even better—79 percent. (The B–2 and B–52 bombers supporting OIF posted MC rates of 85 percent and 77 percent, respectively).

This marks a dramatic turnaround. In the 1990s, B–1B mission capability typically slogged around 60 percent.

WHEN LINES BLUR

The line between strategic and tactical systems—never as distinct as it may have appeared—forever has been blurred, and the bombers have proved adept at flying ''tactical'' missions (while some fighters have proved equally adept at the ''strategic mission''). Close air support is no longer the exclusive domain of the A–10 tank-killer aircraft. F–117 fighters carried out numerous strategic strikes in Baghdad and elsewhere. Officials point to this jumbling of operational use as a success in the shift to effects-based operations.

At times, B–1s were able to use moving target indicator radars to perform the functions normally reserved for dedicated intelligence-surveillance-reconnaissance (ISR) aircraft—an airpower first, according to U.S. Central Command.

Each bomber in the Air Force fleet now is capable of delivering JDAMs, which offer targeting flexibility. The JDAM cannot only hit fixed targets with near-precision accuracy in all weather conditions but also be quickly programmed to attack a fleeting ''emerging target.'' One strike against Iraq's Republican Guard Medina Division required a B–2 to reprogram its JDAMs, en route to the target, to take advantage of new intelligence coming in from a Global Hawk unmanned aerial vehicle.

Toward the end of major combat, a B–1B orbiting above western Iraq showed the value of the Air Force's heavy bombers in a new way. Intelligence sources on the ground got a tip on the location of former Iraqi dictator Saddam Hussein. The information was beamed to a B–1B circling in the area. Just 12 minutes later, the target lay in ruins, though Saddam may have gotten out shortly before the roof fell in. After dashing to Baghdad and programming in the coordinates, the B–1B had precisely dropped four 2,000-pound JDAMs where Saddam was thought to be.

In addition to deploying 11 B–1Bs, Air Force leaders reported they sent to war four B–2s and 28 B–52s. These 43 aircraft flew a total of 505 sorties between March 20 and April 18, but, as was true in the Afghan war, the bombers' impact was out of all proportion to their numbers. One official noted that at third of all the aim points struck in Iraq were hit by that small bomber force.

Jumper made special note of the bomber impact in the now famous sandstorm that struck Iraq March 25. ''You couldn't see your hand in front of your face,'' he said, and war commentators began to ponder the significance of the ''pause'' in the war.

''While the commentators were rattling on,'' said Jumper, USAF's bombers and other aircraft were at work. With the Air Force's ISR systems able to see through the sand, and GPS-guided weapons unhindered by the weather, ''B–1s and B–52s were up there pounding the heck out of [the Medina Division],'' Jumper said. ''I'd like to ask the commander of the Medina Division when he thought the pause was.''

''AMAZING'' POWERS

Gen. T. Michael Moseley, who led the allied air war, had another anecdote on the effectiveness of long-range systems. From the United States, a B–2 stealth bomber for the first time delivered 80 500-pound bombs in a single run.

Moseley said the ability to fly from Whiteman AFB, Mo., and drop those 80 weapons against an Iraqi troop concentration was ''an amazing capability to bring the [commander's] quiver.''

The success of the bombers in Iraq and Afghanistan has not dramatically changed the Air Force's plans for the aircraft. Because the Air Force has used only a small number of bombers in recent wars, USAF planners still say the existing bomber inventory will be adequate until around 2038. Also helpful is the fact that only one bomber was lost in the two major combat operations. In December 2001, a B–1B, doomed by numerous onboard failures, crashed in the Indian Ocean on its way to Afghanistan.

The Air Force believes an inventory of 60 B–1Bs (36 combat coded); 21 B–2s (16 combat coded); and 76 B–52s (44 combat coded) will suffice.

''About 150 bombers is the right number,'' said Brig. Gen. Stephen M. Goldfein, USAF's director of operational capability requirements. There has been ''no sea change in the number of bombers required,'' because of recent experience, Goldfein said. The Air Force's inventory plan ''includes some reserve,'' he added, but the preferred number remains stable.

In recent years, lawmakers have often disagreed and pushed for larger numbers of bombers. There have been several unsuccessful attempts to restart B–2 production, with proponents saying the aircraft could be produced much less expensively now that the research and development expenses are already paid.

Citing the lack of any new bomber production, Congress for years has been successful in forcing the Air Force to maintain 18 attrition reserve B–52s that the service considers surplus. A total of 94 B–52Hs remain in service, although only 44 are considered primary mission aircraft.

Congress, led by North Dakota lawmakers, has added funds needed to keep 18 BUFFs at Minot AFB, N.D., configured exactly the same as the rest of the B–52 fleet. Goldfein noted that, despite the service's interest in retiring the 18 aircraft, doing to wouldn't save the Air Force any money. Congress pays the bill, so the savings would be for the taxpayers.

Congress also may force the Air Force to restore some or all of its recently retired B–1Bs. By late summer, three of the four Congressional defense oversight committees had passed legislation mandating that 23 of the 32 deactivated Bones be restored to service.

In the bills, lawmakers offered the $20.3 million needed to bring the B–1s back from the boneyard—but not the much larger amount required to keep the B–1Bs in service. Officials say this unfunded mandate threatens to undo the progress the Air Force has made improving the health of the B–1B fleet.

It would likely cost somewhere between $1.1 billion and $2 billion to keep those aircraft in service through the end of the decade. That funding ''has to come from somewhere,'' Goldfein noted.

The existing arrangement of consolidating the B–1Bs at Ellsworth AFB, S.D., and Dyess AFB, Tex., has enabled the increased mission capable rates through simplified maintenance and parts requirements. Fully funding the smaller fleet's modernization plans brought on a ''host of improvements,'' Goldfein added.

INCREMENTAL UPGRADES

With no new bomber production on the books, and old debates over restarting B–2

production or pursuing an FB–22 variant of the F/A–22 Raptor seemingly on the back burner, the current emphasis is on incremental upgrades. Numerous programs to improve bomber effectiveness are ongoing.

Situational awareness improvements, the Link 16 data link, laser targeting pods, and computer enhancements will continue to make each bomber a more efficient war machine. And upcoming weapons such as the Joint Air-to-Surface Standoff Missile and the Small Diameter Bomb will further broaden the range and number of targets bombers can precisely attack.

ACC officials say that, at this point, almost every improvement serves a dual purpose. Upgrades are expected to both sustain and modernize. Sustainment doesn't just mean keeping the aircraft aloft, either—the aircraft must remain valuable fighting machines. ''We're looking at 2040,'' one B–52 official said. ''Unless we can come to the war, they won't need us.''

The Air Force is trying to get additional targeting pods on its B–52s, Deptula said. ''We're looking at using [Fiscal 2003 and 2004 funds] to get as many targeting pods as we can,'' by using money set aside for the war on terrorism.

Goldfein said the service is interested in increasing the availability of the B–2's deployable shelters. Because of the sensitive low observable finish on the B–2, the bomber must be maintained in a climate-controlled shelter. Deployable shelters, reportedly set up at the Indian Ocean atoll of Diego Garcia, increased the flexibility of the B–2 for Gulf War II. The Air Force is ''looking to expand'' their use, Goldfein said.

As Air Force officials tell it, existing bombers will continue to get better and there is no urgent need to field a new system. Recapitalization is ''a huge piece'' of force structure planning, Deptula said, but USAF has some time to make proper assessments and make wise decisions.

The old way of procurement—planning a new system to replace an old one—''isn't completely gone.'' Deptula said, ''but the fact of the matter is, with respect to the long-range strike platforms formerly known as bombers, their lifetime is viable for many, many years into the future.''

The Air Force does not expect to see a dramatic technological breakthrough anytime soon. However Deptula believes that hypersonics research now being done at Air Force Research Laboratory may hold the key to breakthrough strike capabilities in the future.

TRANSITION PERIOD

''We are in a transition period . . . when it comes to technologies for long-range strike,'' he said. Reusable hypersonic propulsion has been difficult to develop, he noted, but it remains worth the effort because the technology offers revolutionary responsiveness, reach, and range. ''We're not there yet,'' Deptula noted.

Improvements to existing systems are expected to bridge the gap until scientists ''solve some of these technological challenges that will get us to the next step in potential capability,'' he said.

In Deptula's view, the break-through will not come until sometime in the next decade. That timing seems to mesh cleanly with financial realities.

''Our legacy platforms are viable through 2025,'' said Deptula, ''and when we enhance them with all these modifications, they are going to continue to increase in capability.'' It's a nice fit, he went on, because major funding for future long-range systems probably won't be available ''until the 2010–2020 time frame, because we have such a pressing need to recapitalize our fighter force in the next decade.''

The Air Force is holding to its November 2001 bomber roadmap, which laid out a notional plan to begin a new long-range strike program sometime around 2012–15. Officials say there is no need to rush into a new strike program, because USAF would spend billions developing a system that may not be significantly better than what is available today.

Features such as stealth, high speed, long loiter time, large payload capacity, and flexibility are well-understood goals for any future strike capability. However, there is great uncertainty. Officials are loath to say a follow-on system will be a ''B–3'' or even a bomber.

Industry, think tanks, and Air Force officials are all studying what is within the ''art of the possible,'' and USAF wants to keep the broadest possible range of options on the table. These options include traditional bombers, unmanned systems, hypersonic airspace vehicles, conventionally armed ballistic missiles, and even space-based weapons. Current time-lines give the Air Force a decade to explore the options.

ACC's Long-Range Global Precision Engagement Study—a look at future strike requirements—noted that the US is pushing for a capability to conduct high-speed strikes against emerging targets anywhere in the world on short notice. However, it has limited options in this area. Conventional ballistic attack missiles, derived from the nation's nuclear ICBM force, ''offer increased strike flexibility,'' but the financial and political cost would be high, the report noted.

Another area for improvement concerns stealth. The B–2 bomber's low peacetime MC rates stem from the high-maintenance nature of its low observable coatings. The aircraft is also largely relegated to nighttime use in high-threat environments. Yet the B–2 remains the only stealthy strike system largely unhindered by distance or basing concerns.

In the future, the F/A–22 and F–35 fighters will offer around-the-clock stealthy strike capability, noted the study, but the B–2 will continue to be the only stealthy, deep strike penetrator for the foreseeable future. The F/A–22 and F–35 have more limited combat ranges.

The study did not advocate a specific course. However, it did highlight the importance of speed. The advent of hypersonic weapons and platforms would permit ''prompt global strike from significant ranges and reduce the risks associated with forward basing,'' the report noted. Compared to ballistic missiles and cruise missiles, it went on, reusable platforms have high utility ''in all lesser threat scenarios, enhancing their cost-effectiveness across the spectrum of conflict.''

ADDITIONAL STATEMENTS

TRIBUTE TO MARGARET ANN HOFFMAN

● Mr. BUNNING. Mr. President, I pay tribute to Margaret Ann Hoffman of Walton, KY on being recognized as one of America's top principals in the 2003 National Distinguished Principal Program by the U.S. Department of Education.

The annual National Distinguished Principals Program was established in 1984 to honor elementary and middle school principals who set high standards for the pace, character, and quality of the education their students receive.

Ms. Hoffman, a principal at Fort Wright Elementary School, in Covington, KY, has been recognized by the U.S. Department of Education for her tireless work in exhibiting excellence at Fort Wright Elementary School and has made outstanding contributions to the Covington community. Ms. Hoffman sets an example of excellence for the rest of the faculty, and the faculty follows that example. She inspires her students to achieve academically and contribute to the community.

I know ask my fellow colleagues to join me in thanking Margaret Ann Hoffman for her dedication and commitment to the education of America's future. In order for our society to continue to advance in the right direction, we must have principals like Margaret Ann Hoffman in our schools, and communities, and lives. She is Kentucky at its finest.●

IN HONOR OF MIKE ELWOOD

● Mr. WYDEN. Mr. President, I rise today to acknowledge and honor a very important constituent, as well as a very important program in my State and across the Nation—CASA for Children. ''CASA'' is short for Court Appointed Special Advocate, and it is a program that is made up of extraordinary men and women who find it in their hearts to devote their time and energy to help some of the neediest of their community's children. CASAs come from all walks of life, all professions, and all educational and ethnic backgrounds, and their mission is to advocate for the best interests of children who find themselves, through no fault of their own, under the jurisdiction of the juvenile court system.

As we see all too often in public service, far too many children find themselves enmeshed in the juvenile court system due to abuse, neglect or abandonment. Once in the court system, these kids can find themselves cruelly buffeted by legal battles and their parents' continuing poor choices. Some find themselves in multiple foster care situations at a very young age, and many are eventually permanently removed from the care of their birth parents. CASAs serve their communities by becoming an independent advocate for a child as a sworn officer of the court. They spend time with health professionals, teachers, parents, prospective parents, and the children themselves to help the court reach the best possible conclusion for the interests of the child.

CASA came to Oregon in 1985 under the leadership of Judge Stephen Herrell and citizen advocate, Susan Holloway. For Almost 20 years, CASA has trained Oregon volunteers to be the eyes and ears of the court, making independent objective recommendations regarding the best interests of children.

In Oregon, we have a CASA leader who personally exemplifies the very best of my State in his legacy of commitment to the future of Oregon's children. Mike Elwood, who has been both

a CASA volunteer and a CASA supervisor in Portland, has served variously as a counselor, advisor, and friend to many of my State. Mike once served as a caseworker in the child welfare system, but later came to CASA because he believed it would be the place where he could make the biggest difference.

Today, Mike suffers from a terminal illness. The CASA organization and all of Oregon has been extraordinary fortunate to have him in their ranks. Mike's co-workers describe him as compassionate, funny, possessing a quiet wisdom, able to interject just the right solution when it appears to elude everyone else, and an inherently decent guy. One CASA represented the feelings of a great many in the organization, saying, ''I for one feel blessed to have him in my life. He is the best.''

I want to take this opportunity to honor Mike's contributions to my State, to the Nation, and to humanity, and to wish Mike, his wife Natalie, and his two children, Ryan and Andrea, peace and joy in the days ahead. I have witnessed first-hand the ripples that emanate from simply human acts, good and bad. These ripples can reach across families, across borders, and across generations. Mike's ripples have made this world a far better place. I honor his dedicated service and his life, as well as the service rendered by CASA workers and volunteers all across our Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:58 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1829. An act 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.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker, were signed on today, November 7, 2003, by the President pro tempore (Mr. STEVENS).

H.R. 1442. An act to authorize the design and construction of a visitor center for the Vietnam Veterans Memorial.

H.R. 3365. An act 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, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

At 11:40 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following joint resolution:

H.J. Res. 76. A joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

The joint resolution was signed subsequently by the President pro tempore (Mr. STEVENS).

At 12:45 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1588) ''to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1829. An act 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 inmate work opportunities in support of non-profit organizations, and for other purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

S. 1832. A bill to entitle the Senator Paul Wellstone Mental Health Equitable Treatment Act of 2003.

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–5183. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–5184. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–5185. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Department's Alternate Fuel Vehicle Program; to the Committee on Energy and Natural Resources.

EC–5186. A communication from the, transmitting, pursuant to law, the report of a rule entitled ''Assessment of Access Authorization Fees'' (RIN3150–AH30) received on November 4, 2003; to the Committee on Environment and Public Works.

EC–5187. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Final Approval of Operating Program Revision; Michigan'' (FRL#7585–3) received on November 4, 2003; to the Committee on Environment and Public Works.

EC–5188. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Reconsideration'' (FRL#7583–7) received on November 4, 2003; to the Committee on Environment and Public Works.

EC–5189. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Trade Secrecy Claims for Emergency Planning and Community Right-to-Know Information; and Trade Secret Disclosures to Health Professionals; Amendment'' (FRL#7584–8) received on November 4, 2003; to the Committee on Environment and Public Works.

EC–5190. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Water Quality Standards; Withdrawal of Federal Aquatic Life Water Quality Criteria for Copper and Nickel Applicable to South San Francisco Bay, California'' (FRL#7583–9) received on November 4, 2003; to the Committee on Environment and Public Works.

EC–5191. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Water Quality Standards; Withdrawal of Federal Nutrient Standards for the State of Arizona'' (FRL#7584–1) received on November 4, 2003; to the Committee on Environment and Public Works.

EC–5192. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the

Arms Export Control Act, the report of the certification of a proposed license for the export of defense articles that are firearms sold commercially under a contract in the amount of $1,000,000 or more to Belgium; to the Committee on Foreign Relations.

EC–5193. A communication from the General Counsel, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Common Rule on Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug Free Workplace (Grants)'' (RIN1121–AA57) received on November 5, 2003; to the Committee on the Judiciary.

EC–5194. A communication from the Assistant Chief for Regulations, Alcohol and Tobacco Tax and Trade Bureau, Treasury Department, transmitting, pursuant to law, the report of a rule entitled ''Bennett Valley Viticultural Area'' (RIN1513–AA36) received on November 5, 2003; to the Committee on the Judiciary.

EC–5195. A communication from the Deputy General Counsel, Small Business Administration, New Market, transmitting, pursuant to law, the report of a rule entitled ''New Market Venture Capital Program'' (RIN3245–AE91) received on October 30, 2003; to the Committee on Small Business and Entrepreneurship.

EC–5196. A communication from the Deputy General Counsel, Small Business Administration, New Market, transmitting, pursuant to law, the report of a rule entitled ''Business Loans and Development Company Loans'' (RIN3245–AE68) received on October 30, 2003; to the Committee on Small Business and Entrepreneurship.

EC–5197. A communication from the Deputy General Counsel, Small Business Administration, New Market, transmitting, pursuant to law, the report of a rule entitled ''Disaster Loan Program—Disaster Mitigation Act of 2000'' (RIN3245–AE97) received on October 30, 2003; to the Committee on Small Business and Entrepreneurship.

EC–5198. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled ''Veterans Education: Indecent Study Approved for Certificate Programs and Other Miscellaneous Issues'' (RIN2900–AL34) received on October 30, 2003; to the Committee on Veterans' Affairs.

EC–5199. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled ''Disease Associated with Exposure to Certain Herbicide Agents: Chronic Lymphocytic Leukemia'' (RIN2900–AL55) received on October 30, 2003 ; to the Committee on Veterans' Affairs.

EC–5200. A communication from the National President, Women's Army Corps Veterans' Association, transmitting, pursuant to law, the annual audit of the Association; to the Committee on Veterans' Affairs.

EC–5201. 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 [Including 245 Regulations]'' (RIN1625–AA00) received on November 5, 2003; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany S.J. Res. 1, A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims (Rept. No. 108–191).

By Mr. GRASSLEY, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 1637. A bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes (Rept. No. 108–192).

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 237. A resolution welcoming the public apologies issued by the President of Serbia and Montenegro and the President of the Republic of Croatia and urging other leaders in the region to perform similar concrete acts of reconciliation.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. Res. 256. A resolution observing the 50th anniversary of the Mutual Defense Treaty between the United States and the Republic of Korea, affirming the deep cooperation and friendship between the people of the United States and the people of the Republic of Korea, and thanking the Republic of Korea for it's contributions to the global war on terrorism and to the stabilization and reconstruction of Afghanistan and Iraq.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 258. A resolution expressing the sense of the Senate on the arrest of Mikhail B. Khodorkovsky by the Russian Federation.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. 1317. A bill to amend the American Servicemember's Protection Act of 2002 to provide clarification with respect to the eligibility of certain countries for United States military assistance.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By M. LUGAR for the Committee on Foreign Relations:

*Edward B. O'Donnell, Jr., of Tennessee, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as Special Envoy for Holocaust Issues.

*Jon R. Purnell, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uzbekistan.

*Margaret DeBardeleben Tutwiler, of Alabama, to be Under Secretary of State for Public Diplomacy.

*Zalmay Khalilzad, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Transitional Islamic State of Afghanistan.

*Louise V. Oliver, of the District of Columbia, for the rank of Ambassador during her tenure of service as the United States Permanent Representative to the United Nations Educational, Scientific, and Cultural Organization.

*William J. Hudson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

*Margaret Scobey, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Syrian Arab Republic.

*Thomas Thomas Riley, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.

*Jackie Wolcott Sanders, for the rank of Ambassador during her tenure of service as United States Representative to the Conference on Disarmament and the Special Representative of the President of the United States for Non-Proliferation of Nuclear Weapons.

*Mary Kramer, of Iowa, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America 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, a Career Member of the Senior Foreign Service, Class of Counselor, 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, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America of America to the Republic of Peru.

*Hector E. Morales, of Texas, to be United States Alternate Executive Director of the Inter-American Development Bank.

*Marguerita Dianne Ragsdale, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Djibouti.

*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.

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

*Foreign Service nominations beginning Elena L. Brineman and ending Stephen J. Hadley, which nominations were received by the Senate and appeared in the Congressional Record on October 3, 2003.

*Foreign Service nominations beginning Kenneth C. Brill and ending Steven C. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on October 3, 2003.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before and duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH:

S. 1839. A bill to extend the Temporary Extended Unemployment Compensation Act of 2002; to the Committee on Finance.

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. DASCHLE, Mr. DAYTON, Mr. DORGAN, Mr. JOHNSON, Mr. BAUCUS, Mr. ENZI, Mr. KERRY, Mr. HARKIN, Mr. COLEMAN, Mr. REID, and Mr. NELSON of Nebraska):

S. 1840. A bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm and ranch land to voluntarily make their land available for access by the public under programs administered by States; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY:

S. Res. 263. A resolution honoring the men and women of the Drug Enforcement Administration on the occasion of it's 30th Anniversary; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. BROWNBACK, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. DOMENICI, Mr. KYL, Mr. CAMPBELL, and Mr. HATCH):

S. Con. Res. 79. A concurrent resolution expressing the sense of Congress that the President should secure the sovereign right of the United States of America and the States to prosecute and punish, according to the laws of the United States and the several States, crimes committed in the United States by individuals who subsequently flee to Mexico to escape prosecution; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 861

At the request of Mr. HOLLINGS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 861, a bill to authorize the acquisition of interests in undeveloped coastal areas in order to better ensure their protection from development.

S. 1053

At the request of Ms. SNOWE, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Iowa (Mr. HARKIN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1053, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 1211

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 1211, a bill to further the purposes of title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992, the ''Reclamation Wastewater and Groundwater Study and Facilities Act'', by directing the Secretary of the Interior to undertake a demonstration program for water reclamation in the Tularosa Basin of New Mexico, and for other purposes.

S. 1246

At the request of Mr. ROBERTS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1419

At the request of Ms. LANDRIEU, the name of the Senator from Michigan (Ms. STABENOW) 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. 1510

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1510, a bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes.

S. CON. RES. 73

At the request of Mrs. FEINSTEIN, the name of the Senator from Nebraska (Mr. NELSON) 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. RES. 262

At the request of Ms. SNOWE, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Res. 262, a resolution to encourage the Secretary of the Treasury to initiate expedited negotiations with the People's Republic of China on establishing a market-based currency valuation and to fulfill its commitments under international trade agreements.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. DASCHLE, Mr. DAYTON, Mr. DORGAN, Mr. JOHNSON, Mr. BAUCUS, Mr. ENZI, Mr. KERRY, Mr. HARKIN, Mr. COLEMAN, Mr. REID, and Mr. NELSON of Nebraska):

S. 1840. A bill to amend the Food Security Act of 1985 to encourage owners and operations of privately-held farm and ranch land to voluntarily make their land available for access by the public under programs administered by States; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CONRAD. Mr. President, today I am joined by Senators ROBERTS, DASCHLE, DAYTON, DORGAN, JOHNSON, BAUCUS, ENZI, KERRY, HARKIN, COLEMAN, REID, and NELSON of Nebraska in introducing the ''Voluntary Public Access and Habitat Incentive Program of 2003''.

Newspaper headlines across North Dakota over the past year confirm that one issue has emerged as among the most controversial that we have seen in the State in some time. That issue has to do with who can hunt in North Dakota, and under what conditions.

As one State senator said during the 2003 session of the North Dakota legislature: ''In all my years in the legislature, I haven't gotten so many calls as [on] this one.''

Some have called for stricter limits on the number of out-of-state sportsmen in order to provide greater hunting opportunities for North Dakota citizens. On the other side, many of the rural businesses in North Dakota whose livelihoods have come to depend increasingly on the dollars spent by non-resident hunters have urged a less restrictive policy.

An article earlier this year in a North Dakota paper began with the declaration that, ''No bill has stirred more passion in people than Senate Bill 2048, which deals with capping the number of out-of-state hunters.'' One State legislator termed the debate over the bill, ''civil war between residents of North Dakota fighting over hunting ground.''

At its core, the hunting debate is about demand exceeding supply. Quite simply, the public desire for hunting and other outdoor recreation opportunities increasingly exceeds the amount of land available for such activities. And the problem is growing worse each year. Other States face a similar challenge, and they too are in a quandary as they seek to address it.

In response to this growing problem, I have been working with a number of my colleagues—as well as farm, conservation, and sportsmen's groups—to develop a positive, straightforward, voluntary and incentive-based approach to addressing the ''supply side'' of this issue. And I am pleased to be introducing that initiative today.

Our proposal is a voluntary landowner incentive program. Its formal title is the ''Voluntary Public Access and Habitat Incentive Program of 2003''. As the title indicates, it is strictly voluntary in nature.

It would work like this: Under the program—which I to refer to as the

''Open Fields'' proposal, the U.S. Department of Agriculture would provide $50 million per year to State programs that offer incentive payments to farmers and ranchers who agree to allow public access on their land, under terms established by each state.

The ''Open Fields'' program would be funded in the same way that Federal farm and conservation programs are currently financed—through USDA's Commodity Credit Corporation. To receive funding under the program, interested states would describe the benefits that the state hopes to achieve by encouraging public access on private farm and ranch land—through such activities as hunting, fishing, birding, and related outdoor activities—and the methods that the State will use to achieve those benefits.

In determining the distribution of funds under the program, USDA would give priority to those States that propose—1. to maximize participation by offering a program whose terms are likely to meet with widespread acceptance among landowners in the state; 2. to ensure that land enrolled under the state program has appropriate wildlife habitat; 3. to increase public access on land enrolled in habitat improvement projects under the Conservation Reserve Enhancement Program; and 4. to use other Federal, state or private resources, in a collaborative way, to carry out the program.

But participation by the States and individual land owners in each State would, as I have indicated, be completely voluntary.

In designing the ''Open Fields'' program, our aim has been to build on what works—to grease the wheel, rather than re-invent it. For example, about 13 States already have programs designed to increase the amount of private land available to the public, but these programs are generally modest in scope and suffer from limited funding. Our legislation is designed to give these struggling State programs a needed shot in the arm and to encourage other States.

In North Dakota, for example, we have the Private Land Initiative, under which revenue generated from the sale of habitat stamps is used to provide cost-share assistance for wildlife habitat, and to support the Conservation PLOTS program—PLOTS stands for ''Private Land Open To Sportsmen.'' Under this program, owners agree to make their land accessible to the public in return for cost-share and incentive payments. Earlier this year, State officials made an additional $1.5 million available to increase public access on private land, in an effort to help diffuse tensions in the debate over resident versus non-resident hunters.

Other States have similar programs. Kansas, for example, has its ''Walk-In Hunting'' program. Montana has a ''Block Management, Public Access/Private Land'' program. Nebraska sponsors a Conservation Reserve Program/Management Access Program, under which landowners with CRP ground receive a bonus payment if they take steps to improve habitat and allow public access on their CRP land. Colorado recently implemented its ''Walk-In Access'' program, under which interested hunters purchase a $20 stamp that gives them access to private land enrolled in the program and a directory of participating landowners.

All of these are fine, innovative programs, but they lack the resources needed to meet the public's growing demand for places to hunt and engage in other forms of outdoor recreation.

Make no mistake about it, wildlife-related recreation is a major force in defining our national character and in shaping our economy. For example, according to the U.S. Fish and Wildlife Service, in 2001, 82 million Americans age 16 years and older participated in wildlife-related recreation. During that year, over 34 million people fished, 13 million hunted, and over 66 million participated in at least one type of wildlife-watching activity such as observing, feeding, or photographing wildlife in the United States.

According to the Fish & Wildlife Service, those 82 million people who engaged in wildlife-related activities spent an estimated $108 billion, including over $35 billion on fishing and nearly $21 billion on hunting. That's big business by any definition, and it is a slice of the national economy that is increasingly important to our rural communities and small businesses. In 2001 alone, for example, $20 billion was spent on food, lodging, and transportation by those who hunted and fished, while wildlife-watching participants, including birders, spent another $8.2 billion on those same items.

In North Dakota, wildlife-related recreation generated nearly $1 billion for the State's economy during the 2001–2002 season, according to the North Dakota Game and Fish Commission. The Commission estimates that direct spending by hunters and anglers laws $469 million during the season, generating nearly $545 million in additional economic activity. North Dakota ranks second in the Nation in terms of the percentage of the State's resident's who hunt, 19 percent, and fifth among States in the percentage of State residents who fish, 29 percent.

To underscore the importance of non-resident hunters to my State, the Fish and Wildlife Service estimates that North Dakota ranks third among States in the percentage of hunters in the State who are non-residents. The estimated 52,000 non-resident hunters in our State make up an estimated 37 percent of all hunters. Only South Dakota, 65 percent, and Colorado, 43 percent, rank higher.

In addition, there is ample evidence, from North Dakota State University and individual business owners, that the wildlife and hunting opportunities created by the Conservation Reserve Program have helped to cushion the economic impact first created when the CRP withdrew land from production and caused farmers to purchase fewer inputs and other services so important to our struggling rural communities. So it is critically important that we look for additional means to increase sporting opportunities for the public, and do so in a way that not only allows traditional farming operations to continue, but also increases a farm's income-earning potential. Our proposal would do just that.

All in all, this program will be good for farm income, good for conservation, good for our struggling rural communities, and a positive force in strengthening the bond between producers and the general public.

Finally, there are also broader policy reasons to move in this direction. For example, it is likely that future world trade agreements are increasingly going to limit the ability of the United States and other major agricultural producing countries to support our farmers in a way that is considered to be trade, or market, ''distorting.'' In other words, U.S. policymakers are likely to find it more and more difficult to provide government farm support in a way that is tied either to production or prices. Instead, we will have to find so-called ''green box'' means of supporting farm income—payments that are not based on bushels produced or current commodity prices. That's clearly the direction that the European Union is taking, and we had better take notice. The program we are announcing today fits neatly in the current green box definition, and should be one of the many tools available to support farm income well into the future, even if new trade agreements constrain our farm policy options.

I am pleased that our legislation has already received the support of a number of farm, sportsmen, and conservation organizations, including the North Dakota Farmers Union, the North Dakota Farm Bureau, the National Farmers Union, the Theodore Roosevelt Conservation Partnership, the Wildlife Management Institute, the Izaak Walton League of America, the International Association of Fish and Wildlife Agencies, the Congressional Sportsmen's Foundation, the National Rifle Association, the Mule Deer Foundation, Pheasants Forever, the American Sportfishing Association, Pure Fishing, Trout Unlimited, Bass Anglers Sportsmen Society, the Ruffed Grouse Society, the Wildlife Society, the Pope and Young Club, the Federal of Flyfishers, the International Hunter Education Association, the Boone and Crocket Club, the Sporting Goods Manufacturers Association, the National Shooting Sports Foundation, the North American Grouse Partnership, the Texas Wildlife Association, and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada.

In closing, let me quote from one of news articles that appeared in a North Dakota paper last year.

Commenting on the controversy over the proposed change in the pheasant season opening date, the Bismark Tribune editorialized that, ''On one extreme are landowners catering to out-of-state hunters, in part, because of weak and declining rural economies. For them, this is a matter of survival. On the other hand, many sportsmen feel that the growing numbers of acres dedicated to out-of-state hunters, willing to pay big bucks to hunt, are destroying the sport for the state's residents . . . The two sides are a long, long way apart.''

My hope is that we can find ways to bring people together, and in the process strengthen our rural economy, encourage conservation, and preserve our hunting traditions for generations to come. And that's what this proposal is all about.

I ask unanimous consent that additional material be printed in the RECORD.

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

NOVEMBER 6, 2003.

Hon. KENT CONRAD,
Hon. PAT ROBERTS.

DEAR SENATORS: We are writing to express our support for the Voluntary Public Access and Habitat Incentive Program Act of 2003, your legislation to establish state-administered, voluntary, incentive-based programs to expand public access to private lands.

In an era when more and more hunters and anglers are faced with ''no trespassing'' signs and more land is being converted to commercial hunting and fishing operations, this legislation is critically needed to expand access to places to hunt and fish.

This summer, Field and Stream magazine published the results of its 2003 National Hunting Survey. Based on that survey, Field an Stream concluded that a major reason for the decline of hunting in America is the lack of available habitat and access to that habitat. As representatives of outdoor enthusiasts that would benefit from greater access to private lands, we applaud your efforts to enact this new voluntary, incentive-based program. We estimate that your legislation, if fully funded, would encourage landowners to open up more than 10 million new acres of private land to the public each year, dramatically enhancing the experiences of hunters and anglers as well as bird watchers, hikers, and others who enjoy the outdoors.

A number of states already have established programs to work cooperatively with private landowners to pay for access to their lands. Kansas, South Dakota, North Dakota, Wyoming, Montana, and Nebraska all have very successful programs that open millions of acres of lands to the public each year, and several other states are initiating similar programs. These programs are popular with hunters and anglers as well as private landowners. In fact, due to a lack of financial resources, many states are unable to take advantage of the offers by private landowners to enroll in their access programs. By supplementing state resources that currently are being dedicated to this purpose, your legislation will provide additional income to ranchers and farmers, while expanding opportunities to hunters and anglers.

We look forward to working with you to enact this legislation as expeditiously as possible.

Sincerely,

Theodore Roosevelt Conservation Partnership.
Wildlife Management Institute.
Izaak Walton League of America.
International Association of Fish and Wildlife Agencies.
Congressional Sportsmen's Foundation.
National Rifle Association.
Mule Deer Foundation.
Pheasants Forever.
American Sportfishing Association.
Pure Fishing.
Trout Unlimited.
Bass Anglers Sportsmen Society.
Ruffed Grouse Society.
The Wildlife Society.
Trout Unlimited.
Pope & Young Club.
Federation of Flyfishers.
The International Hunter Education Association.
Boone and Crockett Club.
Sporting Goods Manufacturers Association.
National Shooting Sports Foundation.
North American Grouse Partnership.
Texas Wildlife Association.
United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada.

NATIONAL FARMERS UNION,
November 6, 2003.

Hon. KENT CONRAD,
Ranking Member, Senate Budget Committee, U.S. Senate, Washington, DC.

DEAR SENATOR CONRAD: On behalf of the 300,000 family farmers and rancher members of the National Farmers Union (NFU), I write in support of your legislation to establish a voluntary incentive program to encourage farmers and ranchers to provide public access for hunting on their property where appropriate wildlife habitat is maintained.

We believe the ''Voluntary Public Access and Habitat Incentive Program Act of 2003'' can act both as an important supplement to existing state programs as well as an appropriate stimulus to create new opportunities in additional states. In addition, this program can help alleviate the potential conflict between landowners and the rapidly growing demand by hunters for increased access to rural lands by expanding the availability of private land where hunting is allowed.

Experience demonstrates that the rural impact of hunting on private lands can be an important contributor to rural economic development and provide a much needed boost to the incomes of farmers and ranchers as well as rural businesses. Your proposed legislation provides a unique opportunity to enhance the potential of hunting activities in our Nation's rural areas while ensuring that producer participation is voluntary and that contract terms are designed to achieve a high level of both local control and landowner acceptance.

We look forward to working with you and your colleagues to achieve passage and implementation of this incentive program.

Sincerely,

DAVID J. FREDERICKSON,
President.

S. 1840

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 ''Voluntary Public Access and Wildlife Habitat Incentive Program Act of 2003''.

SEC. 2. FINDINGS.

Congress finds that—

(1) according to the United States Fish and Wildlife Service, in 2001, 82,000,000 individuals in the United States aged 16 years and older participated in wildlife-related recreation, including 34,000,000 individuals who hunted, and more than 66,000,000 who engaged in wildlife-related recreation such as observing, feeding, or photographing wildlife, in the United States;

(2) individuals who participated in wildlife-related activities in 2001 spent an estimated $108,000,000,000, including—

(A) more than $35,000,000,000 on fishing;

(B) nearly $21,000,000,000 on hunting; and

(C) more than $28,000,000,000 on food, lodging, and transportation;

(3) the growing public demand for outdoor recreational opportunities is increasingly constrained by the limits on both public and private land resources;

(4) limited public access on private land has often frustrated and disappointed hunters and other naturalists, and undermined the relationship between land owners and the general public;

(5) several States have established successful but modest walk-in programs to encourage public access on private farm and ranch land, yet the demand for such voluntary access programs remains largely unfulfilled;

(6) traditional agricultural markets have in recent years offered limited income opportunities for farm and ranch land owners and operators; and

(7) current proposals to reform world agricultural trade favor the development of new methods to support the income of agricultural producers that have minimal impact on agricultural production and prices.

SEC. 3. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

(a) IN GENERAL.—Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) is amended by adding at the end the following:

''SEC. 1240Q. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish a voluntary public access program under which States may apply for grants to encourage owners and operators of privately-held farm and ranch land to voluntarily make that land available for access by the public under programs administered by the States.

''(b) APPLICATIONS.—In submitting applications for a grant under the program, a State shall describe—

''(1) the benefits that the State intends to achieve by encouraging public access on private farm and ranch land, through such activities as hunting, fishing, bird watching, and related outdoor activities; and

''(2) the methods that will be used to achieve those benefits.

''(c) PRIORITY.—In approving applications and awarding grants under the program, the Secretary shall give priority to States that propose—

''(1) to maximize participation by offering a program the terms of which are likely to meet with widespread acceptance among landowners;

''(2) to ensure that land enrolled under the State program has appropriate wildlife habitat;

''(3) to strengthen wildlife habitat improvement efforts on land enrolled in a special conservation reserve enhancement program described in 1234(f)(4) by providing incentives to increase public access on that land; and

''(4) to use additional Federal, State, or private resources in carrying out the program.

''(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section preempts a State law (including any State liability law).

''(e) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this section.''.

(b) FUNDING.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by adding at the end the following:

''(8) The voluntary public access program under section 1240Q, using, to the maximum extent practicable, $50,000,000 in each of fiscal years 2003 through 2007.''.

SEC. 4. PREVENTION OF EXCESS BASE ACRES.

Section 1101(g)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(g)(2)) is amended by striking subparagraph (C).

SECTION-BY-SECTION SUMMARY—VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM OF 2003

SEC. 1. Title: ''Voluntary Public Access and Habitat Incentive Program of 2003''.

SEC. 2. Findings: Describes—

(1) the importance of wildlife-related recreation of the U.S. economy;

(2) the growing demand for outdoor recreation activities such as hunting, fishing, and wildlife watching;

(3) the increasingly limited opportunities for the public to access private land;

(4) the modest hunter access programs begun in some states; and

(5) the need to identify WTO-compliant means of supporting farm income in the future.

SEC. 3. Establishes the ''Voluntary Public Access and Habitat Incentive Program of 2003'' and provides $50 million in Commodity Credit Corporation funds annually (2003–07) to States for the purpose of encouraging owners and operators of privately-held farm and ranch land to voluntarily make their land available for access by the public under programs administered by the States. Priority for funding under the program is given to those States that propose—

(1) to maximize participation by offering a program whose terms are likely to meet with widespread acceptance among landowners;

(2) to ensure that land enrolled under the State program has appropriate wildlife habitat;

(3) to strengthen wildlife habitat improvement efforts on land enrolled under the Conservation Reserve Enhancement Program; and

(4) to use additional Federal, State, or private resources in carrying out the program.

Clarifies that nothing in the bill preempts a State law (inclosing any State liability law).

SEC. 4. Repeals Sec. 1101(b)(2)(C) of the 2002 Farm Bill, a provision that USDA has interpreted to require that land enrolled under any State conservation program that prohibits the production of a crop be removed from a farm's acreage base for purposes of federal farm program benefits.

Mr. HARKIN. Mr. President, I am pleased to join Senators CONRAD, ROBERTS and others in introducing the Voluntary Public Access and Wildlife Habitat Incentive Program Act of 2003. This bill offers an excellent opportunity to help conserve wildlife habitat, increase the amount of land available for outdoor recreational activities, and help farmers and ranchers.

Hunting and other outdoor activities are very popular and are an important part of our country's heritage. Unfortunately, the shortage of public land in some States limits the ability of people to enjoy these activities. Providing incentives to increase public access to private lands can enhance outdoor recreational opportunities and help rural economies.

In many rural areas businesses associated with wildlife recreation, such as sporting goods stores, campgrounds, and motels and hotels, are an important part of the economy. By increasing the lands available for outdoor recreation, not only will more local residents be able to enjoy this activity, but we will also encourage more people to visit rural areas, bringing additional revenue to these rural communities. When hunting, bird watching or hiking on accessible lands, visitors stay in local lodging, purchase goods in stores and eat in restaurants. The money generated from these activities is good for rural economies.

In many States, such as Iowa, many farmers and landowners have traditionally granted hunters and other outdoor recreationists permission to use their land when asked. This bill will help compensate owners and operators of farm and ranch land for their generosity and also encourage more of them to provide such access to their land. And, of course, this bill will benefit wildlife by encouraging landowners and operators to maintain, increase and improve habitat for wildlife.

In States access programs now operating, information listing enrolled private land is often readily available to allow recreationists to access the land without the need to bother the owners to ask for permission. Many existing programs also have the very important benefit of reducing the liability of landowners and operators in case of injury to people using their land. State programs also help ensure enforcement of hunting and other regulations and help landowners and operators posts signs and information.

Currently at least 13 States have public access programs that would be eligible for funds from this bill. While Iowa currently does not have a program, there is great interest in starting a program, and I believe this bill will enable Iowa to start one. This bill provides flexibility to allow States to design programs to meet the particular needs and interests of landowners and recreationists in each State while at the same time ensuring that the goals of increasing wildlife habitat and available lands for public recreation are met.

I am proud to cosponsor this bill and urge my colleagues to support it.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 263—HONORING THE MEN AND WOMEN OF THE DRUG ENFORCEMENT ADMINISTRATION ON THE OCCASION OF ITS 30TH ANNIVERSARY

Mr. GRASSLEY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 263

Whereas the Drug Enforcement Administration (DEA) was first created by executive order on July 6, 1973, merging the previously separate law enforcement and intelligence agencies responsible for narcotics control;

Whereas the first Administrator of the DEA, John R. Bartels, Jr., was confirmed by the Senate on October 4, 1973;

Whereas since 1973 the men and women of the DEA have served our Nation with courage, vision and determination, protecting all Americans from the scourge of drug trafficking, abuse, and related violence;

Whereas between 1986 and 2002 alone, DEA agents seized over 10,000 kilograms of heroin, 900,000 kilograms of cocaine, 4,600,000 kilograms of marijuana, 113,000,000 dosage units of hallucinogens, and 1,500,000,000 dosage units of methamphetamine, and made over 443,000 arrests of drug traffickers;

Whereas DEA agents continue to lead task forces of Federal, State, and local law enforcement officials throughout the Nation, in a cooperative effort to stop drug trafficking and put drug gangs behind bars;

Whereas throughout its history many DEA employees and members of DEA task forces have given their lives in the defense of our Nation, including: Emir Benitez, Gerald Sawyer, Leslie S. Grosso, Nickolas Fragos, Mary M. Keehan, Charles H. Mann, Anna Y. Mounger, Anna J. Pope, Martha D. Skeels, Mary P. Sullivan, Larry D. Wallace, Ralph N. Shaw, James T. Lunn, Octavio Gonzalez, Francis J. Miller, Robert C. Lightfoot, Thomas J. Devine, Larry N. Carwell, Marcellus Ward, Enrique S. Camarena, James A. Avant, Charles M. Bassing, Kevin L. Brosch, Susan M. Hoefler, William Ramos, Raymond J. Stastny, Arthur L. Cash, Terry W. McNett, George M. Montoya, Paul S. Seema, Everett E. Hatcher, Rickie C. Finley, Joseph T. Aversa, Wallie Howard, Jr., Eugene T. McCarthy, Alan H. Winn, George D. Althouse, Becky L. Dwojeski, Stephen J. Strehl, Richard E. Fass, Juan C. Vars, Jay W. Seale, Meredith Thompson, Frank S. Wallace, Jr., Frank Fernandez, Jr., Kenneth G. McCullough, Carrol June Fields, Rona L. Chafey, Shelly D. Bland, Carrie A. Lenz, Shaun E. Curl, Royce D. Tramel, Alice Faye Hall-Walton, and Elton Armstead;

Whereas many other employees and task force officers of the DEA have been wounded or injured in the line of duty; and

Whereas in its 173 domestic offices and 78 foreign offices worldwide the over 8,800 employees of the DEA continue to hunt down and bring to justice the drug trafficking cartels that seek to poison our citizens with dangerous narcotics: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Drug Enforcement Administration on the occasion of its 30th Anniversary;

(2) honors the heroic sacrifice of those of its employees who have given their lives or been wounded or injured in the service of our Nation; and

(3) thanks all the men and women of the Drug Enforcement Administration for their past and continued efforts to defend the American people from the scourge of illegal drugs.

Mr. GRASSLEY. Mr. President, it is with great pride that I honor and congratulate the Drug Enforcement Agency on its 30th Anniversary. This is an important milestone for the DEA and for our country. Over the last thirty years the men and women of the DEA have worked in communities around the Nation to improve the quality of life for all Americans.

The Drug Enforcement Agency was established on October 4, 1973, soon after John R. Bartles, Jr., was confirmed by the Senate as the DEA's first Administrator. Since then, the men and women of the DEA have continued to serve our Nation with courage and dedication in the face of great odds.

In recognition of this thirty year milestone, it is fitting that we pay tribute to the work and sacrifices of the men and women of the DEA and also acknowledge the organizations many accomplishments.

Currently the DEA operates 173 domestic offices and 78 overseas offices with over 8,800 employees. The DEA continues to lead task forces throughout our Nation's communities in a cooperative effort to control both the consumption and flow of illegal drugs.

Between 1986 and 2002, DEA agents seized over 10,000 kilograms of heroin, 900,000 kilograms of cocaine, 4,600,000 kilograms of marijuana, 113,000,000 dosage units of hallucinogens, and 1,500,000,000 dosage unites of methamphetamine, and made over 443,000 arrests of drug traffickers.

Let me also express my deepest thanks to the DEA for their work and commitment to protecting the communities of Iowa. Although Interstates 80 and 35 cross Iowa providing a ready smuggling route for many drug trafficking organizations, their work has had a tremendous effect on our efforts to squeeze the flow of illegal narcotics through the state. During 2002 the DEA participated in 28 highway interdictions in Iowa, leading to the seizure of approximately 56 kilograms of cocaine, 40.5 pounds of methamphetamine, 2,075 pounds of marijuana, and nearly $1.9 million in cash. Additionally they assisted in the seizure of 871 clandestine laboratories.

Throughout its history, the DEA has proven steadfast in their commitment to bringing drug traffickers to justice. Their service to our country has indeed made a tremendous difference in our nation's communities. However, these accomplishments did not come without a price. Many men and women of the DEA have given their lives and many others wounded and injured in the defense of our Nation.

I am pleased to submit a resolution honoring the men and women of the DEA on their 30th anniversary for their efforts to defend the American people from illegal drugs. I encourage my colleagues to join with me in congratulating and honoring the men and women of the DEA for their many accomplishments and sacrifices throughout their first thirty years. I have every confidence that these men and women will continue in that same tradition of excellence. To those in the DEA both past and present, I offer my sincerest gratitude for your courage, dedication, and service.

SENATE CONCURRENT RESOLUTION 79—EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT SHOULD SECURE THE SOVEREIGN RIGHT OF THE UNITED STATES OF AMERICA AND THE STATES TO PROSECUTE AND PUNISH, ACCORDING TO THE LAWS OF THE UNITED STATES AND THE SEVERAL STATES, CRIMES COMMITTED IN THE UNITED STATES BY INDIVIDUAL WHO SUBSEQUENTLY FLEE TO MEXICO TO ESCAPE PROSECUTION

Mrs. FEINSTEIN (for herself, Mr. BROWNBACK, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. DOMENICI, Mr. KYL, Mr. CAMPBELL, and Mr. HATCH) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 79

Whereas, under the Extradition Treaty between the United States of America and the United Mexican States, signed at Mexico City May 4, 1978, and entered into force January 25, 1980 (31 UST 5059) (hereafter the ''Extradition Treaty''), Mexico has refused to extradite unconditionally to the United States fugitives facing capital punishment;

Whereas the Mexican Supreme Court ruled in October 2001, that life imprisonment violates the Constitution of Mexico, and Mexico has subsequently repeatedly violated the Extradition Treaty by refusing to extradite unconditionally criminals who face life sentences in the United States;

Whereas numerous individuals have committed serious crimes in the United States, fled to Mexico to avoid prosecution, and have not been brought to justice in the United States because of Mexico's interpretation of the Extradition Treaty;

Whereas these individuals include the persons responsible for the April 29, 2002, murder of Deputy Sheriff David March, the July 17, 2000, killing of Officer Michael Dunman, the August 29, 1998, murder of 12 year old Stephen Morales, the April 9, 1999, attempted murder of Anabella Van Perez and the subsequent August 26, 1999, murder of her father, Carlos Vara, and the December 22, 1989, murder of Mike Juan;

Whereas attorneys general from all 50 States, the National League of Cities, and numerous elected officials, municipalities, and law enforcement associations have asked the United States Attorney General and the Secretary of State to address this extradition issue with their counterparts in Mexico;

Whereas United States Government officials at various levels have raised concerns about the extradition issue with their counterparts in Mexico, including presenting a Protest Note to the Government of Mexico objecting that Mexico's interpretation of the Extradition Treaty is ''unsupported by the Treaty'' and effectively ''eviscerates'' it, with few positive results; and

Whereas the Extradition Treaty, as interpreted by Mexico, interferes with the justice system of the United States and encourages criminals to flee to Mexico; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should address Mexico's failure to fulfill its obligations under the Extradition Treaty between the United States of America and the United Mexican States, signed at Mexico City May 4, 1978, and entered into force January 25, 1980 (31 UST 5059), by renegotiating the treaty or taking other action to ensure that the possibility that criminal suspects from Mexico may face capital punishment or life imprisonment will not interfere with the unconditional and timely extradition of such criminal suspects to the United States.

Mrs. FEINSTEIN. Mr. President, I rise to submit S. Con. Res. 795, a Senate concurrent resolution calling upon the President to address Mexico's failure to fulfill its obligations under the U.S.-Mexico Extradition Treaty, which entered into force in January 1980. I am delighted that Senators BROWNBACK, BILL NELSON, HUTCHISON, BINGAMAN, DOMENICI, KYL, and CAMPBELL join me in submitting this resolution.

Specifically, this resolution calls upon President Bush to renegotiate the Extradition Treaty or take other actions to ensure that the U.S. can extradite serious criminals back to the U.S. for appropriate prosecution and punishment.

In my view, this treaty—at least as interpreted by Mexico—is simply not working as intended. While the U.S. is currently attempting to extradite hundreds of fugitives from Mexico, since 1996, Mexico has sent back only a relative handful every year. For example, in fiscal years 1996 through 2002, Mexico only extradited an average of 14 individuals to the U.S. each year. Even worse, Mexico's recent interpretation of this treaty has effectively eliminated our ability to extradite persons charged with serious crimes who flee to Mexico to avoid prosecution in the United States.

This interpretation has jeopardized the safety of both American and Mexican citizens, undermined the integrity of our criminal justice system, denied basic rights and closure to crime victims, and allowed serious felons to escape just punishment. The result is that Mexico is becoming a safe haven for hard-core criminals. If you steal a car in the U.S., Mexico will return you to face prosecution and punishment. If you kill the driver, Mexico will protect you.

The problem in a nutshell is that, since October 2001, Mexico has read the U.S.-Mexico Extradition Treaty as barring the extradition to the United States of anyone who faces a potential life term. In other words, if a person commits a serious crime in the U.S.—one that could subject them to a maximum life term—and heads south, Mexico will refuse to extradite that person to the U.S. to face prosecution and punishment in this country.

While it has been difficult to determine the full scope of the problem, I am informed by prosecutors in California that, as a result of Mexico's interpretation of the Extradition Treaty, there are as many as 350 people who have committed murder and other serious crimes in California who have either not been extradited or have been effectively rendered non-extraditable.

These 350 people have thus escaped appropriate prosecution and punishment under California law. Many of these people are living free and unpunished in Mexico. In some cases, we even know where they are.

Let me quote from a recent Santa Barbara News Press article: A half dozen people wanted in the slayings of Santa Barbara residents are believed to be living free in Mexico. Santa Barbara police detectives even know where three of them live. But there's not much they can do about it. ''If I had unfettered access to the proper investigative tools and contacts, we could have them in custody in a matter of days,'' said Detective Tim Roberts . . . ''But that's not the case.''

Let me give you an example of another especially heinous case.

On April 29, 2002, Armando Garcia, a Mexican national who had been previously charged in the U.S. with two counts of attempted murder, allegedly shot and killed, execution-style, 33-year-old Los Angeles County Deputy Sheriff David March during a routine traffic stop in Irwindale, CA. Garcia then fled to Mexico, where he remains a free man.

Los Angeles District Attorney Steve Cooley has not formally requested Garcia's extradition because he says that there is no point. Mexico will demand that Cooley promise that Garcia will not receive life in prison for his crime—a promise that cannot be made because in this country sentences are up to a judge to set, once a person has been convicted of a crime. The results is that Garcia remains at large in Mexico.

And earlier this year there was a horrific case in Santa Cruz implicating the Extradition Treaty. Miguel Ramirez Loza, 27 years old, allegedly attacked his 17-year-old girlfriend in an abandoned preschool building, slashing her throat and then spitting on her. As his girlfriend lay dying, he then raped the victim's 17-year-old friend. Loza's girlfriend was in a coma for months after the crime and just recently died.

Loza is now in Mexico and is apparently in a Mexican jail as a result of a stabbing in Mexico unrelated to the Santa Cruz incident. However, according to Santa Cruz District Attorney Bob Lee, Loza cannot be extradited for the murder and rape in California because of Mexico's interpretation of the Extradition Treaty.

It is true that Mexico does sometimes prosecute individuals in Mexico who committed crimes in the U.S. under Article IV of its Criminal Code. But often Mexico fails to do this. And, in any event, there is no substitute for extraditing the person to the United States.

There are credible reports that defendants in Mexico sometimes buy their acquittals. And, at least by U.S. standards, Mexican standards of justice can be quite low. Trials often take place with no testimony and no witnesses. Victims and their families are not invited or consulted. And sentences—often reduced on appeal—frequently bear little resemblance to those authorized by U.S. sentencing laws.

Not surprisingly, according to an article in the Las Vegas Review-Journal, ''More than a dozen prosecutors in Nevada, California and Arizona who were interviewed for this story criticized Article IV as an ineffectual alternative to extradition.'' One prosecutor, Jan Maurizi of the Los Angeles District Attorney's Office, stated that she ''sent demands to the Mexican government asking what happened to 97 Article IV cases that have seemingly disappeared from the justice system. Mexico . . . never responded. But from others we've talked to in unofficial channels, it's clear the vast majority of them are grossly inadequate sentences. Most of them, nothing happens.''

Another prosecutor, Val Jimenez, the special agent supervisor of the Foreign Prosecution Unit at the California Attorney General's Office, has mentioned one recent case where a defendant ''got 20 years for doing a homicide, appealed, and he was out in 18 months.'' And even if defendants were convicted, they may not serve real time. It was not until last year that Mexico finally tore down the infamous La Mesa State Penitentiary in Tijuana. La Mesa was a place where prisoners were free to purchase $25,000 townhomes with cell phones, tiled bathrooms, Jacuzzis, microwaves, computers, DVD players, and guard dogs such as Rottweilers. One murder in the prison was committed with a Uzi.

The U.S.-Mexico Extradition Treaty provides that neither country is bound to deliver up its nationals for extradition. It further provides that where the offense for which extradition is sought is punishable by death, a country may refuse to extradite unless the country seeking extradition assures that it will not impose the death penalty. Under the Treaty, the death penalty is the sole punishment for which assurances may be required. For decades, Mexico has extradited suspects to California and other states without inordinate problems. Then, in October 2001, the Mexican Supreme Court ruled that life imprisonment violates the Constitution of Mexico and extended this interpretation to the Extradition Treaty. Specifically, the Court decided that Mexico could no longer extradite a fugitive who is subject to life imprisonment with or without the possibility of parole, unless assurances are given that guarantee a determinate term of years.

Here is what the Mexican Supreme Court said in Opinion No. 125/2001, which is about a half-page long: [T]he punishment of life imprisonment is considered an unusual penalty and is prohibited by . . . article 22 of the [Mexican Constitution], inasmuch as it departs from the essential purpose of the penalty, which is the rehabilitation of the offender to incorporate him/her into society. It is, therefore, unquestionable that the requesting [i.e., extraditing] State must bind itself not to impose the penalty of life imprisonment, only another less serious punishment.

Article 22 of the Mexican Constitution prohibits ''[p]unishment by mutilation and extreme cruelty, branding, flogging, beating with sticks, torture of any kind, excessive fines, confiscation of property and any other unusual or extreme penalties. . . .''

In light of the fact that the Extradition Treaty prohibits Mexico from extraditing criminals to the U.S. unless the U.S. agrees to waive the death penalty, it is interesting to note that Article 22 of the Mexican Constitution specifically allows the death penalty for ''high treason committed during a foreign war; parricide; murder that is treacherous, premeditated, or committed for profit; arson; abduction; highway robbery; piracy; and grave military offenses.''

So, in other words, according to the Mexican Supreme Court, the Mexican Constitution allows the death penalty for highway robbery in Mexico but, should an American criminal murder a police officer in California and then flee to Mexico, Mexico will refuse to turn this person over to the U.S. if he would face either the death penalty or a possible life term.

In my view, this makes no sense. However, Mexico as a sovereign nation is free to interpret its domestic law as it sees fit. I do not quarrel with their interpretation of their own law. But I do question whether Mexico can unilaterally rewrite the U.S.-Mexican Extradition Treaty. And that is exactly the effect of its interpretation of the Treaty as barring extradition to the U.S. of any alleged criminal who faces a possible life term. In fact, Mexico's interpretation of the Treaty is unsupported by and inconsistent with the Treaty's language, purpose, structure, and history. It is also conflicts with the Vienna Convention on the Law of Treaties, which states that a treaty shall be interpreted ''in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in light of its object and purpose.''

As the U.S. State Department has made clear in a Protest Note to the Mexican Government after the October 2001 decision, [R]equiring assurances for a punishment other than the death penalty is unsupported by the Treaty, which provides the substantive extradition requirement. . . . To give [the Treaty] the reading Mexico has given it eviscerates the Treaty, for such a reading would disregard the substantive exceptions found in Articles 5 through 9, and would permit each Party to refuse each other's extradition requests based on its domestic law on sentencing, which could be changed unilaterally at any time, even if that change rendered the law inconsistent with the Treaty.

Moreover, Mexico's interpretation of the Treaty has made it effectively impossible to extradite from Mexico individuals who commit murder or other serious crimes in California and many other States. In California, for example, over 40 different crimes are punishable by possible life sentences and neither a judge nor a prosecutor can give assurances of a determinate term for these crimes. As a result, Mexico's policy encourages people committing serious crimes in California to flee to Mexico and escape just punishment. Indeed, individuals in the United States with a criminal history have a perverse incentive to kill an arresting police officer and head for Mexico rather than face possible prosecution and imprisonment in the United States.

Given Mexico's interpretation of the Treaty, the only way to extradite a Mexican national charged with a ''life'' crime is to seek extradition on reduced charges punishable by a determinate sentence. But this would mean treating more harshly those who commit a crime and remain in California than those who commit the same crime and flee to Mexico. This is not only unfair and a blow to the integrity of our criminal justice system. But it also just encourages criminals to flee to Mexico to reduce their potential punishment.

Moreover, it is unclear exactly what assurances will suffice. In at least one Federal major narcotics trafficking case, a Mexican court determined that a twenty-year sentence was ''cruel and unusual'' and thus unconstitutional. And some Mexican courts have ruled that only a judge can give sufficient assurances—a legal impossibility under California's judicial system.

Mexico's interpretation of the U.S.-Mexico Extradition Treaty has unquestionably had a particularly harmful effect on my home state of California. I would like to commend the Los Angeles District Attorney Steve Cooley and Deputy District Attorney Jan Maurizi for their work in identifying cases of individuals who have committed murder and other serious crimes in California who have either not been extradited or have been effectively rendered non-extraditable. As I noted before, there are at least 350 such cases just in my home state. Many district attorneys do not keep adequate records of which suspects fled to Mexico, which cases are potentially extraditable, and which cases have been or could be subject to Article IV prosecution.

In fact, when we asked the National Association of District Attorneys to conduct a survey of how many cases have been affected by Mexico's interpretation of the Treaty, it received responses from only 17 jurisdictions, and much of this information was anecdotal. This survey, though, does demonstrate that the problem caused by Mexico's interpretation of the Extradition Treaty also afflict a number of other states. Based on the information we received, there are at least 60 cases around the country outside of California—and this number probably grossly understates the problem. These cases are in Arizona, Florida, Hawaii, Nevada, New York, Oregon, Tennessee, Texas, and Washington. These numbers, though, do not tell whole story. In every case, there is a horrible crime, a victim, a shattered family, and a horrible injustice.

I have already discussed a couple of specific criminal cases implicating the U.S.-Mexico Extradition Treaty. But now I would like to talk about four more. In every case, the perpetrator of a heinous crime has escaped appropriate punishment because of Mexico's interpretation of the U.S.-Mexico Extradition Treaty.

In August of 1999, Daniel Perez, a Mexican national, was convicted in absentia in Los Angeles County by a jury for the crimes of attempted first degree murder, use of a firearm, espousal battery, kidnapping, false imprisonment and stalking his estranged wife.

Perez and the 21-year-old victim, Anabella Vera, were separated. They met at a pizza place. After kidnapping her at gunpoint and terrorizing her for two hours, Anabella finally convinced Perez that she would return home with him. Perez then drove Anabella to her car. After Anabella tried to drive away from him, Perez chased her in his car, ramming her vehicle and forcing her to run red lights. Ultimately, Anabella became stuck in traffic and, in a desperate bid to save her life, abandoned her car and tried to flee. Perez then caught Anabella at a gas station and shot her in the head. Miraculously, she survived.

During the trial and while out on bail, Perez drove to Fontana, CA to the home of Anabella's father, who had been a key witness against Perez. In front of Anabella's siblings, Perez shot and killed Anabella's father. Perez then allegedly fled to Mexico, where he is still at large.

Perez was sentenced in absentia in Los Angeles County for attempted murder to a term of 33 years to life, plus an additional life term. In addition, the San Bernardino County District Attorney's Office has charged Perez with the murder of the victim's father and the special circumstances of killing a witness. These charges carry a potential punishment of life in prison without the possibility of parole or, if it is not waived, the death penalty. Because Mexico does not recognize convictions in absentia, my understanding is that Mexico will neither extradite Perez for attempted murder nor prosecute him under Article IV of the Mexican Federal Penal Code.

Alvara Luna Jara has been charged with the special circumstances murder of 12-year-old Steven Morales and the attempted murder of three others. On August 29, 1998, Steven was playing with several other children in front of their apartment, near three members of a local sheet gang. As Jara drove by, he and the three gang members exchanged hand gestures. Jara then extended his arm out of the car window and fired three rounds into the crowd, killing Steven with a gunshot to the head. Jara then fled to Mexico. If convicted in the United States, Jara could face life without possibility of parole or, if it is not waived, the death penalty. However, while Jara is not a Mexican national, the Mexican government has refused to deport him because his parents are Mexican nationals. After this refusal, Los Angeles District Attorney Cooley began formal extradition proceedings. However, because of Mexico's interpretation of the October 2000 Mexican Supreme Court decision, Cooley never submitted the formal request.

On May 7, 1988, Father Nicholas Aguilar Rivera, a Catholic priest, was charged with 19 counts of child molestation. The day after he was charged, Father Rivera fled to Mexico. Although the case was supposed to be prosecuted promptly under Article IV, Mexican prosecutors failed to submit the case for prosecution until 1995. The Mexican court dismissed the matter as untimely and entered an acquittal. Now, both countries are barred from further prosecution.

On May 17, 1998, Ruben Hernandez Martinez and Luis Castanon allegedly broke into the Nashville apartment of Kelly Quinn and her roommate after waiting for Ms. Quinn to return home. They then attacked her, raping her continuously for hours. When they were done, they made Ms. Quinn shower to remove any DNA evidence. However, Ms. Quinn was able to conceal semen that was on her neck. Castanon was arrested and, on the basis of fingerprint and serology evidence, convicted of aggravated sexual assault. He was sentenced to 60 years. Martinez, whom Nashville police believe committed several other rapes as well, fled to Mexico. I am informed that, while Martinez has been in custody in a Mexico City jail for over a year, Mexico has still refused to make a decision as to whether they will extradite him.

The United States can and must retain discretion to prosecute and punish its most dangerous and violent offenders who commit crimes in the United States according to U.S. laws. Criminals should not be allowed to escape justice in the U.S. for the price of a bus ticket to Mexico.

I would now like read a letter I received from a youngster in California about this problem. Here is what he says:

My mom is a deputy sheriff for Los Angeles. Every night she goes to work. I say a prayer for her she will come home safely. So far she has. Deputy March was not so lucky. I wonder how his kids must feel not having a dad any longer. Could you please help catch the man that killed Deputy March. I listen to the radio a lot and they said the bad man that did this is in Mexico and he is not in jail. Could you please get him back here so my mom will be safer when she goes to work.

Thank you.

It is unfortunate that we live in a country where we cannot assure a youngster that the man who killed his mom's colleague won't come back and hurt her too. That is why we need to pass this resolution now. That is why we need the President to act.

I ask my colleagues for their support.

I also ask unanimous consent that an October 24, 2003 Resolution of the International Association of Chiefs of Police be printed in the RECORD.

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

[Resolution From the International Association of Chiefs of Police, Adopted Oct. 24, 2003]

EXTRADITION OF CRIMINAL SUSPECTS

(Submitted by the Executive Committee)

Whereas, the law enforcement profession has a compelling interest in ensuring that individuals suspected of committing crimes are not able to evade justice by leaving the country in which the crime was committed; and

Whereas, in response to this problem, many nations have established extradition treaties that allow for the return of criminal fugitives to the country in which they are suspected of committing crimes; and

Whereas, extradition treaties are political agreements between nations; and,

Whereas, the International Association of Chiefs of Police refrains from entering into political disputes between nations unless an issue which clearly impacts the law enforcement profession is involved; and

Whereas, these treaties form the backbone of international law enforcement efforts and have allowed for the successful apprehension and conviction of many fugitives over the years, and

Whereas, the effectiveness of these treaties relies upon the timely return of criminal suspects; and

Whereas, the terms of some extradition treaties have proven to be too restrictive and have significantly limited the ability of law enforcement agencies to bring a criminal suspect to trial and have, in effect, allowed for the creation of safe havens for criminal fugitives; and

Whereas, for example, the Extradition Treaty between the United States of America and the United Mexican States allows the United Mexican States to refuse to extradite criminal suspects who face capital punishment for crimes committed within the United States, and a recent decision of the Mexican Supreme Court has unilaterally and mandatorily extended that prohibition on life sentences, and

Whereas, it is clear that extradition treaties and agreements that do not allow for the timely return of criminal suspects or that condition their return on the domestic sentencing laws of the requested state are an issue that clearly impacts the law enforcement profession and it is appropriate for the International Association of Chiefs of Police to express the concern of the law enforcement community in this matter and work to resolve this situation; Now, therefore be it

Resolved, That the International Association of Chief of Police calls on all nations to ensure that extradition treaties serve only to guarantee that accused individuals are provided with due process of law and not to provide criminal suspects with a means of evading justice; and be it

Further resolved, That the International Association of Chiefs of Police calls on the governments of the United States of America and the United Mexican States to renegotiate the extradition treaty so that the possibility of capital punishment or life imprisonment shall not interfere with the timely and unconditional extradition of criminal suspects.

AMENDMENTS SUBMITTED & PROPOSED

SA 2141. Ms. STABENOW proposed an amendment to amendment SA 2136 proposed by Mr. MCCAIN (for himself, Mr. ALLEN, Mr. WYDEN, Mr. BURNS, Mr. ENSIGN, Mr. SUNUNU, Mr. WARNER, Mr. SMITH, Mr. LEAHY, Mr. GRASSLEY, Mr. HATCH, Mr. BAUCUS, Mrs. BOXER, Mr. CHAMBLISS, and Mrs. LINCOLN) 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.

SA 2142. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2141. Ms. STABENOW proposed an amendment to amendment SA 2136 proposed by Mr. MCCAIN (for himself, Mr. ALLEN, Mr. WYDEN, Mr. BURNS, Mr. ENSIGN, Mr. SUNUNU, Mr. WARNER, Mr. SMITH, Mr. LEAHY, Mr. GRASSLEY, Mr. HATCH, Mr. BAUCUS, Mrs. BOXER, Mr. CHAMBLISS, and Mr. LINCOLN) to the bill S. 150, to make permanent the moratoriumm on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; as follows:

At the appropriate place insert the following:

Since, Article I of the U.S. Constitution grants Congress the power of the purse; and

Since, Congressional oversight of Executive Branch expenditures of public funds is essential in order to prevent waste, fraud, and abuse of taxpayer dollars; and

Since, Congress can only exercise its oversight responsibilities if the White House and Executive Branch agencies are responsive to requests for information about public expenditures;

Therefore it is the Sense of the Senate that,

The White House and all Executive Branch agencies should respond promptly and completely to all requests by Members of Congress of both parties for information about public expenditures.

SA 2142. Mr. LAUTENBERG 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 . GAO STUDY OF EFFECTS OF INTERNET TAX MORATORIUM ON STATE AND LOCAL GOVERNMENTS AND ON BROADBAND DEPLOYMENT.

The Comptroller General shall conduct a study of the impact of the Internet tax moratorium, including its effects on the revenues of State and local governments and on the deployment of broadband technologies throughout the United States. The Comptroller General shall report the findings, conclusions, and any recommendations from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce no later than November 1, 2005.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the hearing previously scheduled before the Committee on Energy and Natural Resources on Wednesday, November 12 at 10 a.m. has been rescheduled for Friday, November 14 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 hearings, 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.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce, for the information of the Senate and the public, that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources will hold a hearing on November 18, 2003 at 2:30 p.m. in room SD 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider S. 1467, a bill to establish the Rio Grande Outstanding Natural Area in the State of Colorado, and for other purposes, S. 1209, a bill to provide for the acquisition of property in Washington County, UT, for implementation of a desert tortoise habitat conservation plan, and H.R. 708, a bill to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes, and for other purposes.

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, SD–364, Washington, DC 20510–6150 prior to the hearing date.

For further information, please contact Dick Bouts or Meghan Beal (202–224–7556).

SUBCOMMITTEE ON ENERGY

Mr. ALEXANDER. Mr. President, I would like to announce for the information of the Senate and the public

that the Subcommittee on Energy of the Committee on Energy and Natural Resources will hold a hearing on Saturday, December 6, 2003 at 9 a.m. The hearing will be held at the Paducah Information Age Park, 2000 McCracken Blvd., Paducah, KY.

The purpose of the hearing is to conduct oversight and accounting of the cleanup at the Department of Energy's Paducah, KY site.

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, SD–364, Washington, DC 20510–6150.

For further information, please contact Pete Lyons (202–224–5861) or Shane Perkins (202–224–7555).

AUTHORITY FOR COMMITTEES TO MEET

JOINT ECONOMIC COMMITTEE

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in room 628 of the Dirksen Senate Office Building, Friday, November 7, 2003, from 9:30 a.m. to 1 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent Jason Estep, a fellow from my office, have floor privileges for today.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that Dale Jones, a member of my staff, be granted the privilege of the floor during debate on S. 150.

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

BLACKWATER NATIONAL WILDLIFE REFUGE EXPANSION ACT

The PRESIDING OFFICER. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 356, H.R. 274.

The PRESIDING OFFICER.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 274) to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (H.R. 274) was read the third time and passed.

ANIMAL DRUG USER FEE ACT OF 2003

Mr. FRIST. I ask unanimous consent that the Chair now lay before the Senate a message from House of Representatives on the bill (S. 313) to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

S. 313

Resolved, That the bill from the Senate (S. 313) entitled ''An Act to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs'', do pass with the following amendment; Strike out all after the enacting clause and insert:

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.

Mr. KENNEDY. Mr. President, I support the Animal Drug User Fee Act, and I urge my colleagues to support it. The bill is based on the current user fee programs for prescription drugs and medical devices, which are an effective way to enable the Food and Drug Administration to reduce its backlog and expedite its review of needed new products and make them available more quickly, especially in this time of accelerated discoveries of new drugs and other medical products with great potential to improve all aspects of health care. The same basic principle of user fees should be available to assist FDA's review of applications for approval of animal drugs.

In 5 years, the time it takes for FDA to review new animal drugs should be cut in half under this legislation. By increasing the resources available for these reviews, the user fees will speed new treatments to market for pets and farm animals alike. FDA will provide detailed reports on the program and its results in helping the agency to meet it performance goals, so that Congress can evaluate how it has worked and whether improvements are necessary when we reauthorize the program in the future.

We will also be able to work closely with the agency in implementing its important new plan for evaluating the increasingly urgent concern that the use or overuse of certain drugs in animals can lead to dangerous drug-resistant strains of organism in humans.

I commend Chairman GREGG, Senator ENSIGN, and Senator HARKIN for their leadership on this legislation, and I look forward to working with them on these issues in the months ahead.

Mr. FRIST. I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

MEASURE PLACED ON THE CALENDAR—S. 1832

Mr. FRIST. I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1832) entitled the ''Senator Paul Wellstone Mental Health Equitable Treatment Act of 2003.''

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

The PRESIDING OFFICER. The objection is heard.

The bill will be placed on the calendar.

SENATE ACCOMPLISHMENTS

Mr. FRIST. Mr. President, although we did not have any rollcall votes today, I do want to assure my colleagues we made progress on the Internet tax moratorium bill. I understand there are serious negotiations that are continuing and that we hope we can get an agreement on that legislation and finish it at the earliest time.

Earlier this week, we passed H.R. 3289, the Iraq-Afghanistan appropriations conference report, and that measure has now been signed into law by the President of the United States.

We also adopted the Agriculture appropriations bill, as well as the Interior appropriations conference report this week. The Interior appropriations bill will now be sent to the President for his signature.

Chairman SHELBY, working with many Members on both sides of the aisle, finished work on the fair credit reporting bill. The bill had overwhelming support, and it is expected that a conference report will return in short order.

This week the Senate also passed H.R. 3365, the military tax fairness bill. This bill, which is also called the Fallen Patriots Tax Relief Act, will assist members of our Armed Forces in providing some much needed clarity and fairness with respect to tax policy.

We also reauthorized, this week, the School Lunch and Child Nutrition Program. Chairman COCHRAN brought this bill to our attention, and we were able to act quickly. I mention it today to show that we continue to try to do our work efficiently and to make progress on a number of important issues. This bill cleared both sides and will become law. Senator COLLINS, as chairman of the Governmental Affairs Committee, cleared S. 589, the Homeland Security Federal Workforce Act. This bill will promote job retention in areas of national security by providing student loan payments.

These are just a few of the areas, and I think very good examples, where we can continue to work together in a collaborative way.

The remaining weeks of business will be difficult. There will be many contentious issues to address as we go forward. The American people clearly want us to get our work done. They expect us to get our work done.

As I mentioned earlier, we are aiming for this target date of November 21.

ORDERS FOR MONDAY, NOVEMBER 10, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m., Monday, November 10. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin consideration of H.R. 2799, the Commerce-State-Justice appropriations bill, as provided under the previous order.

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we feel part of the accomplishments of this Senate. But for our cooperation and hard work, we would not have accomplished as much as we have. Earlier in this week we did some very good things and we produced a lot of work.

We cannot undue what has been done—feelings hurt, feelings of concern—as to why we are in the present position, but it has happened. We cannot undue that, I guess.

But I say to the distinguished majority leader, it is too bad we are in this position because I really could see the light at the end of that tunnel. It is very blurred today.

I hope we can finish our work. There is so much we all have to do in our respective States. But I just want to tell the leader that the long list of work that we did was a joint accomplishment. I know the leader acknowledges that. I just hope, somehow, next week, with the 30 hours that have been placed in our path, we could still work our way through all this and be more productive than I see the time ahead of us.

The PRESIDING OFFICER. Without objection, the request is agreed to.

Mr. FRIST. Mr. President, before we close I need just a couple minutes in case we can do one more brief piece of business, and then we will close very shortly.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that during an executive session beginning next Wednesday, each hour beginning on the hour of the executive session be equally divided between the two leaders or their designees and that any time not used by either side during the designated hour be given to the other side of the aisle.

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

Mr. REID. Mr. President, it is my understanding, just so there is no confusion, that this is no time agreement on

a specific nominee. We are just going to be talking about judges for that extended period of time.

Mr. FRIST. Mr. President, that is my understanding.

Mr. REID. No objection.

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, on Monday the Senate will begin debate on H.R. 2799, the Commerce-Justice-State appropriations bill. The bill managers will be here on Monday to work through any amendments to the bill. We will be debating and voting on amendments throughout the afternoon. Senators who have amendments are asked to contact the bill managers as soon as possible.

As you have heard, there are a number of other issues we will be addressing early next year. The Syria Accountability Act, the Military Constructions appropriations conference report, the Department of Defense authorization conference report, the Energy and Water appropriations conference report, and VA–HUD appropriations bill, as well as other items that are cleared for action.

We will be in session every day next week—Monday, Tuesday, Wednesday, Thursday, and Friday. We have a lot of business to do, and it requires that for us to complete the business.

ADJOURNMENT UNTIL 1 P.M., MONDAY, NOVEMBER 10, 2003

Mr. FRIST. 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 3:55 p.m., adjourned until Monday, November 10, 2003, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate November 7, 2003:

NATIONAL SECURITY EDUCATION BOARD

KIRON KANINA SKINNER, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE HERSCHELLE S. CHALLENOR.

DEPARTMENT OF LABOR

STEVEN J. LAW, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY SECRETARY OF LABOR, VICE DONALD CAMERON FINDLAY, RESIGNED.

UNITED STATES INSTITUTE OF PEACE

J. ROBINSON WEST, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2007, VICE MARC E. LELAND, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 7, 2003:

FEDERAL ENERGY REGULATORY COMMISSION

JOSEPH TIMOTHY KELLIHER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2007.

SUEDEEN G. KELLY, OF NEW MEXICO, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2004.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

THE JOHN W. KLUGE PRIZE FOR LIFETIME ACHIEVEMENT IN THE HUMAN SCIENCES

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. HOLT. Mr. Speaker, this week, the first inaugural John W. Kluge Prize for Lifetime Achievement in the Human Sciences was awarded in a ceremony at the Library of Congress. The Kluge Prize is given for lifetime achievement in the humanities and social sciences, areas of scholarship for which there are no Nobel Prizes.

Mr. Kluge and the Librarian of Congress James H. Billington deserve our congratulations for conceiving, developing and funding this prize. It will provide recognition for the influence the humanities have on human welfare. The first recipient of the million-dollar Kluge Prize is Leszek Kolakowski, whose achievements as a philosopher, historian and essayist have influenced and affected the course of European history within his lifetime. Librarian of Congress James H. Billington recognized Kolakowski for not only his accomplishments but ''the trajectory of a scholarly lifetime,'' evidencing growth in both intellectual range and maturity over more than half a century. The selection process included consideration of the wide range of nominations by a worldwide Scholars Council established for the purpose. Professor Kilakowski, sometimes described as the philosopher of the Solidarity Movement, is a worthy choice for the first Kluge Prize because it truly shows the constructive power of thought.

Professor Kolakowski, who currently lives in Oxford, England, was born in Radom, Poland, in 1927. He was educated at Lodz University (1945–50) and Warsaw University, where he received his doctorate in 1953, staying on to become Chairman of the Section of History of Philosophy at Warsaw. He concurrently worked in the Institute of Philosophy of the Polish Academy of Sciences and as editor-in-chief of the main philosophical journal in Poland. Having been expelled for political reasons from his university post by the Polish government in March 1968, he held a series of professorships of Philosophy abroad: McGill University, Montreal (1968–69), the University of California, Berkeley (1969–70), and Yale University (1974). From 1981 to 1994 he was Professor on the Committee of Social Thought at the University of Chicago. He was also a Senior Research Fellow of All Souls College, Oxford, from 1970 until his retirement in 1995. During the years, he has been widely honored and received the German Booksellers Peace Prize (1977), the Erasmus Prize (1980), the Veillon Foundation European Prize for the Essay (1980), the Jefferson Award (1986), the MacArthur Award (1982), the University of Chicago Laing Award (1990), and Tocqueville Prize (1994).

He has written more than 30 books and 400 other writings on a wide range of subjects in four languages, primarily focused on the history of philosophy and the philosophy of religion. His best known and most influential work is the three-volume Main Currents of Marxism: Its Rise, Growth and Dissolution (1976–78). Written in exile from Poland, it was, and remains, the most lucid and comprehensive history of the origins, structure and posthumous development of the system of thought that had the greatest impact on the 20th century. Prof. Kolakowski's ideas informed the anti-totalitarian youth movement inside Poland, and he became an adviser and active supporter-in-exile of the Solidarity movement that challenged and began unraveling, in a non-violent way, the Soviet system in Eastern Europe. As one of the leaders of Solidarity put it:

> This skeptical student of enlightenment thought, this scholar of the highest intellectual rigor, this opponent of all illusions, played the most romantic and Promethean of roles. He was the awakener of human hopes.

In other words, this man demonstrated that philosophical thought and the study of history can lead to world-changing action, as Dr. Kolakowski's work helped to change the world though the Solidarity Movement. The word academic sometimes is used to mean ''without practical or useful significance.'', For Leszek Kolakowski academic research is not academic.

Dr. Billington began soliciting nominations for the first Kluge Prize over two years ago, but he first developed the idea in the late 1970's while serving as Director of the Woodrow Wilson International Center for Scholars. Dr. Billington obtained congressional authorization for a Nobel-type prize in the field of social and political thought, to honor the late Senator Hubert Humphrey, founding chairman of the Wilson Center Board. The prize was never funded, but Dr. Billington brought the idea with him when he came to the Library of Congress in 1987. Endowed by Library benefactor John W. Kluge, this prize will reward lifetime achievement in the wide range of disciplines not covered by the Nobel prizes. Such disciplines include history, philosophy, politics, anthropology, sociology, religion, criticism in the arts and humanities, and linguistics. The award is at the financial level of the Nobel awards. The prize is international; the recipient may be of any nationality, writing in any language.

Dr. Billington believes it is important and appropriate to award the prize at the Library of Congress, in the nation's capital, in recognition of America's long tradition of devoting energy and resources into the serious and ranging study of the human sciences—more than any other nation over the last century. The international nature of the prize reflects America's role as a world civilization whose thinkers and ideas trace their origins to all corners of the world. Please join me in congratulating Leszek Kolakowski on this important award and thank him for his contribution to the world we live in.

HONORING MARSHA EMANUEL OF WILMETTE, ILLINOIS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. EMANUEL. Mr. Speaker, I rise to recognize and congratulate my generous and loving mother, Marsha Emanuel, back home in Wilmette, Illinois on her 70th birthday.

For the last 40 years, my mother has dedicated her life to her profession, her husband, her children, and her community.

The former Marsha Smulevitz began her career as a nurse in Chicago where she met my father, Benjamin, during his medical residency. They soon thereafter wed and settled in Chicago's North Andersonville neighborhood where they went on to have four children: me, my brothers Ezekiel and Ariel, and my sister, Shoshana.

As if raising four children was not challenging enough, my mother continued to dedicate herself to public service and the civil rights struggle of that time, working to build a just society for all Americans. In the early 1960's, my mother served four years on the Congress of Racial Equality, founded by students at the University of Chicago, through which she participated in the Freedom March in the South.

Following her activism in the civil rights movement, my mother traveled an entrepreneurial path. She went on to own the Daisy Patch Night Club on Chicago's north side where many local bands came to play their first performances.

As her children entered their teens, my mother returned to school. Never having graduated from high school, she earned her GED. She continued her academic pursuits by studying social work at Roosevelt University and earning an advanced degree in social work from Northeastern Illinois University. For over twenty years, my mother has maintained her commitment to public service by working as a social worker and counselor to local children and adults.

Mr. Speaker, on this, her 70th birthday, I am so very proud of and sincerely thank my mother, Marsha Emanuel, for always being a guiding light to her husband, her four children, and her eleven grandchildren. Happy Birthday, Mom.

TRIBUTE TO COACH VAN ROSE AND THE SHAWNEE MISSION NORTHEAST HIGH SCHOOL BOYS' CROSS COUNTRY TEAM

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. MOORE. Mr. Speaker, I would like to take this opportunity to commend a remarkable man who lives and works in the Third

Congressional District of Kansas. Van Rose, a calculus teacher and cross country coach at Shawnee Mission Northwest High School, should be recognized for his undying commitment to the students he coaches on Shawnee Mission Northwest's ''Cougars'' cross country team.

On November 1, 2003, the Cougars' boys' team picked up their 10th straight state championship title in the Kansas high school 6A division. But that's only the beginning. Under his leadership, the girls' cross country team has won eight championships over the past 10 years. Combined, his teams have won more than 20 state titles since 1977.

After spending countless hours coaching his team, and preparing lesson plans for his calculus students, Mr. Rose finds the time to contribute to his community. For the past 25 years, he has volunteered every summer at the PowerAde Freedom Run in downtown Lenexa, Kansas.

Coach Rose is noted for his dedication to youth and his selfless attitude. Despite his obvious talents as a coach, teacher, leader, and mentor, he always gives his runners all the credit for the teams' successes.

Mr. Speaker, for his dedication and selflessness, I proudly commend Coach Van Rose as he and the Cougars celebrate another victory this year as Kansas cross country state champs.

HONORING ST. JOSEPH HIGH SCHOOL BOYS SOCCER ON STATE CHAMPIONSHIP AND GIRLS SOCCER ON STATE RUNNER-UP

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. CHOCOLA. Mr. Speaker, I rise today to congratulate the young men and women of St. Joseph High School Indians' boys and girls soccer teams.

St. Joe High School, located in my District in South Bend, Indiana, has about 750 students. On a cold Sunday, the 22–member boys team set out to win their first-ever state championship.

Mr. Speaker, these young men not only captured their first Indiana High School Athletic Association State Soccer Championship, but they did it in dramatic fashion. They finished with a perfect record—twenty-four wins and no losses.

This great triumph is a direct result of years of hard work, discipline, dedication, and devotion to the sport. In fact, I know that the 10 seniors on the team have been playing together since the age of 8. The players, coaching staff, and parents brought the game of soccer to new levels, and the entire team should be congratulated for a season that will no doubt go down in school history.

The girls soccer team also had a fantastic season. Finishing with seventeen victories, the Lady Indians marked their return to the state finals with a valiant effort. They should be very proud of their runnerup state champion title.

I would like to acknowledge Coach LeRoy Krempec and Coach Johan Kuitse for their brilliant seasons.

On behalf of the citizens of the Second Congressional District, I would like to congratulate Brian Wynne, Joe Leary, Raynor Dongieux, James Urbany, Andy Urbany, David Pope-Davis, Sam Fallon, Michael Hughes, Spencer McCollester, Jason Bathrick, Alejandro Gurule, John Cananaugh, Collin Fitzsimmons, Peter Sabo, Patrick Bishop, Logan Conner, Patrick Murphy, Mike McDonald, Patrick Kelly, Wil Banik, Michael Brady, Matthew Pellegrino, Assistant Coach Todd Peterson, and student manger Kevin McCombs on their state championship.

Additionally, I would also like to congratulate Alison Smith, Carolyn Murphy, Julie Veldman, Stephanie Horvath, Kristen Hayes, Meg McHugh, Susan Pinnick, Meghan Paladino, Alison Lindsey, Jenny Thornton, Christine Sweeney, Julie Paunicka, Lizzie Gerard, Ali Nellis, Erin James, Cathrine Guentert, Collen Kelly, Morgan Cox, Lindsey Hyduk, Caitlyn Edmonds, Kelly Roberson, Allison Sweeney, Assistant Coaches Phil DePauw, Marianne Ciolitto, and Carrie Applegate for their remarkable season.

Mr. Speaker, I know that these young men and women will go far in their future endeavors. They have already demonstrated they have what it takes to be a champion. I wish the seniors the best of luck.

Again, I would like to congratulate the St. Joe High School boys soccer team for winning their first-ever state title and the girls soccer team for their exceptional runner-up finish at the state tournament.

COMMEMORATION FOR FORMER WASHINGTON, D.C. MAYOR WALTER EDWARD WASHINGTON

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Ms. NORTON. Mr. Speaker, funeral services were held for the first elected Mayor of the District of Columbia in the 20th century, Mayor Walter E. Washington, on Saturday, November 1, 2003. The funeral had the full trappings of a state funeral that Mayor Washington deserved. He lay in state at the John A. Wilson Building (the District Building) on Friday, October 31. Following memorial services, which took place at the Washington National Cathedral, Mayor Washington's coffin, draped with the District of Columbia flag, was carried through the city on a large fire truck, passing through neighborhoods associated with his life in our city, including LeDroit Park, where he lived, Howard University, where he attended undergraduate and law school, and the City Museum which he helped to found. He was laid to rest at the Lincoln Memorial Cemetery.

I paid tribute to Mayor Washington in remarks last week and also placed in the RECORD a Washington Post editorial and a personal tribute from Post editorial writer, Colbert King. Howard University Law School Professor J. Clay Smith, Jr., who served with me when I chaired the Equal Employment Opportunity Commission, has asked me to share with the House his reflections to the faculty and students of the law school concerning Mayor Washington. I am pleased to submit his remarks for the RECORD.

IN MEMORY OF WALTER E. WASHINGTON 1915–2003

(By Professor J. Clay Smith, Jr.)

Dear Faculty and Students:

I pause today to share with you just a bit of information about one of our most esteemed graduate, the Honorable Walter E. Washington.

Many of our students attend law school because they are interested in politics or public service. For nearly 140 years our law school has produced several leading political figures in the Nation and beyond. One of our graduates, the Honorable Walter E. Washington, class of 1938, died this week. Why is his life important to us? He was a graduate of Howard University School of Law, who is an example of what our students can do to make the world a better place. It is an opportunity for us to reflect, even for a moment and consider why we came to Howard Law School and the aspirations that directed us to enter the profession of law or to teach.

Walter Washington was a friend of many people in Washington and abroad. He was graduated during a period when life was hard, but his spirit to achieve was strong and his determination unstoppable. There was little if any scholarship money when Walter Washington entered the law school. His generation worked their way through school, but they studied long hours at night into the morning sun. Washington, like so many of the students of his generation, were guided by their law teachers, yet they also brought with them seeds planted for the future from their high schools, colleges, families, and friends.

Washington was a graduated from Howard University and its law school. I was honored to know him personally, but not as much as I would have like to have known the depth of his extraordinary intellect and perseverance in his early years. Many people knew of him very early in his life and most must have predicted that he would be successful in his calling to the law. But he stretched beyond the law to the political arena and in 1973, he was first appointed by President Johnson as Mayor-Commissioner of the District of Columbia becoming the first African American Mayor in a large city in the Nation. He was subsequently elected as Mayor of Washington, DC in 1974. As a recent law graduate, I remember his election well because he was a graduate of the very law school that I attended. It made me proud of our school and caused me to respect him all these years even as an outsider to the life that he lived, except for the past 7 years during which I got to know him in more professional surroundings.

I bring this message to the faculty and more importantly to our students as an example of what students are capable of becoming and how we influence them in the ways each of us teach and inspire them, even students who may not see the value or the power of their intellects that will rest upon recognition of their own worth and accountability. Walter Washington loved his law school and the friends that he made during his matriculation at Howard University. In so many ways, Mayor Washington's life is like so many of our graduates who placed or left marks in the sand that will not and cannot be brushed away. Mayor Washington will be remembered not only by the wonderful articles that appear in today's newspaper (Washington Post Oct. 28, 2003), he is to be studied by our students as an exemplar of what (you) can become. As for us who teach, I hope that from time to time we remind our students that what we do here at the law school is to help mold them toward law so that they can lead as Walter E. Washington and so many others of our graduates have done to secure the democracy, to find answers to secure the poor, to create better housing, to be honored by the people as leaders from the law school of its first Dean, John Mercer Langston.

Nevertheless, to achieve these wonderful levels, giants like Washington, to hear him tell it, meant that a 100% effort was required in the study of law. Greatness may be defined in many ways, our law school has graduated many great people, and many more will come and leave this law school that will and who have prepared themselves to be leaders and successful lawyers in communities they will serve. Mayor Washington was one of such students. He will be missed, but he has left with us, particularly our law school, seeds that will grow many others like him.

INTRODUCTION OF ''THE MEMORIAL TO NONCITIZEN PATRIOTS ACT''

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Ms. HARMAN. Mr. Speaker, I rise today to join my colleague from California, Mr. CUNNINGHAM, to honor our nation's veterans with introduction of the ''Memorial to Noncitizen Patriots Act.''

George Washington once said, ''The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the veterans of earlier wars were treated and appreciated by their nation.''

Honoring our veterans is a process that begins on the battlefield through ensuring that our troops have the best training, equipment and other support. It continues as we welcome them home upon returning from war, when we fly the POW-MIA flag, when we care for them and their families and, ultimately, when we lay them to rest with appropriate remembrance and tribute.

Our country, while divided in its views on specific military actions, is united in its support for our service men and women who are prepared to make the ultimate sacrifice to defend our freedom.

Many American military heroes, past and present, were born outside of the United States. From the thousands of noncitizens who fought for the Union Army during the Civil War, to the 36,177 noncitizen members of today's Armed Forces, these men and women have sacrificed for our country and the preservation of our precious freedom.

To date, we have lost 17 noncitizen service members in Iraq. Marine Lance Corporal Jose Gutierrez from Lomita, California, in my Congressional District, was born in Guatemala and lost his life this spring. Like Corporal Gutierrez, all of these men and women have fought just as bravely as their American-born counterparts and have dedicated themselves to serving the country they are proud to call their own.

It is time that we appropriately recognize their bravery, valor, and patriotism.

I am pleased to pay tribute to Corporal Gutierrez and other foreign-born noncitizen patriots who died in combat with the introduction of the ''Memorial to Noncitizen Patriots Act.'' This legislation would authorize construction of a memorial at Arlington National Cemetery honoring the service and sacrifice of noncitizens killed in the line of duty while serving in the U.S. Armed Forces.

Arlington, the nation's premier military cemetery and shrine honoring the men and women who served in the Armed Forces, is a particularly fitting place for this tribute. I hope that my colleagues will join me in supporting this bill.

INTRODUCTION OF SEEDS FOR SOLDIERS ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to introduce the Seeds for Soldiers Act, a bill intended to help our veterans jumpstart new small businesses.

This bill contains two main components. First, it creates a specialized loan program for veterans through the Small Business Administration. This program provides veterans with loans up to $3 million, allows for debt refinancing, and permits borrowers to defer payments for up to one year without any accumulation of interest. To encourage lenders to provide capital, the program will carry reduced costs and a higher government loan guarantee

Second, the bill establishes a vocational rehabilitation program for veterans specifically designed to assist in the transition out of service to become entrepreneurs. The program will be established within the existing Small Business Development Centers and will provide both technical and vocational assistance to assist veterans in transforming their skills learned in military training to areas where there is market demand. In addition, the program will provide the entrepreneurial assistance for veterans to set up their own business. It will provide these veterans the tools to move from the workplace to the marketplace. The program will authorize $25 million with minimum grants of $500,000.

As a member of both the House Veterans' Affairs Committee and the Small Business Committee, I strongly support assisting our Nation's veterans in establishing their own businesses. As a Nation currently welcoming home our newest veterans, we must act in every way possible to assist those heroes in their success upon return. This bill provides the seeds for veteran-owned businesses, so that they may grow into sustainable entities.

I thank Representative Sue Kelly for her support of this bill, and I urge my colleagues to join us in supporting both our veterans, and the benefits that small businesses contribute to our economy, by cosponsoring this bill.

COMMENDING PRESIDENT BUSH'S REMARKS AT THE 20TH ANNIVERSARY OF THE NATIONAL ENDOWMENT FOR DEMOCRACY

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise to commend President George W. Bush for his extremely important and inspirational remarks at the 20th anniversary of the National Endowment for Democracy on November 6, 2003.

The National Endowment for Democracy was formed 20 years ago to answer President Ronald Reagan's ground breaking speech before the British Parliament in London on June 8, 1982. President Reagan said:

The objective I propose is quite simple to state: to foster the infrastructure of democracy-the system of a free press, unions, political parties, universities- which allows a people to choose their own way, to develop their own culture, to reconcile their own differences through peaceful means.

Since its inception at the height of the Cold War, the National Endowment for Democracy has been a bipartisan, non-profit organization with the singular aim of promoting democracy and freedom throughout the world. The National Endowment for Democracy has lived up to its mission of ''supporting freedom throughout the world.''

Yesterday, President George W. Bush renewed America's commitment to the cause of freedom with these stirring words:

The advance of freedom is the calling of our time; it is the calling of our country. From the Fourteen Points to the Four Freedoms, to the Speech at Westminster, America has put our power at the service of principle. We believe that liberty is the design of nature; we believe that liberty is the direction of history. We believe that human fulfillment and excellence come in the responsible exercise of liberty. And we believe that freedom—the freedom we prize—is not for us alone, it is the right and the capacity of all mankind.

Mr. Speaker, I applaud President Bush for his vision, steadfast commitment and leadership in the advancement of freedom throughout the world.

It is now my distinct priviledge to ask unanimous consent that the full text of President Bush's remarks at the 20th anniversary of the National Endowment for Democracy be included in the CONGRESSIONAL RECORD at this time.

REMARKS BY PRESIDENT GEORGE W. BUSH AT THE 20TH ANNIVERSARY OF THE NATIONAL ENDOWMENT FOR DEMOCRACY

The PRESIDENT. Thank you all very much. Please be seated. Thanks for the warm welcome, and thanks for inviting me to join you in this 20th anniversary of the National Endowment for Democracy. The staff and directors of this organization have seen a lot of history over the last two decades, you've been a part of that history. By speaking for and standing for freedom, you've lifted the hopes of people around the world, and you've brought great credit to America.

I appreciate Vin for the short introduction. I'm a man who likes short introductions. And he didn't let me down. But more importantly, I appreciate the invitation. I appreciate the members of Congress who are here, senators from both political parties, members of the House of Representatives from both political parties. I appreciate the ambassadors who are here. I appreciate the guests who have come. I appreciate the bipartisan spirit, the nonpartisan spirit of the National Endowment for Democracy. I'm glad that Republicans and Democrats and independents are working together to advance human liberty.

The roots of our democracy can be traced to England, and to its Parliament—and so can the roots of this organization. In June of 1982, President Ronald Reagan spoke at Westminster Palace and declared, the turning point had arrived in history. He argued that Soviet communism had failed, precisely because it did not respect its own people—their creativity, their genius and their rights.

President Reagan said that the day of Soviet tyranny was passing, that freedom had a momentum which would not be halted. He gave this organization its mandate: to add to the momentum of freedom across the world. Your mandate was important 20 years ago; it is equally important today. (Applause.)

A number of critics were dismissive of that speech by the President. According to one editorial of the time, ''It seems hard to be a sophisticated European and also an admirer of Ronald Reagan.'' (Laughter.) Some observers on both sides of the Atlantic pronounced the speech simplistic and naive, and even dangerous. In fact, Ronald Reagan's words were courageous and optimistic and entirely correct. (Applause.)

The great democratic movement President Reagan described was already well underway. In the early 1970s, there were about 40 democracies in the world. By the middle of that decade, Portugal and Spain and Greece held free elections. Soon there were new democracies in Latin America, and free institutions were spreading in Korea, in Taiwan, and in East Asia. This very week in 1989, there were protests in East Berlin and in Leipzig. By the end of that year, every communist dictatorship in Central America had collapsed. Within another year, the South African government released Nelson Mandela. Four years later, he was elected president of his country—ascending, like Walesa and Havel, from prisoner of state to head of state.

As the 20th century ended, there were around 120 democracies in the world—and I can assure you more are on the way. (Applause.) Ronald Reagan would be pleased, and he would not be surprised.

We've witnessed, in little over a generation, the swiftest advance of freedom in the 2,500 year story of democracy. Historians in the future will offer their own explanations for why this happened. Yet we already know some of the reasons they will cite. It is no accident that the rise of so many democracies took place in a time when the world's most influential nation was itself a democracy.

The United States made military and moral commitments in Europe and Asia, which protected free nations from aggression, and created the conditions in which new democracies could flourish. As we provided security for whole nations, we also provided inspiration for oppressed peoples. In prison camps, in banned union meetings, in clandestine churches, men and women knew that the whole world was not sharing their own nightmare. They knew of at least one place—a bright and hopeful land—where freedom was valued and secure. And they prayed that America would not forget them, or forget the mission to promote liberty around the world.

Historians will note that in many nations, the advance of markets and free enterprise helped to create a middle class that was confident enough to demand their own rights. They will point to the role of technology in frustrating censorship and central control—and marvel at the power of instant communications to spread the truth, the news, and courage across borders.

Historians in the future will reflect on an extraordinary, undeniable fact: Over time, free nations grow stronger and dictatorships grow weaker. In the middle of the 20th century, some imagined that the central planning and social regimentation were a shortcut to national strength. In fact, the prosperity, and social vitality and technological progress of a people are directly determined by extent of their liberty. Freedom honors and unleashes human creativity—and creativity determines the strength and wealth of nations. Liberty is both the plan of Heaven for humanity, and the best hope for progress here on Earth.

The progress of liberty is a powerful trend. Yet, we also know that liberty, if not defended, can be lost. The success of freedom is not determined by some dialectic of history. By definition, the success of freedom rests upon the choices and the courage of free peoples, and upon their willingness to sacrifice. In the trenches of World War I, through a two-front war in the 1940s, the difficult battles of Korea and Vietnam, and in missions of rescue and liberation on nearly every continent, Americans have amply displayed our willingness to sacrifice for liberty.

The sacrifices of Americans have not always been recognized or appreciated, yet they have been worthwhile. Because we and our allies were steadfast, Germany and Japan are democratic nations that no longer threaten the world. A global nuclear standoff with the Soviet Union ended peacefully—as did the Soviet Union. The nations of Europe are moving towards unity, not dividing into armed camps and descending into genocide. Every nation has learned, or should have learned, an important lesson: Freedom is worth fighting for, dying for, and standing for—and the advance of freedom leads to peace. (Applause.)

And now we must apply that lesson in our own time. We've reached another great turning point—and the resolve we show will shape the next stage of the world democratic movement.

Our commitment to democracy is tested in countries like Cuba and Burma and North Korea and Zimbabwe—outposts of oppression in our world. The people in these nations live in captivity, and fear and silence. Yet, these regimes cannot hold back freedom forever—and, one day, from prison camps and prison cells, and from exile, the leaders of new democracies will arrive. (Applause.) Communism, and militarism and rule by the capricious and corrupt are the relics of a passing era. And we will stand with these oppressed peoples until the day of their freedom finally arrives. (Applause.)

Our commitment to democracy is tested in China. That nation now has a sliver, a fragment of liberty. Yet, China's people will eventually want their liberty pure and whole. China has discovered that economic freedom leads to national wealth. China's leaders will also discover that freedom is indivisible—that social and religious freedom is also essential to national greatness and national dignity. Eventually, men and women who are allowed to control their own wealth will insist on controlling their own lives and their own country.

Our commitment to democracy is also tested in the Middle East, which is my focus today, and must be a focus of American policy for decades to come. In many nations of the Middle East—countries of great strategic importance—democracy has not yet taken root. And the questions arise: Are the peoples of the Middle East somehow beyond the reach of liberty? Are millions of men and women and children condemned by history or culture to live in despotism? Are they alone never to know freedom, and never even to have a choice in the matter? I, for one, do not believe it. I believe every person has the ability and the right to be free. (Applause.)

Some skeptics of democracy assert that the traditions of Islam are inhospitable to the representative government. This ''cultural condescension,'' as Ronald Reagan termed it, has a long history. After the Japanese surrender in 1945, a so-called Japan expert asserted that democracy in that former empire would ''never work.'' Another observer declared the prospects for democracy in post-Hitler Germany are, and I quote, ''most uncertain at best''—he made that claim in 1957. Seventy-four years ago, The Sunday London Times declared nine-tenths of the population of India to be ''illiterates not caring a fig for politics.'' Yet when Indian democracy was imperiled in the 1970s, the Indian people showed their commitment to liberty in a national referendum that saved their form of government.

Time after time, observers have questioned whether this country, or that people, or this group, are ''ready'' for democracy—as if freedom were a prize you win for meeting our own Western standards of progress. In fact, the daily work of democracy itself is the path of progress. It teaches cooperation, the free exchange of ideas, and the peaceful resolution of differences. As men and women are showing, from Bangladesh to Botswana, to Mongolia, it is the practice of democracy that makes a nation ready for democracy, and every nation can start on this path.

It should be clear to all that Islam—the faith of one-fifth of humanity—is consistent with democratic rule. Democratic progress is found in many predominantly Muslim countries—in Turkey and Indonesia, and Senegal and Albania, Niger and Sierra Leone. Muslim men and women are good citizens of India and South Africa, of the nations of Western Europe, and of the United States of America.

More than half of all the Muslims in the world live in freedom under democratically constituted governments. They succeed in democratic societies, not in spite of their faith, but because of it. A religion that demands individual moral accountability, and encourages the encounter of the individual with God, is fully compatible with the rights and responsibilities of self-government.

Yet there's a great challenge today in the Middle East. In the words of a recent report by Arab scholars, the global wave of democracy has—and I quote—''barely reached the Arab states.'' They continue: ''This freedom deficit undermines human development and is one of the most painful manifestations of lagging political development.'' The freedom deficit they describe has terrible consequences, of the people of the Middle East and for the world. In many Middle Eastern countries, poverty is deep and it is spreading, women lack rights and are denied schooling. Whole societies remain stagnant while the world moves ahead. These are not the failures of a culture or a religion. These are the failures of political and economic doctrines.

As the colonial era passed away, the Middle East saw the establishment of many military dictatorships. Some rulers adopted the dogmas of socialism, seized total control of political parties and the media and universities. They allied themselves with the Soviet bloc and with international terrorism. Dictators in Iraq and Syria promised the restoration of national honor, a return to ancient glories. They've left instead a legacy of torture, oppression, misery, and ruin.

Other men, and groups of men, have gained influence in the Middle East and beyond through an ideology of theocratic terror. Behind their language of religion is the ambition for absolute political power. Ruling cabals like the Taliban show their version of religious piety in public whippings of women, ruthless suppression of any difference or dissent, and support for terrorists who arm and train to murder the innocent. The Taliban promised religious purity and national pride. Instead, by systematically destroying a proud and working society, they left behind suffering and starvation.

Many Middle Eastern governments now understand that military dictatorship and theocratic rule are a straight, smooth highway to nowhere. But some governments still cling to the old habits of central control. There are governments that still fear and repress independent thought and creativity,

and private enterprise—the human qualities that make for a—strong and successful societies. Even when these nations have vast natural resources, they do not respect or develop their greatest resources—the talent and energy of men and women working and living in freedom.

Instead of dwelling on past wrongs and blaming others, governments in the Middle East need to confront real problems, and serve the true interests of their nations. The good and capable people of the Middle East all deserve responsible leadership. For too long, many people in that region have been victims and subjects—they deserve to be active citizens.

Governments across the Middle East and North Africa are beginning to see the need for change. Morocco has a diverse new parliament; King Mohammed has urged it to extend the rights to women. Here is how His Majesty explained his reforms to parliament: ''How can society achieve progress while women, who represent half the nation, see their rights violated and suffer as a result of injustice, violence, and marginalization, notwithstanding the dignity and justice granted to them by our glorious religion?'' The King of Morocco is correct: The future of Muslim nations will be better for all with the full participation of women. (Applause.)

In Bahrain last year, citizens elected their own parliament for the first time in nearly three decades. Oman has extended the vote to all adult citizens; Qatar has a new constitution; Yemen has a multiparty political system; Kuwait has a directly elected national assembly; and Jordan held historic elections this summer. Recent surveys in Arab nations reveal broad support for political pluralism, the rule of law, and free speech. These are the stirrings of Middle Eastern democracy, and they carry the promise of greater change to come.

As changes come to the Middle Eastern region, those with power should ask themselves: Will they be remembered for resisting reform, or for leading it? In Iran, the demand for democracy is strong and broad, as we saw last month when thousands gathered to welcome home Shirin Ebadi, the winner of the Nobel Peace Prize. The regime in Teheran must heed the democratic demands of the Iranian people, or lose its last claim to legitimacy. (Applause.)

For the Palestinian people, the only path to independence and dignity and progress is the path of democracy. (Applause.) And the Palestinian leaders who block and undermine democratic reform, and feed hatred and encourage violence are not leaders at all. They're the main obstacles to peace, and to the success of the Palestinian people.

The Saudi government is taking first steps toward reform, including a plan for gradual introduction of elections. By giving the Saudi people a greater role in their own society, the Saudi government can demonstrate true leadership in the region.

The great and proud nation of Egypt has shown the way toward peace in the Middle East, and now should show the way toward democracy in the Middle East. (Applause.) Champions of democracy in the region understand that democracy is not perfect, it is not the path to utopia, but it's the only path to national success and dignity.

As we watch and encourage reforms in the region, we are mindful that modernization is not the same as Westernization. Representative governments in the Middle East will reflect their own cultures. They will not, and should not, look like us. Democratic nations may be constitutional monarchies, federal republics, or parliamentary systems. And working democracies always need time to develop—as did our own. We've taken a 200 year journey toward inclusion and justice—and this makes us patient and understanding as other nations are at different stages of this journey.

There are, however, essential principles common to every successful society, in every culture. Successful societies limit the power of the state and the power of the military—so that governments respond to the will of the people, and not the will of an elite. Successful societies protect freedom with the consistent and impartial rule of law, instead of selecting applying—selectively applying the law to punish political opponents. Successful societies allow room for healthy civic institutions—for political parties and labor unions and independent newspapers and broadcast media. Successful societies guarantee religious liberty—the right to serve and honor God without fear of persecution. Successful societies privatize their economies, and secure the rights of property. They prohibit and punish official corruption, and invest in the health and education of their people. They recognize the rights of women. And instead of directing hatred and resentment against others, successful societies appeal to the hopes of their own people. (Applause.)

These vital principles are being applies in the nations of Afghanistan and Iraq. With the steady leadership of President Karzai, the people of Afghanistan are building a modern and peaceful government. Next month, 500 delegates will convene a national assembly in Kabul to approve a new Afghan constitution. The proposed draft would establish a bicameral parliament, set national elections next year, and recognize Afghanistan's Muslim identity, while protecting the rights of all citizens. Afghanistan faces continuing economic and security challenges—it will face those challenges as a free and stable democracy. (Applause.)

In Iraq, the Coalition Provisional Authority and the Iraqi Governing Council are also working together to build a democracy—and after three decades of tyranny, this work is not easy. The former dictator ruled by terror and treachery, and left deeply ingrained habits of fear and distrust. Remnants of his regime, joined by foreign terrorists, continue their battle against order and against civilization. Our coalition is responding to recent attacks with precision raids, guided by intelligence provided by the Iraqis, themselves. And we're working closely with Iraqi citizens as they prepare a constitution, as they move toward free elections and take increasing responsibility for their own affairs. As in the defense of Greece in 1947, and later in the Berlin Airlift, the strength and will of free peoples are now being tested before a watching world. And we will meet this test. (Applause.)

Securing democracy in Iraq is the work of many hands. American and coalition forces are sacrificing for the peace of Iraq and for the security of free nations. Aid workers from many countries are facing danger to help the Iraqi people. The National Endowment for Democracy is promoting women's rights, and training Iraqi journalists, and teaching the skills of political participation. Iraqis, themselves—police and borders guards and local officials—are joining in the work and they are sharing in the sacrifice.

This is a massive and difficult undertaking—it is worth our effort, it is worth our sacrifice, because we know the stakes. The failure of Iraqi democracy would embolden terrorists around the world, increase dangers to the American people, and extinguish the hopes of millions in the region. Iraqi democracy will succeed—and that success will send forth the news, from Damascus to Teheran—that freedom can be the future of every nation. (Applause.) The establishment of a free Iraq at the heart of the Middle East will be a watershed event in the global democratic revolution. (Applause.)

Sixty years of Western nations excusing and accommodating the lack of freedom in the Middle East did nothing to make us safe—because in the long run, stability cannot be purchased at the expense of liberty. As long as the Middle East remains a place where freedom does not flourish, it will remain a place of stagnation, resentment, and violence ready for export. And with the spread of weapons that can bring catastrophic harm to our country and to our friends, it would be reckless to accept the status quo. (Applause.)

Therefore, the United States has adopted a new policy, a forward strategy of freedom in the Middle East. This strategy requires the same persistence and energy and idealism we have shown before. And it will yield the same results. As in Europe, as in Asia, as in every region of the world, the advance of freedom leads to peace. (Applause.)

The advance of freedom is the calling of our time; it is the calling of our country. From the Fourteen Points to the Four Freedoms, to the Speech at Westminster, America has put our power at the service of principle. We believe that liberty is the design of nature; we believe that liberty is the direction of history. We believe that human fulfillment and excellence come in the responsible exercise of liberty. And we believe that freedom—the freedom we prize—is not for us alone, it is the right and the capacity of all mankind. (Applause.)

Working for the spread of freedom can be hard. Yet, America has accomplished hard tasks before. Our nation is strong; we're strong of heart. And we're not alone. Freedom is finding allies in every country; freedom finds allies in every culture. And as we meet the terror and violence of the world, we can be certain the author of freedom is not indifferent to the fate of freedom.

With all the tests and all the challenges of our age, this is, above all, the age of liberty. Each of you at this Endowment is fully engaged in the great cause of liberty. And I thank you. May God bless your work. And may God continue to bless America. (Applause.)

TRIBUTE TO W. JASON MORGAN

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. HOLT. Mr. Speaker, this week, W. Jason Morgan was awarded the National Medal of Science Award at the White House for discoveries underlying modern studies of earthquakes and volcanoes.

A geophysicist, W. Jason Morgan has been selected to receive the National Medal of Science—the nation's highest scientific honor—for theories that describe how land masses move, volcanoes arise and many other features of the land and sea take shape.

W. Jason Morgan, the Knox Taylor Professor of Geography at Princeton University, is among eight scientists and engineers selected to receive the award.

The award recognizes Morgan for his work in pioneering two fundamental ideas—plate tectonics and mantle plumes. The first describes how the Earth's surface consists of a dozen plates that move with respect to each other. This work provided a unified framework for understanding earthquakes and volcanoes

as well as the formation of continents, mountains, ocean basins and other surface features. It also underlies nearly all current research into deposits of petroleum and other natural resources and the evolution of the Earth's climate and life.

The theory of plate tectonics he published in 1968 is one of the major milestones of U.S. science in the 20th century, said Anthony Dahlen, chair of the Princeton Department of Geosciences.

Essentially all of the research in solid-earth geophysical sciences in the past 30 to 35 years has been firmly grounded upon Jason Morgan's plate tectonic theory, Dahlen said. The scientific careers of a generation of geologists and geophysicists have been founded upon his landmark 1968 paper.

The second area of Morgan's work cited in the award explains how heat within the Earth forces columns of solid, but ductile material through the Earth's mantle creating ''hot spots'' at the surface. This rising material, known as a mantle plume, causes ridges and volcanoes to form when oceanic plates pass above it. Morgan first reported his findings regarding mantle plumes in 1971 and has published extensively on the subject over the last three decades.

I am thrilled to see Jason Morgan honored so appropriately, said Princeton University President Shirley M. Tilghman. He is not only a remarkable scientist, but a skilled and enthusiastic teacher. He has mentored generations of students, often taking them into the field to experience first-hand the power of science to explain the most basic workings of our planet.

After receiving a bachelor's degree from the Georgia Institute of Technology, Morgan came to Princeton as a graduate student in physics and studied under Robert Dicke, a renowned mentor of many important 20th-century physicists. Morgan received his Ph.D. in 1964 and joined the geosciences department the same year. In 1988, he was named to Princeton's Taylor professorship. He has received numerous awards, including the Japan Prize, the Maurice Ewing Medal, the Leon Lutaud Prize, the Alfred Wegener Medal and the Walter Bucher Award. He was elected to the National Academy of Sciences in 1982. Morgan has announced he will retire in February 2004.

I congratulate Mr. Morgan on his award, and I thank him for the contributions he has made to better our society.

TRIBUTE TO BETHEL BAPTIST CHURCH OF KANSAS CITY, KANSAS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. MOORE. Mr. Speaker, I rise today to congratulate the Bethel Baptist Church of Kansas City, Kansas, on reaching its 84th anniversary, which will occur on November 23rd. This church was organized in 1919 under the leadership of the fast pastor, the late Reverend Harris. While many ministers have served this church, none has meant more to the church than the current pastor, Reverend R.C. Higgs. Pastor Higgs has led Bethel Baptist Church for 43 years, over half of the years of the church's existence.

During the last 84 years, the Bethel Baptist Church has helped hundreds in the church and in the community of Kansas City, Kansas. I know the House joins me in wishing Pastor Higgs and his congregants our very best on this anniversary, and for many more years of spiritual and community leadership in Kansas City and the Third Congressional District of Kansas.

HONORING OUR VETERANS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. EMANUEL. Mr. Speaker, I rise to recognize and pay tribute to America's heroic veterans. I am proud to represent over 34,000 veterans who live in the Fifth Congressional District of Illinois. As we observe Veterans Day this year, perhaps there is no greater time in American history to reflect on what it means to be a veteran.

Our country's sense of security is being defended by the soldiers fighting the global war on terrorism in Iraq and Afghanistan. Through the example of the brave men and women in uniform who fought during World War II, the Korean War, the Vietnam War or the Gulf War, today's troops know they can and will persevere even as they face extended tours of duty and grueling and frightening conditions on a daily basis.

There is no better way to honor those who sacrificed their lives for our country than by ensuring that today's veterans are treated with dignity and respect. We must do that with more than words and symbolic gestures of patriotism. We must honor the soldiers, marines, sailors and airmen of wars past and present by ensuring that the covenant they entered when they donned the uniform and served our country is maintained. Regardless of the economic climate, this nation must keep its promises to veterans to provide the health care, education, and financial benefits our veterans have earned.

Mr. Speaker, next week when I join veterans in the 5th District at the Franklin Park U.S. Military Armed Forces Veterans Memorial, the Northcenter Flag-Raising Ceremony, and the Mayfair Community Veterans Memorial, I will thank our veterans for their service, sacrifice and commitment to duty to protect the freedom that we enjoy. I will also thank the families of those brave men and women in uniform who will become our nation's newest veterans upon their return. We will always remember their valor and service to America.

I thank our veterans one and all for their service, sacrifice, and commitment to duty, which has been to stand vigilant and strong while protecting the freedom that we enjoy. I also thank the families of those brave men and women in uniform who will become our Nation's most recent veterans upon their return. We will always remember the valor and service to America.

CONGRATULATING THE CONCORD HIGH SCHOOL MARCHING MINUTEMEN ON THEIR CLASS B STATE BAND CHAMPIONSHIP

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. CHOCOLA. Mr. Speaker, I rise today to congratulate the Concord Marching Minutemen on their Class B Indiana State School Music Association Championship. The young men and women of the Concord High School marching band, located in my District in Elkhart, Indiana, competed in the ISSMA championships on Sunday, October 26, in the RCA Dome in Indianapolis, Indiana. On this day, Mr. Speaker, Concord marched out of the RCA Dome as champions.

Concord was the final band to compete in the class, proving the old adage ''Save the best for last.'' I've been told the band delivered a flawless performance of its colorful ''Guitarras Espanoles,'' which includes ''La Fiesta Mexicana'' and ''Malaguena.''

This was the band's second championship. They won their first in 1992. I'd like to congratulate drum majors Ryan Tahara, Sarah Nagy and Patrick Doherty for leading their band to victory.

The 2003 Class B champs include: Piccolo: Amanda Bechtel, Brynne Bourdon; Flute: Kelly Aaron, Peter Boshart, Alyssa Byrum, Ashley Hardy, Danielle Hudkins, Anita Kaoma, Renae Kerwood, Mindy Lux, Rachel McKenzie, April Miller, Erica Moskowitz, Luke Overton, Emily Parks, Amber Parsons, Cassie Rhude, Erica Schmucker, Whitney VanHook, Brittany Victor, Brandi Walters, Libby Watson, Kim Yoder; Clarinet: Audrey Acosta, Marisa Amos, Kate Barghahn, Christine Cameron, Heather Collins, Lacey Conwell, Daniela de la Reza, Diana de la Reza, Kimberlie Dina, Dustin Doherty, Julie Elmore, Amy Guarnuccio, Megan Gunn, Jenni Hillyer, Mandy Himes, Michelle James, Alarice Johnson, Kylie Kern, Kayla Killian, Catie Lynch, Nicole Lynch, Kaitlin McClure, Holly Meyers, Jessica Miller, Larisa Murray, Laura Pauwels, Jordan Reyes, Erin Shroyer, Mark, Smith, Nicole Smith, Monica Torres; Bass Clarinet: Ana Rodriguez, Kimberly Berndt, Logan Bourdon, Carl Byler, Cora Christophel, Amy Fager, Jon Rhoades, Andrew Troyer, Brian Zimmerle; Alto Saxophone: Cameron Bradley, Megan Cikara, Deb Elliott, Lizzie Fish, Celby Hadley, Dustin Knight, Mike Koscielny, Ryan Perkins, Matthew Schmucker, Stephanie Stevens, Aaron Yoder; Tenor Saxophone: Josh Cranmer, Ian Faigh, Ryan Shroyer, Kayleigh Shurtz, Daniel Weaver; Trumpet: Blake Baker, Missy Barton, Megan Bortner, Mark Brown, Andrew Christophel, Vanessa Clark, Thomas Davidhizar, Andrew Davis, Ryan Detwiler, Colin Doherty, Daniel Fischer, Evan Jarvis, Bradley Kime, Grant Longenbaugh, Richie Lutes, Tyler Maxey, Julie McCarty, Keith McCrorey, Jason Miller, Justin Moore, Jared Nymeyer, Jeremy Parker, Ross Sawyer, Kelly Schaffer, Laurie Schalliol, Jim Schoeffler, Craig Searer, Sam Shafer, Nakia Simpson, Andrew Smole, Bryce Victor, Justin Watts, A J Willett, Ellen Wilson, Adam Yoder; Mellophone: Melanie Gingerich, Genni Housman, Stephen Kauffman, Mike Kennel, Amy Kronemyer, Kathy Lambright, Samantha Nagy,

Megan Shaw, Melissa Toby; Trombone: Sean Allison, Jeremy Crawford, Katie Dina, Derek Eller, Sean Emmons, Chad Hoien, Brandy Jackson, Steven Karanja, Brent Lehman, Kevin Lipp, Veronica Meade, Betsy Ritchie, Alec Sanderson, Brandon Schenk, Andrew Stout, Kenneth White, Teneen Zimmer; Baritone: Jeffrey Eads, Bryan Eichorst, John Kauffman, Matthew Lanouette, Derek Lipp, Ryan McCarty, Trenton Prieshoff, Robert Stout, Alan Tack, Paul Tucker; Tuba: Aaron Bowser, Jonathan Freel, Suzanne Holcomb, Jared Klingler, Brandon Long, Jeremy Rowe, Andrew Trosper; Guitar: Jordan Swartzendruber, Matt Tompkins; Snare Drum: Lisa Bennett, Jennifer Bollero, Eric Rhude, Nick Stubbs; Quad Drums: John Bibbee, George Wright; Bass Drum: Justin Miracle, Derek Richard, Michael Johnson, Susie Bower, Brandon Dascoli; Cymbals: Bryce Canen, April Mascola, Dustin McLain, Bryant Quist, Sarah Runswick; Percussion Pit: Cory Allison, Amy Clark, Jonathan Faloon, Eric Foley, Matthew Schnaars, Andrew Stevens, Mark Wyrick; Color Guard: Elise Arvidson, Alicia Baer, Tiffany Baker, Mandy Beer, Karen Berndt, Ashley Bunch, Heather Dean, Hillary Durie, Mikala Ellsworth, Ashley Faloon, Ashley Guerra, Olivia Guevara, Chrissy Hoover, Jessica Hoover, Brittney Houston, DeAnna Jackson, Danielle Johnson, Leanne Johnson, Audrey Lanning, Allison Matthews, Jessica Meade, Amber Miller, Kourtney Mumaw, Kelly Perkins, Jessica Scott, Tara Scott, Jill Sheldon, Rachel Sirinek, Sierra Smith, Kristen Weaver.

I would also like to congratulate Director of Music Max Jones, Associate Band Director Scott Spradling, Assistant Band Directors Scott Spradling, April Duffey, Bryan Golden and Steve Peterson, Dance & Color Guard instructor Colleen Piekarz, Sound Technicians Aaron Ulrich and Scott Preheim, and Percussion Specialist Amy Davis for developing an award-winning program. Shirley Dyer, Dianne Jones, Matt Hall, Kelly Novy, and Katie Shoufler also deserve a note of thanks for helping make things run smoothly.

Mr. Speaker, you have to admire the dedication of the students, instructors and parents. It takes a lot of long hours and hard work to be a champion and the young men and women at Concord High School have proven they have what it takes to be champions.

Again, on behalf of the citizens of the Second Congressional District, I would like to congratulate the Concord Marching Minutemen on their Class B state championship. We are all proud of you.

IN SUPPORT OF OUR NATION'S VETERANS

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Ms. BERKLEY. Mr. Speaker, I rise today in strong support of our nation's veterans. These brave men and women risked their lives for their country—for our country. We owe it to them to live up to all of the promises that we made when they entered the military.

I go home every weekend, and I hear from the veterans in my community. These veterans don't have a multi-specialty clinic; they don't have a hospital, and they don't have a long term care facility. But southern Nevada does have one of the fastest growing veterans populations in the nation.

Because of this growth, the VA predicts that the number of annual visits by veterans in the Las Vegas Valley to their primary health care clinic will rise from 200,000 now to more than half-a-million by the end of the decade. And the number of hospital beds needed to serve the veterans in my community will increase by over 50 percent.

The VA is already struggling to address and meet the current demands on the VA health care structure in the Las Vegas Valley, and these demands will only continue to grow.

Last year, 1500 southern Nevada veterans were sent to neighboring states because we could not provide the needed services locally. This is an unfair burden on these veterans and their families. They should not have to travel hundreds of miles for care.

To make matters worse, the VA evacuated the Guy Clinic—the Las Vegas Valley's only ambulatory care clinic after only 5 years of service—forcing veterans to rely on a string of temporary clinics scattered across the community.

Imagine what it is like for an 80-year-old veteran waiting in the desert heat to be shuttled from clinic to clinic to receive the health care he needs. For example, a veteran may have to shuttle from a temporary site for a CT scan, then to another site to obtain a prescription for a controlled narcotic, and then to a third site for mental health services.

And female veterans who need mammograms will have to shuttle to a different clinic just for that service.

As one 81-year old World War II veteran described the situation, ''You're going from one place to another and it gets confusing.'' Don't our veterans deserve a permanent facility to meet their health care needs?

In short, southern Nevada is facing a veterans health care crisis and my community is not alone. But here in Washington, Republicans have refused to provide an additional $1.8 billion for veterans health care this year.

As a nation, we promised our veterans that we would meet their health care needs, but we have not. We promised to provide them with affordable housing and access to a college education, but we have fallen far short. We have broken one promise after another to those who have put their lives on the line to serve their country. Consider the Disabled Veterans Tax. Under this unfair tax, disabled veterans who retire from the military lose one dollar from their military retirement pay for every dollar they receive for a service connected disability.

When a retired Marine Corps major from Nevada was diagnosed with Lou Gehrig's disease, he lost more than $2,000 in monthly retirement pay because of the Disabled Veterans Tax. To make up for that loss of income, his wife had to work overtime just to make ends meet at home.

I support the Democratic plan that gives our veterans full payment of both retirement pay and disability pay. It is unconscionable that Republicans, who say they support our country's veterans, still have not allowed Members of this body to vote on ending the Disabled Veterans Tax.

Instead they have offered a plan that will take 10 years to enact and penalizes those veterans with a 40 percent or less disability rating. But it isn't just honoring the commitments to our men and women who fought for this country, it is also about their families. Whether it is income lost because of the Disabled Veterans Tax or the financial burden a family faces when they lose their loved one.

That is why I introduced legislation that would increase the benefits to cover veterans' burial costs. Since 1973, when burial benefits were enacted, these benefits have seriously eroded due to inflation. For example, in 1973, the burial allowance for veterans with service connected injury covered 72 percent of funeral costs. Now, the benefit covers only 39 percent of the funeral costs.

Our veterans' families are forced to make up the costs. And for a widow or widower struggling with the loss of a loved one, this financial strain can take a tremendous emotional toll.

Our veterans not only deserve better, they deserve the best we have to offer. It is time for all Members of Congress to honor the commitments we made to those who fought and are currently fighting around the world for our nation. Support for our veterans is more than rousing rhetoric on Veterans' Day, it is doing what is fair and moral to fulfill our duties and promises to them.

HONORING AFRICAN AMERICAN VETERANS

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 2003

Mr. DAVIS of Illinois. Few people realize that even before there was a Declaration of Independence or a Constitution, African-Americans could be counted among our most dedicated revolutionaries. In the fall of 1775, the Continental Army tried to appease large landholders in the South by barring all slaves and most freemen from enlisting or re-enlisting. But by the end of the year the war took a turn for the worse, and the order was rescinded. So on Christmas night, in 1776, African-American soldiers made that famous crossing of the Delaware River with Washington to help him capture the Hessians at Trenton. All told, some 5,000 African-Americans served for the cause of Independence, and their sacrifices have been little remembered but should never be forgotten.

There has never been any war fought involving America, whether in time of slavery or freedom, segregation or integration, that African Americans did not serve and become major contributors in serving their country. African American veterans have a long honor roll in serving America. During World War II more than one million African Americans in uniform distinguished themselves as P–40 fighter pilots and Navy Seabees, Sherman tank drivers, orderlies and engineers. Let us remember Dorie Miller, a steward aboard the USS *Arizona* at Pearl Harbor, who saw his captain fall wounded and pulled him to safety and then despite the fire, he manned a machine gun and downed several enemy planes.

At the Battle of the Bulge the men of the 3496th Truck Company hauled weapons, soldiers and prisoners down roads that the rain

had turned into rivers of mud and ice. They unloaded their 2.5 ton trucks as mortars fell all around them.

Also, let us remember the Tuskegee Airmen of World War II who overcame resentment, suspicion and segregation to become the first African-American fighter pilots, and time and again they flew over 1,500 combat missions and never lost a single bomber under their escort on bombing runs into Germany. When African Americans broke the color barrier in the Marine Corps, they went to the frontlines of Guam, Saipan, Iwo Jima and Okinawa.

Although these are just a few instances of African Americans having courage, valor, bravery and commitment to the ideas in preserving and fighting for freedom and justice for all. We as a people have a long history of achievement in defending and protecting America's sovereignty. It was revealed in a few, even though many African Americans in earlier years were excluded from recognition due to pervasive racism, who received the Congressional Medal of Honor. The Congressional Medal of Honor was approved by President Lincoln on December 21, 1861 for the Navy and July 12, 1862 for the Army, it is the highest American award for military valor.

There were 23 Congressional Medals of Honor awarded to African Americans for bravery and gallantry in the Civil War. Eight Medals of Honor for Naval service recipients from 1865 to 1898, 17 Medals of Honor during the Western Campaigns, 6 Medals of Honor for the Spanish-American War, one Medal of Honor to Corporal Freddie Stowers of the 370th Infantry Regiment, 93rd Infantry Division which was awarded in 1991. Seven Medals of Honor for World War II African American veterans who were not awarded until 1997, when only one of seven—Vernon Baker—was still alive (four of the seven were killed in action).

Today, I commend all of our veterans who fought and loss their lives to defend our country from the Revolutionary war of 1775 to 1781, the War of 1812, Civil War 1861 to 1865, Spanish-American War 1898, World War I 1917 to 1918, World War II 1941 to 1945, Korean conflict 1950 to 1953, Vietnam conflict 1960 to 1972, Persian Gulf War 1991, and our future veterans of the Iraq conflict. Thank you for your service.

TRIBUTE TO THE ALABAMA SOLDIERS WHO SERVED IN THE KOREAN WAR

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. CRAMER. Mr. Speaker, I rise today to recognize the soldiers from Alabama who answered President Truman's call to protect democracy and stop the spread of communist aggression across the globe.

Mr. Speaker, the Korean War was supposed to be a short and a decisive victory for our soldiers. However, from 1950 to 1953, our country was embattled in a bitter fight along the 38th Parallel. All told, over 750 soldiers from Alabama perished during this conflict. However, when the fighting ceased and the guns were finally silenced, South Korea remained a free and democratic state.

For many people, the Korean War is known as the forgotten war. This is an unfortunate misrepresentation. Mr. Speaker, the Korean War set the precedent that the United States will not sit idle as aggressors invade and try to destroy another nation's freedom. The Korean War is a war that cannot, and will not be forgotten.

Tomorrow in Athens, Alabama, Edward McMunn and the other members of the Alabama Korean War Commemorative Committee will unveil and dedicate a monument to honor the Alabama soldiers who died during the Korean War. The monument includes a central marble stone memorial with an engraved map of Korea that is surrounded by four carved granite stones on pedestals bearing the names of each soldier.

Mr. Speaker, tomorrow's ceremony is a fitting tribute to those that died in the defense of freedom and democracy. On behalf of all the residents of North Alabama, I commend Edward McMunn, and all the members of the Alabama Korean War Commemorative Committee, for their hard work and dedication that made this monument become a reality.

TRIBUTE TO EVELYN M. WITKIN

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. HOLT. Mr. Speaker, today at the White House, Evelyn M. Witkin was awarded the National Medal of Science Award, the nation's highest science and engineering honor.

''The ideas and breakthroughs in fundamental science and engineering by these extraordinary pioneers have influenced thousands of other researchers,'' said Rita Colwell, director of the National Science Foundation (NSF). ''We now see the daily evidence of the tremendous advancements in technological capabilities, human health and vast new knowledge within our physical world due to these heroes of science we celebrate today,'' Colwell said.

The National Medal of Science, established by the 86th Congress in 1959 and administered by the NSF, honors the impact of individuals on the present state of knowledge in the physical, biological, mathematical, engineering, social and behavioral sciences. Not including the 2002 recipients, the medal has been awarded to 409 distinguished scientists and engineers, including three previous Rutgers winners.

Witkin was largely responsible for creating the field of DNA mutagenesis and DNA repair, which focuses on how mutations, most of which are unhealthy, occur in DNA and how they may be corrected. Her work, which furthered our understanding of the genetic response to harmful environmental factors such as radiation, has played an important role in the biochemical sciences and in clinical radiation therapy for cancer.

''I had no idea that anything like this was possible. I am very gratified by the award,'' said Witkin. ''That I was nominated by colleagues means a lot to me, having been in the field of genetics since the mid-1940's.''

Witkin's investigations into DNA repair led to her discovery of genes that can heighten bacterial resistance to DNA-damaging agents. In 1973, while on the faculty of Rutgers' Douglass College, she defined the E. coli ''SOS Response,'' a system that is triggered by DNA damage. This system activates at least 40 genes that promote DNA repair and enhances individual and population survival. We now know that humans and many other organisms use the same kinds of DNA repair mechanisms.

Witkin came to Douglass College in 1971 and taught in the department of biology for 12 years. She then spent eight years on the faculty of the Waksman Institute of Microbiology until her retirement in 1991.

I congratulate Evelyn Witkin on her award, and I thank her for the contribution she has made to improve our society.

IN RECOGNITIOIN OF VETERANS' DAY 2004

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. SHAW. Mr. Speaker, I rise today in recognition of Veterans' Day. It is my honor to acknowledge the men and women who have fought in the Armed Forces to protect the United States from all enemies, foreign and domestic. Observed on November 11, each year, Veteran's Day is a national day of honor, respect, and remembrance of the sacrifice of the few to protect the freedoms of the many. So today I rise with pride for America's veterans, both past and present, and salute them for their service.

The year was 1918. On the eleventh hour, of the eleventh day, of the eleventh month, the world was finally at peace after the bloody ending of WWI, the war to end all wars. Veteran's Day was first established as a national holiday on May 13, 1938, twenty years after the conclusion of the war, and was intended to honor those who fought in WWI. Originally called, ''Armistice Day,'' this holiday was intended to celebrate world peace and mutual understanding among nations. Congress proclaimed that all government buildings display the flag of the United States as well as observe the day in schools, churches, and all other areas of public and private services.

Although Armistice Day was intended to honor only those who fought in WWI, the events of the next two decades quickly changed the sentiments of Americans. In 1954, after WWII claimed the most lives and machine power of any war in history, and following the conclusion of the Korean conflict, the 83rd Congress struck out the words ''Armistice'' and inserted ''Veterans'' in its stead. Thus, the national holiday observed on November 11th would no longer honor just those veterans of WWI, but all veterans of all wars and would hence be known as Veterans' Day.

Later that same year, President Eisenhower instituted a Veterans' Day Committee, which would be chaired by the Administer of Veterans' Affairs. This new committee, headed by the Honorable Harvey V. Higley, would oversee all appointments and national planning around the holiday.

The first major change to Veterans' Day came on June 28, 1968, when Congress passed the Uniforms Holiday bill. This bill sought to give the American people four, three-day holidays during the year. Those holidays included, George Washington's Birthday,

Memorial Day, Veterans' Day, and Columbus Day, were all rearranged and moved to different days. Most states refused to obey, however, and continued to recognize these holidays on their original days. The first Veterans' Day under this new law did not fall on November 11th as it previously had, but on October 25th.

Realizing the importance of these holidays, especially Veterans' Day, President Gerald Ford signed Public Law 94–97 on September 20, 1975. This law reversed the Uniforms Holiday law and moved Veterans' Day back to its original date of November 11, starting in 1978.

With the change back to November 11th, the history and honor of the holiday remains intact and the memory of those that fought and died in service of the United States in all-major conflicts is preserved forever. Regardless of the day, Veterans' Day continues to remain one of the most respected and honored holidays of the year and always inspires the nation to reflect. Today, there are many organizations that sponsor a year-round tribute to veterans, such as the American Legion and the Veterans of Foreign Wars. On Veterans' Day, these groups raise money for charities in memory and honor of the wounded men and women who have returned from war.

As we speak, the United States and indeed the world are again at war. The war on terrorism reaches all corners of the globe and is in no way uniquely American. The men and women who bravely fight for freedom in Iraq, Afghanistan, and all other countries where freedom is opposed, deserve equal praise as those who fought before them.

Mr. Speaker, on Tuesday, November 11, 2004, I, along with millions of fellow Americans, will proudly honor those men and women who have fought, and continue to fight, for our freedom. Our veterans made the ultimate sacrifice by placing themselves in harms way when they served our country to protect the liberty all humankind deserves. May God bless our veterans and may He continue to bless America.

APPOINTMENT OF CONFEREES ON H.R. 1904, HEALTHY FOREST RESTORATION ACT OF 2003

SPEECH OF

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 2003

Mrs. DAVIS of California. Mr. Speaker, I join my colleagues in support of the principle of open conference committee meetings that are bipartisan as well as bicameral, as required in H.R. 1904. It is past time that this body return to the basic principles of democracy in its own practices.

Yesterday, I had the privilege of leading the entire bipartisan House delegation from California and many members from other states in honoring those firefighters and other public servants who worked so heroically to fight the devastating wildfires which we have just experienced in Southern California. That was the time to focus solely on the celebration of human courage and sacrifice.

Today, it is time to come together to find the best possible legislation that will finally focus on how to protect our urban environments from wildfires—whether they are frequent seasonal fires or the massive, historically destructive fire we suffered last week.

First, it is important for everyone to be clear that the Cedar fire in San Diego County was initially and primarily fueled by the chaparral which covers the mesas and foothills of Southern California. Later, it also moved into our national forest lands, where many of the trees had been affected by the beetle infestation.

As I toured the Cedar Fire area in San Diego by helicopter, it was stunning to realize the speed with which the firestorm driven by the Santa Ana winds overtook hundreds of thousands of acres of our open lands, much of which are public not private lands.

This fire was not about environmental laws preventing logging that would have prevented this fire. It was not about lack of roads that hindered fighting the fires.

It was about the failure to prevent the build-up of fuel by using authorized funding for removal of hazardous material which is adjacent to urban areas and the failure of the federal government to supply funds to deal with the pest infestations in these forests, as the Governor requested last spring and FEMA declined to do.

While it may or may not be possible to find the best legislation and also meet the deadline included in this bill, there are several basic principles that must be in the final conference bill. Many of them are found in the bill just passed by the Senate.

First, we must prioritize the protection for urban areas.

Second, there must be significant money authorized for this purpose. While there may be authorization in other bills for ''such sums'' as may be necessary to address hazardous fuel reduction, we in Congress have inadequately appropriated these funds because they are not specified.

Instead, the funds which have been allocated for treatment and prevention have been required to fight the fires that result from inadequate protection. Real funding must be clearly identified and available to begin the needed protection. It must not be based solely on the sale of logged trees because so much of our land needing fuel reduction is covered with chaparral, which has no logging value. We must also be sure that this legislation will continue to protect old growth timber.

I believe that the members of the committees going to conference can and will be able to fashion a conference report that can be a model for returning this Congress to open, bipartisan, bicameral conferences that reach appropriate, compromise legislation. I look forward to this result.

TRIBUTE TO TENNESSEE SENATOR DOUGLAS HENRY

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mrs. BLACKBURN. Mr. Speaker, today I rise to pay tribute to one of Nashville, Tennessee's most beloved citizens. Through many years of public service, he is building a legacy of selfless devotion to his state, his home city and his state senate district.

Senator Douglas Henry is being honored this weekend by the Friends of Radnor Lake for his three decades of commitment to conservation issues. In 1973, Senator Henry worked tirelessly to be certain that Radnor Lake was named Tennessee's first state natural area. He has continued to work to protect the lake and the funding necessary to support the protection of the natural area.

Senator Douglas Henry could be honored on this floor for any number of reasons. He has chaired the Finance committee of the Tennessee senate for many years, he is a staunch supporter for the rights of women and children and has a deep interest in public policy affecting them. He has served as chairman of the Southern Legislative conference and the Council of World Regions, the Law and Justice Institute in Washington, DC. However, it is my pleasure to stand today and honor him, not only for these accomplishments but for the commitment to preservation and conservation that he has to his district and our state.

HONORING BOULDER CITY LEND A HAND AND THE LATE ED ANDREWS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. PORTER. Mr. Speaker, I rise today to honor Boulder City Lend A Hand and the late Ed Andrews, one of Lend A Hand's most active and well-known volunteers. Ed, originally from Los Angeles and a leader in the aviation industry, joined Boulder City Lend A Hand just one year after its founding in 1989, and quickly became Master of Ceremonies for their events and a hard-working team member for its primary mission, providing assistance to Senior Citizens in Boulder City. Ed was famous for his booming voice, which endeared him to all who knew him and quickly earned the respect of those who didn't.

Sadly, Ed Andrews passed away in March of 2003, and is survived by his wife Nita, one of the founders of Boulder City Lend A Hand, two daughters and three sons, and many grandchildren. Ed will be missed by all who knew him, especially those whom he served in Boulder City.

Lend A Hand is a program designed to help the elderly and chronically ill of Boulder City, Nevada remain in their homes by providing a variety of services by volunteers. Services include staying with persons needing assistance so that their caregivers can 'take a break' for rest and relaxation or to attend to personal business. Other services available are helping individuals by running errands, going shopping, driving to medical appointments or by providing companion services in the home.

I am pleased to be a supporter of Boulder City Lend A Hand, and to have had the opportunity to know Ed. I urge the House to join me in remembering Ed Andrews, thanking his wife Nita for her service to the community, and honoring Boulder City Lend A Hand for its commitment to meeting the needs of our seniors.

TRIBUTE TO EDWARD WITTEN

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. HOLT. Mr. Speaker, today at the White House, Edward Witten was awarded the National Medal of Science Award, the nation's highest science and engineering honor.

The presidential medal is the nation's highest honor for researchers who make major impacts in fields of science and engineering through career-long, ground-breaking achievements. The medal, established by Congress in 1959, also recognizes contributions to innovation, industry or education.

Edward Witten, the Charles Simonyi Professor of Physics at the Institute for Advanced Study, received the award ''for his leadership role in advancing a broad range of topics in theoretical physics, including attempts to understand the fundamental forces of nature through string theory; and his unparalleled inspiration in using insights from physics to unify apparently disparate mathematical areas.'' Professor Witten may be best known as the world leader in ''string theory,'' an attempt by physicists to describe in one unified way all the known forces of nature, as well as to understand nature at the most basic level. The combination of the four fundamental forces (electromagnetic, strong, weak, and gravitational) in one theoretical framework was a goal sought, but unattained by Albert Einstein. The concept underlying string theory is to replace the usual point-like representation of fundamental particles with vanishingly small vibrating strings. This resolves an incompatibility between quantum mechanics and general relativity, which is the premier challenge of theoretical physics. Dr. Witten's original contributions and incisive surveys have set the agenda for many developments, such as the progress in ''dualities,'' which suggest that all known string theories are related.

Dr. Witten's earliest papers produced advances in quantum chromodynamics (QCD), a theory that describes the interactions among the fundamental particles (quarks and gluons) that make up all nuclei. In particular, he solved the problem of expressing radioactive corrections arising from heavy particles in terms of effective light quarks. In other early work, he understood how to combine properties of the Dirac equation with those of the Riemann curvature tensor, to get a new formula for the gravitational energy, and to give a new and direct proof of the positive energy theorem in general relativity. He also discovered new solutions of the equations of C.N. Yang and Robert Mills, and realized their importance for physics.

Dr. Witten discovered many relations between ''supersymmetric quantum theory'' and geometry. Supersymmetry lies at the basis of a picture of fundamental particles studied at the Fermilab Tevatron, and soon at the Large Hadron Collider under construction at CERN. Dr. Witten showed that a mathematical theory of Michael Atiyah and I.M. Singer parallels supersymmetry and plays a central role in particle physics. He applied this concept to the study of nonperturbative supersymmetry breaking. He used this same concept to produce a new derivation of a fundamental mathematical theory of Marston Morse.

One of Dr. Witten's deepest mathematical insights arose from his glimpsing the relation between the physics of gauge theory and the mathematics of knots. This work has led to a revolution in mathematics, including the understanding of the classification of higher dimensional spaces. For this work, Dr. Witten became the only theoretical physicist ever to receive the Fields Medal, the most prestigious award in pure mathematics. Conversely, Dr. Witten was broadly responsible for the demonstration that algebraic geometry and topology, core disciplines of modern mathematics, hold the key to understanding the deepest properties of string theory and gauge field theory.

Dr. Witten is as clear and engaging a speaker as he is a creative and powerful theorist I find it especially commendable that he also is an effective thinker and worker for peace and social justice in the Middle East and the world.

Dr. Witten, who has been on the Faculty of the Institute for Advanced Study since 1987, is the recipient of a 1982 MacArthur Fellowship; the 1985 Einstein Medal from the Einstein Society of Berne, Switzerland; the 1985 Dirac Medal from the International Center for Theoretical Physics; the 1990 Fields Medal; and numerous other awards. He is a member of the American Academy of Arts and Sciences, the National Academy of Sciences, a foreign member of the Royal Society, and an associate member of the Academy of Sciences of Paris. Ed Witten is a good friend of mine, and I am pleased to congratulate him on his award, and I thank him for the contribution he has made to improve our knowledge and understanding.

25TH ANNIVERSARY OF ENACTMENT OF INDIAN CHILD WELFARE ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to note that tomorrow, on November 8, 2003, will mark the 25th anniversary of enactment of the Indian Child Welfare Act (ICWA). At a time when American Indian and Alaska Native tribes and families throughout the country were being ravaged by abusive child welfare practices that caused untold thousands of American Indian and Alaska Native children to be unnecessarily placed in foster homes, adoptive homes and Bureau of Indian Affairs (BIA) boarding schools, the 95th Congress said no more and unanimously adopted the ICWA. I am proud to have been a member when that occurred—truly one of the finest moments in the history of Congress and in my service.

The ICWA stands as perhaps the most important Indian law the Congress has enacted. For the first and only time, Congress explicitly acknowledged that the trust responsibility of the United States extends to ''protecting American Indian and Alaska Native children'' and the integrity of Native American families and tribes, a sine qua non to this Nation's commitment to securing the ''continued existence and integrity'' of Indian tribes as both governments and societies.

The ICWA recognized that tribes have a parens patriae relationship to their children that supersedes any like interest of the States. Accordingly, the law enhances the sovereign right of tribes to determine, under tribal law, whether and under what circumstances children require out-of-home placement. Concomitantly, the law reduces and conditions the authority of States in this regard by compelling an overarching commitment to preventing out-of-home and out-of-tribe placement of American Indian and Alaska Native children. When, as a last resort, placement occurs, the ICWA requires States to make every effort to return American Indian and Alaska Native children to their families and tribal communities. And, when that is not possible, the ICWA mandates that, except in unusual circumstances, these children are preferentially placed in tribal homes.

In the 25 years since enactment, the fulfillment of ICWA's purpose ''to protect the best interest of American Indian and Alaska Native children'' has been remarkable. Tribes have acted forcefully to help keep families intact. Because of the ICWA, many tribes and States have developed significant cooperative relationships aimed at eliminating State child welfare practices harmful to American Indian and Alaska Native families and children and implementing policies and practices targeted at maintaining the integrity of American Indian and Alaska Native families and tribes. As a result, ICWA's promise to benefit the welfare of American Indian and Alaska Native children has benefitted many thousands of these children, enabling them to mature into functioning and contributing citizens of their tribes and of the Nation.

Although the achievements of the ICWA are many and noteworthy, much remains to be done. Full and effective implementation of the ICWA has not occurred either because of deliberate resistance, outright obstruction, ignorance of or inattentiveness to ICWA's requirements, or just misunderstanding the relationship between the ICWA and the requirements of other federal child welfare laws. To address and remedy ICWA implementation problems of most concern to tribes, I introduced H.R. 2750 on July 15, 2003. This measure—

Clarifies that the ICWA applies to all American Indian and Alaska Native children involved in ''child custody proceedings'' (as defined in the ICWA) and defines the minimum efforts that must be undertaken to prevent the breakup of an American Indian or Alaska Native child's family through involuntary out-of-home placement.

Requires detailed notice to American Indian and Alaska Native tribes in all voluntary child custody proceedings, to parents in voluntary adoption proceedings, and to parents and tribes in all involuntary proceedings.

Clarifies the right of American Indian and Alaska Native tribes to intervene in all voluntary state court custody proceedings, provided that the tribe files a notice of intent to intervene or a written objection within 45 days of receiving notice of a voluntary termination of parental rights or within 100 days of receiving notice of a particular adoptive placement, and certifies that a child is a member, eligible for membership, or is the child of a member.

Requires notice to extended family members and recognizes their right to intervene in state child custody proceedings.

Requires attorneys, public and private agencies to provide detailed information to American Indian and Alaska Native parents of their rights under ICWA.

Limits parents' rights to withdraw consent to an adoption to 6 months after relinquishment of the child or 30 days after the filing of an adoption petition, whichever is later.

Clarifies tribal jurisdiction in Alaska.

Facilitates the ability of tribes without reservations, including tribes in Alaska and Oklahoma or with disestablished reservations, to assume jurisdiction over child custody proceedings.

Narrows the grounds upon which state courts can refuse to transfer cases to tribal courts.

Clarifies tribal court authority over children transferred to tribal court jurisdiction.

Defines the circumstances under which state ICWA violations may be reviewed by federal courts and provides for federal review of state ICWA compliance.

Provides for criminal sanctions for anyone who assists a person to lie about their American Indian and Alaska Native ancestry for the purpose of avoiding application of the ICWA.

Allows state courts to enter enforceable orders providing for visitation or contact between tribes, natural parents, extended family and an adopted child.

Extends ICWA (in some cases) to cover children of state recognized and Canadian Indian tribes, and children who reside or are domiciled on a reservation and are the child of a member, but who are not eligible for tribal membership.

Makes it easier to American Indian and Alaska Native adoptees to gain access to their birth records.

Establishes that foster and adoptive homes licensed or approved by American Indian and Alaska Native tribes in compliance with the Indian Child Protection and Family Violence Prevention Act shall satisfy the requirements for foster and adoptive home licensing under any other federal law.

Clarifies that the terms of tribal-state agreements regarding the care and custody of and jurisdiction over American Indian and Alaska Native children shall be controlling even when another federal law may have different requirements.

On this 25th anniversary of the ICWA, I urge my colleagues to take another historic step and enact H.R. 2750. Enactment would assure that on ICWA's 50th anniversary, American Indian and Alaska Native families are strong, their children are healthy and their communities are thriving. For the betterment of our Nation and all of its people, our legacy should be no less.

PERSONAL EXPLANATION

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mrs. NORTHUP. Mr. Speaker, on rollcall Nos. 602 and 603, I was unavoidably detained. Had I been present, I would have voted ''aye.''

CONGRATULATING ROHAN SINGH AS STUDENT ENTREPRENEUR OF THE YEAR

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. INSLEE. Mr. Speaker, I rise today to honor a special young man from my district, Mr. Rohan Singh.

It is my pleasure to announce that Rohan has been named Junior Achievement's 2003 Student Entrepreneur of the Year.

Last year, Rohan used just $60 to establish FuzzelFish.com, which sells software products over the internet. Today, Rohan has a thriving small business and I just want to take this opportunity to congratulate him and wish him luck with his business and his studies.

I recently had the chance to meet Rohan in my Washington, DC office. Let me tell you, he is an intelligent and upstanding young man who, I'm sure, will have a very bright and productive future.

I also rise today to say that I am encouraged to see that the entrepreneurial spirit is alive and well among teens in the United States. According to a recent poll by Junior Achievement and Harris Interactive, more teens believe that ''owning your own business'' provides greater job security than ''working for a company.'' This, Mr. Speaker, is good news for the future of this great nation.

In closing, I want to say again how proud I am of Rohan Singh and believe that his story should be an example to all young people that everyone can and should play a part in the American Dream.

TRIBUTE TO THE HONORABLE YVONNE SCARLETT-GOLDEN ON HER ELECTION AS MAYOR OF THE CITY OF DAYTONA BEACH

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. MEEK of Florida. Mr. Speaker, it is my great privilege and pleasure to rise today to congratulate The Honorable Yvonne Scarlett-Golden, a dear personal and family friend, a mentor, and the newly elected Mayor of the City of Daytona Beach.

Yesterday, November 4, 2003, Commissioner Scarlett-Golden became Daytona Beach's first black mayor and only the second woman in history to hold that position.

Her elevation to the office of Mayor is a natural next step for a native of Daytona Beach who has devoted her entire life to public service. Commissioner Scarlett-Golden wants to build on Daytona Beach's existing assets: sun and fun and families. She is just the person to do it, for her energy and hard work are legendary.

Yvonne Scarlett-Golden is an educator and a community servant. She received her bachelor's degree and an Honorary Doctor of Law from Bethune-Cookman College, and earned her master's degree from Boston University. Before running for Mayor, she was a school administrator for twenty-five years and served as a city commissioner from the west side of Daytona Beach for seven years.

Experienced, fair, knowledgeable and firmly committed to public service, Yvonne Scarlett-Golden's priority is to unite the City and improve the quality of life for every citizen, return fiscal responsibility to government, focus on economic development and establish strong public and private partnerships for City programs.

Commissioner Scarlett-Golden has been honored as a role model to African Americans and women all over the nation. I know that all my colleagues join with me in congratulating her today and wishing her every success in the future.

INTRODUCTION OF THE BROWN TREE SNAKE CONTROL AND ERADICATION ACT

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Ms. BORDALLO. Mr. Speaker, roughly a half-century ago my home island of Guam was invaded by an unwelcome alien pest. Believed to have arrived on Guam as a passive stowaway in a military cargo ship shortly after World War II, the brown tree snake has kept our island's native wild life under siege ever since and has emerged to become the single greatest threat to Guam's natural environment.

Today, I am introducing legislation along with my colleagues from Hawaii, Mr. CASE and Mr. ABERCROMBIE, to combat the brown tree snake by increasing authorized funding levels for research, control and prevention of the spread of this species with the ultimate goal of eradication in Guam. In doing so, the legislation aims to improve the coordination among Federal agencies and other institutions in dealing with the problems brought about by the brown tree snake.

The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, which established a Federal program to prevent the introduction and spread of aquatic nuisance species, included an authorization for programmatic efforts to combat the brown tree snake as well. Since then the Federal Government has gradually increased efforts to prevent the brown tree snake from departing Guam and to reduce the population of the brown tree snake in certain targeted areas in Guam. Our legislation would enhance these efforts by improving the coordination and consistency of actions undertaken by Federal agencies and by providing an adequate authorized funding schedule to achieve the goal of eradication. Our legislation clarifies the responsibility for funding brown tree snake programs and places that responsibility in the appropriate Federal agencies. In the past the Department of the Interior's Office of Insular Affairs has had to contribute funds meant for territorial technical assistance to the brown tree snake program in order to make up for shortfalls in other Federal agencies' budgets. While we appreciate the Office of Insular Affair's efforts in the past, it is preferable to secure funding from those with direct responsibility and expertise for these issues.

Since 1993, Congress has attempted to address the brown tree snake problem, but I

would contend, by indirect and inconsistent means. Currently, Federal funding to fight the brown tree snake has remained stagnant over the past decade and has been realized, in addition to the contributions from the Office of Insular Affairs, through the efforts of a Senate Appropriations $1 million annual earmark in the Department of Defense Operations and Maintenance account for the Defense Health Services. These funds have been the basis for the progress made to date, but these appropriations funds are not specifically authorized, which has caused difficulty in securing the appropriation each year. In addition, as an earmark, these efforts have been misinterpreted by interest groups opposed to such earmarks and has at times been characterized as ''pork'' spending.

If we do not adequately address these funding shortfalls, significant brown tree snake containment efforts may fail resulting in the spread of a very aggressive invasive species to other areas of the United States. The brown tree snake has caused severe environmental damage on Guam, and our experience has been that once introduced, this species is extremely difficult to eradicate. The environmental cost in protecting other species in other areas that may become endangered by this alien predator is enormous, thus making the prevention of the spread of the brown tree snake an economic issue. This is a clear example of a situation where an ounce of prevention is worth a pound of cure.

This bill is also notable for its emphasis on control and eradication. Guam has had the unfortunate experience of having the brown tree snake threaten the extinction of our own indigenous species of birds.

I look forward to moving this bill through the legislative process. I thank my colleagues from Hawaii, Mr. CASE and Mr. ABERCROMBIE, for their diligent work in crafting this legislation with me. I also wish to commend stakeholders in Guam and Hawaii, including the Government of Guam's Department of Agriculture, for their valuable input. I urge my colleagues to support the Brown Tree Snake Control and Eradication Act.

CONTROL AND ERADICATION ACT OF 2003

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. CASE. Mr. Speaker, today I am pleased to join with my colleague from Guam, Congresswoman MADELEINE Z. BORDALLO, and Congressman NEIL ABERCROMBIE from Hawaii, to introduce the Brown Tree Snake Control and Eradication Act of 2003.

This legislation proposes a long-overdue comprehensive approach, through the Departments of Interior and Agriculture, to eradicate the brown tree snake in Guam and to prevent its introduction to affected jurisdictions in the Pacific, including my home state of Hawaii.

The devastating ecological, economic, and human health impacts of the brown tree snake have been long known among the affected jurisdictions in the Pacific and the federal, state, and territorial agencies charged with implementing brown tree snake preventative control programs.

However, it is clear that unless we address this challenge with a long-term, coordinated, and comprehensive approach, Guam will continue to struggle with the adverse impacts of the brown tree snake, and we in Hawaii will increasingly risk the introduction of the snake into our fragile environment. A total of eight brown tree snakes have been found live or dead in Hawaii since the mid-1980s. All have been associated with the movement of civilian and military vehicles or cargo from Guam.

As background, the brown tree snake was accidently introduced into Guam in the late 1940s and 1950s, likely via U.S. military cargo, from an area in the Pacific where the snakes are native. Unfortunately, because Guam had no natural predator but abundant prey, the brown tree snake population spread throughout the island.

Because the brown tree snake's preferred prey is birds, it is directly responsible for the extinction of 9 of 13 native forest birds and 3 of 12 native lizards on Guam. Economically, the snakes have caused more than 1600 power outages over a 20-year period in Guam, costing the island $4.5 million per year without considering their impact on transformers, and damages inside electrical substations. The disruptions affect all aspects of everyday life in homes and work, as well as for the government and the business community.

In Hawaii, the brown tree snake represents one of the greatest terrestrial ecological threats due to its potential impact on our endangered bird species, which are found nowhere else on earth. As a result of Hawaii's geographical isolation and lush environment, there were more than 140 endemic bird species in the islands prior to human contact. Today, among the remaining 71 endemic forms, 30 are federally listed as endangered, and fifteen of these are on the brink of extinction. Any negative impact on our native bird species in Hawaii will inevitably impact our native flora as well. Hawaii has the highest known number of endemic terrestrial plants of any major island group.

Economically, a University of Hawaii study estimates that the introduction of the brown tree snake to Hawaii will cause between $28 million and $450 million annually in electrical power outages. This does not include the potential devastation to our agriculture industry. In Guam, the brown tree snake has contributed to the decline in production of the island's agriculture industry, particularly the commercial poultry industry, because the snakes eat eggs and chicks. The snake has also impacted the growing of fruits and vegetables because insects that are no longer naturally controlled by birds and lizards inflict increased damage on crops.

To address the brown tree snake problem, a Brown Tree Snake Control Committee was established subsequent to provisions in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990. A multi-agency Memorandum of Agreement on Brown Tree Snake Control was also signed in 1992 and renewed in 1999. However, it expires in March 2004.

The Brown Tree Snake Control and Eradication Act of 2003 will statutorily authorize the Brown Tree Snake Control and Eradication Committee to ensure the ongoing activities of federal agencies, enhance the effectiveness of the present Committee, provide the necessary resources from agencies actually conducting the work, and strengthen the coordination between federal and regional stakeholders in Hawaii and the Pacific in a more systemic fashion.

Among the authorized activities is the expansion of science-based eradication and control programs in Guam; the expansion of interagency and intergovernmental rapid response teams in Guam, the Commonwealth of the Northern Mariana Islands, and Hawaii; the expansion of science-based efforts to protect and restore native wildlife in Guam or elsewhere damaged by the brown tree snake; continuation and expansion of sustained research funding from the Animal and Plant Health Inspection Service, Wildlife Services, and National Wildlife Research Center; and the expansion of long-term research into chemical and biological control techniques that could lead to large-scale reduction of brown tree snake populations in Guam.

This legislation is a product of collaboration between my office, the offices of Congresswoman BORDALLO and Congressman ABERCOMBIE, the Nature Conservancy in Hawaii, and other key federal, state, and territorial stakeholders in the region.

I look forward to working with my colleagues on this vital issue.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. DEMINT. Mr. Speaker, I was absent during rollcall votes 569, 570, 571, 572, 573, and 591. Had I been present, I would have voted ''yea'' on rollcall votes 569 and 570. I would have voted ''nay'' on rollcall votes 571, 572, 573, and 591.

PERSONAL EXPLANATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. BURTON of Indiana. Mr. Speaker, due to a scheduling conflict, I was unable to be in Washington during rollcall votes 616–619. Had I been here I would have voted ''no'' for rollcall vote 616, ''aye'' for rollcall vote 617 and ''no'' for rollcall votes 618–619.

TRIBUTE TO SAGINAW VALLEY STATE UNIVERSITY ON THE OCCASION OF ITS FORTIETH ANNIVERSARY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to the mission and accomplishments of Saginaw Valley State University in Saginaw County, Michigan as it celebrates forty years of educating students for a modern world.

I can attest to the quality of the learning experience that Saginaw Valley State provides its students, because I received a bachelor's degree from SVSU in criminal justice in 1977 while I was a Michigan State Trooper. As a returning adult student who also worked full time as a Trooper, it was particularly important to me to have accomplished professors and to be enrolled in classes that were academically challenging but also geared to practical accomplishment in the real world.

SVSU was chartered as a private college on November 13, 1963. In 1965 it was made part of Michigan's system of state supported colleges. The first class of ten students graduated in 1966.

That small but dedicated graduating class led the way for student enrollment that had grown to more than 8,000 students by the end of the millennium. International students by the hundreds now walk the campus.

SVSU is known for its programs in teacher education, an engineering program that is well-recognized in the area's automotive serving industries, programs in nursing and allied health sciences, business administration and the humanities, to name just some of the university's successful curriculum efforts.

In the past ten years, the university campus has grown by leaps and bounds, adding Founders Hall and the West Complex with its Performing Arts Center, Rhea Miller Recital Hall, Groening Commons, new classrooms and faculty offices, as well as conference facilities. Curtiss Hall, the new Herbert Dow Doan Science Building and the Student Center and Fitness Center were all completed. A Regional Education Center, the Zahnow Library addition, additions to the Marshal M. Fredericks Sculpture Museum and to student housing also were dedicated in 2003.

It would be understandable if the faculty, staff, students, alumni and supporters of Saginaw Valley State University took a moment to rest on their laurels, but my understanding is that all of the new facilities and programs are instead powerful motivation for the SVSU learning community to continue to grow and to seek excellence in all its endeavors.

I heartily congratulate everyone involved in the dramatic success of Saginaw Valley State University. As an alumnus of SVSU, I take personal pride and pleasure in its forty years of achievement.

Mr. Speaker, I ask that you and my colleagues join me in offering congratulations to Saginaw Valley State University on its fortieth anniversary.

MOROCCAN KING COMMENDED FOR HIS CALL FOR WOMEN'S EQUALITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Ms. DELAURO. Mr. Speaker, I would like to call your attention to the following column which ran in the Washington Post last month. Women's rights are a critical component of any nation's development, and I commend Morocco's King Mohammed VI for his call to improve the status of women in his nation.

[From the Washington Post, Oct. 16, 2003]

A KING'S APPEAL

(By Jim Hoagland)

Western democracies won the Cold War by shaking open closed societies and exposing their failures and crimes to citizens who then refused to go on living that way. The great political challenge of today is to induce similar change in Arab nations and other Islamic countries that do not respect the rights and dignity of their own citizens.

Think of it as collateral repair: The coming wave of epochal change must also be driven by internal forces, with restrained but committed support from abroad. The ultimate goal is reform within Islam conceived and carried out by Muslim leaders, scholars and civic groups, substantively welcomed by the West.

And that reform must begin with the role and rights of women in the Islamic world. A question posed last week in as important a speech as I have read recently makes that unblinkingly clear:

''How can society achieve progress while women, who represent half the nation, see their rights violated and suffer as a result of injustice, violence and marginalization, notwithstanding the dignity and justice granted them by our glorious religion?''

The irrefutable logic about the high cost of institutionalized gender discrimination was voiced by Morocco's King Mohammed VI last Friday at the opening of Parliament in Rabat. He then outlined far-reaching changes in family and divorce laws for the kingdom that would effectively lessen the intrusive reach of religious authorities into gender issues.

I am aware that speeches are given in the Arab world, as well as in Washington, to postpone or avoid the actions they describe. And in fairness to the globe's 1.2 billion Muslims, it has to be noted that all religions have been used at some point as a tool of control by unscrupulous political and religious leaders, and misogynists of all stripes—as Islam is used today far too often.

But Mohammed VI outlined highly specific remedies and committed both his religious and political authority to getting them enacted. And he repeatedly invoked the language of the Koran to denounce the unfairness of polygamy, marriage contracts, guardianships and divorce laws as they are practiced in his country and by implication elsewhere in the Muslim world.

As befits a 40-year-old monarch whose followers call him ''the Commander of the Faithful'' and who claims descent from the prophet Muhammad, the king argued that solutions can and should be found in Islam. But his words also implicitly acknowledged that Islam has been deformed into an instrument of repression in much of the Arab world and elsewhere.

Consider this: Two-thirds of all illiterate Arab adults are women, who are kept out of schools by custom, lack of resources and, in many places, by determined opposition from religious authorities. The Moroccan king took aim at a sickness that deprives many Islamic societies of the talents and productive labor of half their populations.

Morocco perches on the North African Atlantic shoulder of the Arab world. The immediate, direct consequences of Mohammed VI's words in Egypt, Saudi Arabia and elsewhere may be slight. (They went largely unreported in the United States as well.) But the king's embrace of this cause represents both catalyst and reflection of broader change that is rapidly bearing down on the region.

It is part generational change as aging autocrats give way to younger leaders. Change is also being stirred by the deposing of a uniquely evil regime in Iraq, a thunderclap that is reverberating throughout the region, and by the pressures of the shadow war being fought between global terrorists and the U.S.-led coalition.

Mohammed VI's speech makes clear that he was not intimidated by the bombings in his country last May carried out by Islamic fundamentalists tied to al Qaeda. Nor does he seem cowed by the reactionary religious establishments that have contributed so much to the backwardness and turmoil now evident in Islamic nations.

An effective reform movement is straining to be born. In the same week the Moroccan king spoke, the Nobel Committee awarded the 2003 peace prize to Shirin Ebadi, an Iranian lawyer who leads the fight in her country for women's rights and democracy—two causes that cannot be separated in the Islamic world. This is a good example of collateral repair: restrained but focused Western encouragement of reform.

Mohammed VI provides a standard to which Arabs, Iranians, Pakistanis and others can and should be held. They are not being asked to live up to Western standards by improving the opportunities and lives of ''their'' women. This is a descendant of the prophet, not Gloria Steinem, who is telling them that they must change or fall ever deeper into self-destructive decline.

VETERANS DAY 2003 50TH ANNIVERSARY

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Ms. CORRINE BROWN of Florida. Mr. Speaker, I am pleased to support of America's 25 million living veterans. Our soldiers, sailors, airmen, and Marines are surely the best of the best.

More than 48 million heroic men and women have served in our military since the start of the Republic. Veterans have served this great Nation honorably during times of peace, and of war. It is appropriate that we set aside one special day a year to honor their service. However, we must not reserve this day for remembrance and then forget our veterans the other 364 days a year. Daily, we owe veterans our heartfelt gratitude and respect.

As the Congresswoman representing Florida's third district, I am proud of the patriotism and loyalty that the people of Florida have shown to this Nation—it inspires me daily as a senior member of the House Committee on Veterans Affairs. There are nearly two million veterans in the state of Florida, and I thank them each for answering the call to service.

At this time, more than any other, we should stop and pay homage to America's veterans. Today's servicemember is tomorrow's veteran. Right now, there are 130,000 Americans serving in Operation Iraqi Freedom. On Thursday, the Administration announced a plan that would send 128,000 fresh troops to Iraq early next year. This plan calls-up 43,000 National Guard and Reserve troops for one-year tours. We need to promise these servicemembers that they will not be forgotten when they return home.

Congress needs to take action and fully fund concurrent receipt for the 560,000 eligible veterans. It is the right thing to do. We must promise this generation of career service

members that they will be treated on par with other federal employees in the event that they become disabled. A recent study, undertaken by the United States House of Representatives Committee on Government Reform, shows that the Disabled Veterans Tax affects approximately 57,300, or one in three, veterans in Florida. 2,738 veterans are affected by this tax in the third district of Florida. Statewide, Florida's veterans lose $300 million in benefits annually to the Disabled Veterans Tax. In Florida's third district, veterans cumulatively lose $13,923,588 in benefits a year—with an average loss of $5,085 per veteran annually.

The Bush Administration argues that there is a cost barrier to fully funding concurrent receipt. This argument shows where the Administration's priorities are misplaced. If we can come up with an $87.5 billion supplemental appropriation for the war in Iraq, then we can surely find the money to bring our Nation's military retirees on par with the rest of federal employees. We cannot say that we have enough money to fight wars, but not enough to compensate the servicemembers injured in them.

This year's budget process shows why we need mandatory funding for VA health care. The funding system for veterans' health care is seriously flawed. Instead of being based on need or costs like other federal health programs it is funded based on residual funding for discretionary programs. Veterans are paying for this defective funding system with curtailment in enrollment in the VA health care system, newly proposed copayments and enrollment fees, and increased waiting times. VA does well with the funding it receives, but with a stable and reliable funding stream, it could provide better access to high-quality care for our veterans.

It appears that the House will agree to the Senate's provision that will provide a $1.3 billion increase above the Administration's budget request. However, it will still fall short of the 2004 funding level that was promised in the budget resolution. Veterans should not have to come begging at our doors for adequate funding of the VA health care system.

Today, and everyday, we should honor those who have worn this Nation's uniform. I thank them and will continue to work to fulfill Abraham Lincoln's pledge, ''to care for him who shall have borne the battle, and for his widow and orphans.''

HONORING WOMEN AIRFORCE SERVICE PILOTS

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Mr. ISRAEL. Mr. Speaker, As Veterans' day approaches, I want to take the time to recognize the patriotism and sacrifice of a special group of women. I rise today to honor and recognize servicewomen who served as Women Airforce Service Pilots (WASP) during the Second World War.

The generation that defeated the Nazis has correctly been referred to as the ''Greatest Generation.'' But for many years, the contributions of this select group of young women pilots were overlooked.

As the first women in history trained to fly American military aircraft, the WASP shattered traditional conceptions about women's roles and became pioneers, heroes, and role models for generations of women to come.

They compiled an admirable record, performing essential services that freed males for combat-related service overseas, but their accomplishments did not come without a cost. Thirty-eight members of the WASP made the ultimate sacrifice and lost their lives in the course of their service.

Although these women had answered the call to duty at America's time of greatest need, when the WASP were disbanded on December 20, 1944, they received no GI benefits or military honors.

America tried to forget them, leaving them with only their personal satisfaction that they had done their duty.

Congress finally corrected this wrong in 1977 when it formally recognized the service of members of the WASP as active military service, making them eligible for veterans benefits.

As we watch women serving bravely in the War Against Terror, it is safe to say that the future of women in the military seems assured. But it is important to remember that this was not always the case.

It is not an exaggeration that we owe a big part of the freedom we enjoy today to these women pilots. Their love of country and love of flying is something for which we will always be grateful.

At this time I would like to thank the thirty-eight who gave their lives. Let us remember Jane Champlin, Susan Clark, Margie L. Davis, Katherine Dussaq, Marjorie D. Edwards, Elizabeth Erickson. Cornelia Fort, Frances Grimes, Mary Hartson, Mary H. Howson, Edith Keene, Kathryn B. Lawrence, Hazel Ying Lee, Paula Loop, Alice Lovejoy, Lea Ola McDonald, Peggy Martin, Marie N. Michell, Virginia Moffatt, Beverly Moses, Dorothy Nichols, Jeanne L. Norbeck, Margaret Oldenburg, Mabel Rawlinson, Gleanna Roberts, Betty Scott, Margaret J. Seip, Helen J. Severson, Marie Sharon, Evelyn Sharp, Betty P. Stine, Marion Toevs, Gertrude Tompkins, Mary Trebing, Bonnie Jean Welz, Betty T. Wood, and Mary L. Webster.

In these dangerous times, their courage is an inspiration for all Americans. I encourage everyone to learn more about the history of the service of these courageous women.

CONFERENCE REPORT H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. WALDEN of Oregon. Mr. Speaker, I regrettably come to the floor in opposition to the Interior conference report that my friend from North Carolina and the Chairman of the Subcommittee, Mr. TAYLOR, worked so hard in putting together. There are many things in this conference report for which I'm very grateful. I'm grateful to the Chairman for working with me to give the Bureau of Indian Affairs the authority to fund the first phase of the recommendations from the Chiloquin dam study, a critical effort in the Klamath Basin of southern Oregon to improve endangered sucker fish habitat and lighten the burden on agriculture. I also want to extend my sincere appreciation to the Chairman for funding PILT at $227,500,000—one of its highest levels ever. While it is not the fully authorized level of $360 million that I have been a staunch advocate for, it's much better than it has been in the past and the good Chairman and his top-notch staff are to thank for this. Finally, I want to commend the Chairman for his work in getting $400 million included in the conference report to replenish the exhausted fire suppression accounts of the BLM and Forest Service, and I commend him for including almost $2.5 billion to implement the National fire plan next year. These are significant accomplishments and I have enthusiastically supported them.

However, even with the inclusion of all these excellent provisions, I reluctantly must vote against the conference report because of the language included that undermines the efforts of my friend from California, the Chairman of the Resources Committee, to find a legislative solution to the complicated problem of tribal trust accounting. The language added to the conference report would interrupt the Department of the Interior's conduct of its historical accounting of individual Indian trust fund accounts, which is mandated by federal court order in Cobell v. Norton. The language would suspend any such accounting until either December 31, 2004 or until Congress revised the American Indian Trust Management Reform Act to limit this forensic accounting activity. The added language not only interferes with a court-required accounting for hundreds of thousands of Native Americans, but also seeks to force a potentially hasty decision on an exceptionally complex issue and overlooks an agreement reached between Chairman POMBO and Chairman TAYLOR during House floor consideration of this bill in July. That agreement stated that settlement of the Cobell matter would be left to Chairman POMBO's Resources Committee to resolve, the proper authorizing committee venue. Unfortunately, the conference report language does not comport with that agreement, and so I will reluctantly vote against this bill in its current form. I am hopeful that this provision can successfully be resolved in the correct legislative forum, and that the many other outstanding provisions of the Interior Appropriations bill developed under the fine leadership of Chairman TAYLOR remain intact.

TRIBUTE TO THE COLORADO TRIAL LAWYERS ASSOCIATION

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 2003

Ms. DEGETTE. Mr. Speaker, I would like to recognize the exceptional endeavors and notable undertakings of an extraordinary professional membership organization in the State of Colorado. It is both fitting and proper that we recognize this outstanding association for its leadership in government and the legal community and for its enduring service to the people of our state. It is to commend this distinguished organization that I rise to honor the

Colorado Trial Lawyers Association on the occasion of its 50th Anniversary.

The Colorado Trial Lawyers Association (CTLA) has been on the front lines of progress since its inception and has proven to be a powerful force in transforming the legal landscape of our state. CTLA's statement of purpose merits mention. ''The Colorado Trial Lawyers Association is comprised of Colorado trial lawyers who are committed to the protection and advancement of individuals rights and to the advancement of trial advocacy skills, high ethical standards and professionalism in the ongoing effort to preserve and improve the American system of jurisprudence.'' Within this unequivocal statement lies the touchstone that has guided CTLA's work with government and its immeasurable contribution to the legal profession in Colorado.

For the last half-century, CTLA and its members have been resolute in their commitment to protecting the health, safety and welfare of Colorado consumers. It has been active in educating the public concerning the efficacy of individual rights and the pivotal role of the trial lawyer in protecting those rights. CTLA has recognized, and continues to recognize, that it has a public trust of considerable magnitude. Through its legislative advocacy, CTLA has provided vital information and invaluable counsel to Members of the Colorado General Assembly and the United States Congress on issues that protect consumers and impact our civil justice system. Due in no small part to CTLA's advocacy, many detrimental legislative proposals have been defeated, particularly those that would have prevented or hindered access to the courts for redress of grievances.

Trial advocacy is facing considerable change, technological and otherwise. CTLA has given the legal profession inestimable service through its outstanding legal education programs by providing state-of-the-art instruction concerning law, ethics and professional conduct for members and non-members alike. CTLA has demonstrated an unwavering commitment to those in need. Countless members have provided pro-bono legal aid, including free legal assistance to the victims of the terrorist attacks of September 11th through the Trial Lawyers Care Program. My membership in CTLA has had a profound impact on my career in the practice of law and public service.

Please join me in commending the Colorado Trial Lawyers Association on the occasion of its 50th Anniversary. It is leadership, advocacy and commitment of the Colorado Trial Lawyers Association that continually enhances our lives and builds a better future for all Americans.

Friday, November 7, 2003

Daily Digest

HIGHLIGHTS

Senate passed H.J. Res. 76, Continuing Appropriations.

House agreed to the conference report on H.R. 1588, National Defense Authorization for FY 2004.

Senate

Chamber Action

Routine Proceedings, pages S14227–S14283

Measures Introduced: Two bills and two resolutions were introduced, as follows: S. 1839–1840, S. Res. 263, and S. Con. Res. 79. **Page S14271**

Measures Reported:

Report to accompany S.J. Res. 1, proposing an amendment to the Constitution of the United States to protect the rights of crime victims. (S. Rept. No. 108–191)

S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, with an amendment in the nature of a substitute. (S. Rept. No. 108–192)

S. Res. 237, welcoming the public apologies issued by the President of Serbia and Montenegro and the President of the Republic of Croatia and urging other leaders in the region to perform similar concrete acts of reconciliation.

S. Res. 256, observing the 50th anniversary of the Mutual Defense Treaty between the United States and the Republic of Korea, affirming the deep cooperation and friendship between the people of the United States and the people of the Republic of Korea, and thanking the Republic of Korea for its contributions to the global war on terrorism and to the stabilization and reconstruction of Afghanistan and Iraq.

S. Res. 258, expressing the sense of the Senate on the arrest of Mikhail B. Khodorkovsky by the Russian Federation.

S. 1317, to amend the American Servicemember's Protection Act of 2002 to provide clarification with respect to the eligibility of certain countries for United States military assistance. **Page S14270**

Measures Passed:

Continuing Appropriations: Senate passed H.J. Res. 76, making further continuing appropriations for the fiscal year 2004, clearing the measure for the President. **Page S14228**

Blackwater National Wildlife Refuge Expansion Act: Senate passed H.R. 274, to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge, clearing the measure for the President. **Page S14279**

Internet Tax Non-Discrimination Act: Senate continued consideration of 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, taking action on the following amendments proposed thereto: **Pages S14228–44**

Pending:

McCain Amendment No. 2136, in the nature of a substitute. **Pages S14228–38**

Stabenow Amendment No. 2141 (to Amendment No. 2136), to express the sense of the Senate that the White House and all Executive Branch agencies should respond promptly and completely to all requests by Members of Congress of both parties for information about public expenditures. **Pages S14238–44**

Commerce/Justice/State/The Judiciary Appropriations Act—Agreement: A unanimous-consent agreement was reached providing that at 1 p.m., on Monday, November 10, 2003, Senate will begin consideration of H.R. 2799, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004. **Page S14244**

Animal Drug User Fee Act: Senate concurred in the amendment of the House to S. 313, to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs, clearing the measure. **Pages S14279–82**

Executive Session—Agreement: A unanimous-consent agreement was reached providing that during an executive session on Wednesday, November 12, 2003, each hour beginning on the hour of executive session be equally divided between the Majority Leader and the Democratic Leader, or their designees; and that any time not used by either side during the designated hour be given to the other side of the aisle. **Pages S14282–83**

Nominations Confirmed: Senate confirmed the following nominations:

Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2007.

Suedeen G. Kelly, of New Mexico, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2004. **Page S14283**

Nominations Received: Senate received the following nominations:

Kiron Kanina Skinner, of Pennsylvania, to be a Member of the National Security Education Board for a term of four years.

Steven J. Law, of the District of Columbia, to be Deputy Secretary of Labor.

J. Robinson West, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2007. **Page S14283**

Messages From the House: **Page S14269**

Measures Referred: **Page S14269**

Measures Placed on Calendar: **Page S14269**

Additional Cosponsors: **Page S14271**

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Additional Statements: **Pages S14268–69**

Amendments Submitted: **Page S14278**

Notices of Hearings: **Pages S14278–79**

Authority for Committees to Meet: **Page S14279**

Privilege of the Floor: **Page S14279**

Adjournment: Senate met at 9:30 a.m., and adjourned at 3:55 p.m., until 1 p.m., on Monday, November 10, 2003. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S14283.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Measures Introduced: 9 public bills, H.R. 3476–3484; and 1 resolution, H. Con. Res. 323, were introduced. **Page H11133**

Additional Cosponsors: **Pages H11133–34**

Reports Filed: Reports were filed today as follows:

H.R. 3209, to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project (H. Rept. 108–356); and

Conference report on H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004 (H. Rept. 108–357). **Pages H11010–H11118, H11132**

Speaker: Read a letter from the Speaker wherein he appointed Representative LaTourette to act as Speaker Pro Tempore for today. **Page H10981**

National Defense Reauthorization Conference Report: The House agreed to the conference report on H.R. 1588, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces by a yea-and-nay vote of 362 yeas to 40 nays with two voting "present", Roll No. 617, after rejecting the Marshall motion to recommit the bill to the conference committee with instructions to include provisions that maximize the number of persons eligible for full concurrent receipt of military retired pay and veterans disability compensation by a yea-and-nay vote of 188 yeas to 217 nays, Roll No. 616. **Pages H10982–H11008**

Agreed to H. Res. 437, the rule providing for consideration of the conference report, by a voice vote.

Energy Policy Act of 2003—Motion to Instruct Conferees: The House rejected the Filner motion to instruct conferees on H.R. 6, to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, by a yea-and-nay vote of 188 yeas to 210 nays, Roll No.618. **Pages H11008–09**

Medicare Prescription Drug and Modernization Act of 2003—Motion to Instruct Conferees: The House rejected the Cardoza motion to instruct conferees on H.R. 1, to amend title XVIII of the Social Security Act to provide for a voluntary prescription drug benefit under the Medicare program and to strengthen and improve the Medicare program, by a yea-and-nay vote of 184 yeas to 207 nays, Roll No. 619. **Pages H11009–10**

Meeting Hour: Agreed that when the House adjourn today, it adjourn to meet at noon on Monday, November 10, and further that when it adjourn on that day, it adjourn to meet at 2 p.m. on Wednesday, November 12. **Page H11121**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, November 12. **Page H11121**

Official Objectors for the 108th Congress: On behalf of the Majority and Minority leadership, the Chair announced the following Official Objectors for the Private Calendar for the 108th Congress: Representatives Coble, Chabot, and Blackburn for the Majority and Representatives Boucher, Schiff and Grijalva for the Minority. **Pages H11121–22**

Senate Message: Messages received from the Senate today appear on pages H11118-19.

Senate Referrals: S. 1066 and S. 1663 were referred to the Committee on Resources; S. 1643 was referred to the Committees on Resources and Financial Services. **Page H11130**

Adjournment: The House met at 9 a.m. and adjourned at 1:53 p.m.

Committee Meetings

No committee meetings were held.

Joint Meetings

OCTOBER EMPLOYMENT

Joint Economic Committee: Committee concluded a hearing to examine the current employment-unemployment situation for October 2003, focusing on nonfarm payroll employment, and productivity and economic growth, after receiving testimony from Kathleen P. Utgoff, Commissioner, Bureau of Labor Statistics, Department of Labor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1249)*

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. Signed on November 6, 2003. (Public Law 108–106).

CONGRESSIONAL PROGRAM AHEAD

Week of November 10 through November 15, 2003

Senate Chamber

On *Monday* at 1 p.m., Senate will begin consideration of H.R. 2799, Commerce, Justice, State, and The Judiciary Appropriations Act.

On *Wednesday*, Senate will proceed to Executive Session to begin debate on judicial nominations.

During the balance of the week, Senate is expected to resume consideration of S. 150, Internet Tax Non-discrimination Act, and may consider any other cleared legislative and executive business, including appropriation bills, conference reports and certain nominations, when available.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Armed Services: November 12, Subcommittee on Strategic Forces, to hold hearings to examine space acquisition policies and processes, 10 a.m., SR–222.

November 13, Full Committee, to hold hearings to examine current Army issues, 9:30 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: November 12, Subcommittee on Securities and Investment, to hold hearings to examine the Financial Accounting Standards Board and small business growth, 2 p.m., SD–538.

November 13, Full Committee, to resume hearings to examine proposals for improving the regulation of the Housing Government Sponsored Enterprises, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: November 12, to hold hearings to examine state use of tobacco settlement funds, 9:30 a.m., SR–253.

November 12, Full Committee, business meeting, to consider pending calendar business, time to be announced, S–216.

November 13, Full Committee, to hold hearings to examine GAO's report on cable rate increases, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: November 13, Subcommittee on Water and Power, to hold hearings to examine S. 1085, to provide for a Bureau of Reclamation program to assist states and local communities in evaluating and developing rural and small community water supply systems, S. 1732, to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents, S. 1211, to further the purposes of title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992, the "Reclamation Wastewater and Groundwater Study and Facilities Act", by directing the Secretary of the Interior to undertake a demonstration program for water reclamation in the Tularosa Basin of New Mexico, S. 1727, to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978, and S. 1791, to amend the Lease Lot Conveyance Act of 2002 to provide that the amounts received by the United States under that Act shall be deposited in the reclamation fund, 2:30 p.m., SD–366.

November 14, Full Committee, to hold oversight hearings to examine the implementation of the Energy Employees Occupational Illness Compensation Program, 10 a.m., SD–366.

Committee on Environment and Public Works: November 12, business meeting to consider S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, 9:30 a.m., SD–406.

Committee on Governmental Affairs: November 12, to hold hearings to examine the nomination of Scott J. Bloch, of Kansas, to be Special Counsel, Office of Special Counsel; to be immediately followed by a hearing on S. 1358, to amend chapter 23 of title 5, United States Code, to clarify the disclosure of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, 2 p.m., SD–342.

November 13, Full Committee, to hold hearings to examine sources of past and present support for terrorist forces in Afghanistan relating to terrorism financing, 9:30 a.m., SD–342.

Committee on Indian Affairs: November 13, business meeting to consider pending calendar business, 10 a.m., SR–485.

Committee on the Judiciary: November 12, to hold hearings to examine judicial and executive nominations, 10 a.m., SD–226.

November 13, Subcommittee on Immigration, Border Security and Citizenship, to hold hearings to examine state and local authority to enforce immigration law relating to terrorism, 2 p.m., SD–226.

House Chamber

The House is in pro forma Monday.

House Committees

Committee on Government Reform: November 13, Subcommittee on Human Rights and Wellness, hearing entitled "Preventing Another SV40 Tragedy: Are Today's Vaccine Safety Protocols Effective?" 2 p.m., 2154 Rayburn.

Committee on the Judiciary, November 13, Subcommittee on Crime, Terrorism, and Homeland Security, oversight hearing on "Homeland Security—the Balance Between Crisis and Consequence Management through Training and Assistance," including discussion of the following bills: H.R. 2512, First Responders Funding Reform Act of 2003; H.R. 3266, Faster and Smarter Funding for First Responders Act of 2003; and H.R. 3158, Preparing America to Respond Effectively Act of 2003, 2 p.m., 2141 Rayburn.

Committee on Transportation and Infrastructure, November 13, Subcommittee on Water Resources and Environment, oversight hearing on Financing Port Infrastructure—Who Should Pay? 10 a.m., 2167 Rayburn.

Committee on Ways and Means, November 13, Subcommittee on Human Resources, hearing on Improved Monitoring of Vulnerable Children, 10 a.m., B–318 Rayburn.

Next Meeting of the **SENATE**

1 p.m., Monday, November 10

Senate Chamber

Program for Monday: Senate will begin consideration of H.R. 2799, Commerce, Justice, State, and The Judiciary Appropriations Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

12 noon, Monday, November 10

House Chamber

Program for Monday: Pro forma session.

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